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THE
POLICEMAN'S MANUAL.

By

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BARRISTER-AT-LAW

INSPECTOR-GENERAL, ROYAL IRISH CONSTABULARY

FOURTH EDITION.



DUBLIN:

ALEX. THOM & CO. (LIMITED), PRINTERS AND PUBLISHERS,
87, 88, & 89, ABBEY-STREET,
THE QUEEN'S PRINTING OFFICE.

1891.



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PREFACE TO THE FOURTH EDITION.

Notwithstanding the circulation of my larger work, "The Irish Constable's Guide," there is a pressing demand for a new edition of "The Policeman's Manual," which has been for some time out of print. Accordingly I have carefully revised the work, and brought it up to the present date by including all the important provisions of recent legislation which an Irish Policeman should know. The size of the work has been necessarily increased.

I may observe the Manual is not a mere epitome of "The Irish Constable's Guide." A great part of the Manual contains entirely different matter.

Any profits arising from the sale of the work will be devoted to purposes for the benefit of the Royal Irish Constabulary.

A. R.

DUBLIN, 1st July, 1891.

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AN ADDRESS

TO

YOUNG CONSTABLES ON JOINING THE ROYAL IRISH CONSTABULARY.

As this handbook is principally intended for the use of the junior members of the Royal Irish Constabulary, the following address, which I delivered to the young Constables at a recent inspection of the Depot, Phoenix Park, is included. I have made some amendments in the shorthand report of the address, to render it more complete.

A. REED.

I desire to speak to you, Constables, who are commencing your service in the Royal Irish Constabulary, some words of advice which, if you follow, may be of use to you through life, and certainly will be of use to you so long as you continue in this Force. This advice is founded upon a long experience of life and of the Royal Irish Constabulary.

Your profession is that of a Policeman—than which there is no more honourable or useful one. In entering upon your profession, you should carefully weigh and consider how best you can succeed in it. Now there are four essentials you should always keep in view. These are (1) GOOD CONDUCT, (2) KNOWLEDGE OF YOUR PROFESSION, (3) PROFESSIONAL ENERGY, and (4) EDUCATION OR SELF-IMPROVEMENT. The possession of these four essentials is necessary for and ensures success in every profession.

Now with regard to GOOD CONDUCT, there are a few points respecting it to which I wish to call attention.

I shall say nothing in respect to your moral principles. I assume you have been all well brought up ; that you have a high sense of honesty and integrity, and are men of good disposition and intention ; *that you will always speak and write the truth and nothing but the truth.*

I always tell the members of our force that no men in any position in life should set a higher value on their character and reputation. They should be as particular and as circumspect in keeping their honour from being sullied, as men of the highest social station. Whatever would be unbecoming, as a man, a great man to do, should be unbecoming to you, as a man. Whatever as a man the noblest would not stoop to, you should not stoop to. Your character and reputation should be dear to you as a precious jewel, and ever carefully guarded, from injury or loss. You should always do what is right and maintain your high character not because you are in a disciplined Force and bound by rules and regulations, but from higher motives ; your fixed resolve and constant practice in your walk through life should be to do what is right, whether you are in the Constabulary or out of the Constabulary, and never to do anything which would bring a stain upon your character, or discredit to your good name.

But there are certain points in GOOD CONDUCT in relation to your profession which are necessary for success in it, and to which I deem it right to call your attention.

And the first is *strict obedience*. You should obey all orders of your superiors most strictly. And when obeying orders, or showing respect to a superior in rank, never regard it as what would be required of a serf or a slave. When obeying orders and showing respect to those in command, you should do it cheerfully and readily, as part of the system of a disciplined force. Strict obedience and respect for authority are necessary in every body regulated by discipline. If

in a large body, in the performance of duty, every man did not obey the order of his superior implicitly, there could be no successful work accomplished; and if the body had to perform work in numbers, instead of being a useful body acting together, shoulder to shoulder, under a leader, they would be a disorganized mob. Never forget that in every disciplined service the man who has learned to obey will be considered best qualified to command, as in order to fit a man for command he must first learn strict obedience.

The next point is *strict sobriety*. You should be strictly sober if you want to succeed in the service. Those of you who are total abstainers I consider the wisest men. Young men in health do not require intoxicating liquor. If you are total abstainers you will have more money in your pockets, you will be more valued in your position, and your superiors in authority will place more dependence on you.

I cannot speak too strongly or impressively of the ruin, misery, and destruction produced by intemperance—that rock upon which the few men who do badly in our Force wreck their character and prospects. There is hardly ever a case in which a man is dismissed from the service where the cause, immediate or remote, is not that of intemperance. Nine out of every ten men dismissed are the miserable victims of the demon—drink. I have seen some of the most promising, the most popular, the most talented, and, in short, some of the finest men of the service chained to his chariot wheels, and dragged to ruin, and often to death. No man should be too confident in his own moral strength or power to resist this tempter. It therefore behoves you to be ever on your guard lest any of you should be led captive at his will.

If, however, you do take stimulants, let it be in strict moderation, in your barracks or in your own houses, and never in a public house except when on a journey or in case of necessity. It is a rule of the force that officers are never to recommend men for promotion who frequent public houses off duty, or are tipplers. When on duty, to enter a public house,

except in the discharge of the duty, is a most serious breach of the regulations of the service.

I advise you never to take any intoxicating liquor during the day, or till your work is done for the day; the slightest smell of liquor makes a bad impression on superiors and the general public.

There is a second vice that I deem it my duty to warn you against, and that is the vice of *gambling*. Many have been ruined by indulging in it. The passion, like other passions when indulged in, grows and obtains a mastery imperceptibly. I am sorry to say I observe it creeping into our service in the form of *betting*. I earnestly advise you to make a resolution not to gamble in any form. Don't follow any man's example who indulges in that vice. Gambling or betting should receive no encouragement in the Force.

Another point is *courtesy*. A courteous manner is most important for success in life. Every man who possesses it has a great advantage. You should be most courteous and polite to every one; and have a bright cheerful manner in dealing with every one you meet. A humane man is particularly kind to the poor and afflicted. On duty by day and night, a policeman has many opportunities of doing good in showing kindness, and giving good advice to the poor and wretched whom he meets, and who often apply to him for information or help. One of the special qualifications for promotion in the service is "*habitual courtesy towards the general public*," and accordingly no man is promoted who is known to be rough, rude, or discourteous to the public. Such a man is not fit for the service and is not retained in it if his want of courtesy is brought under the notice of his superiors. As a rule it is only the ignorant uneducated policeman who is wanting in civility. I also advise you to be courteous towards your comrades, and always kind and helpful to each other.

Another point is *fidelity*. Never be an eye-servant; always be faithful and honest in the discharge of duty and act in the absence, as you would in the

presence, of a superior. When you proceed upon patrol, beat, or other duty, carry out the orders you receive to the letter, and do not be induced by any man to act dishonestly, by neglecting your duty and afterwards reporting that you correctly discharged it. If, as a junior, you are asked by a senior man to neglect the duty or to do what is contrary to orders, be firm in telling him that if he will not carry out the orders received you will return to your barrack and report the matter ; but on no account be so weak and pliant as to be led by his bad advice. If you are the senior, you are made responsible that the duty is properly done, and that your conduct and that of your comrade in its discharge is correct. Require him to perform the duty, and do not allow him to separate from you. If he will not obey you, report the matter on your return to barrack, as you will be held responsible if he acts improperly or gets drunk while with you. On no account enter a public or other house to drink or loiter in while on duty.

The second essential is KNOWLEDGE OF YOUR PROFESSION. According to an old aphorism, "Knowledge is power," and the knowledge of one's profession is the power which enables a man to discharge its duties efficiently and well. Every man should know his work. If he does not, and tries to practise his profession, he is an impostor. You would not employ any professional man or tradesman who you thought did not know his work. You would have no respect for him. You would look upon him as a fraud upon the public. You should, therefore, do all in your power to learn your duties well and be a master of your work. When a policeman goes out on duty in the morning he does not know but that before the sun sets some occurrence may take place which will call for the application of all his energy, all his experience, and all his police knowledge. And if he is a thorough master of his work and knows how to do it well he may acquit himself in such a way as to gain for himself early, if not immediate, promotion. If he does not on such occasion know his work and how to

act, he may let slip an opportunity which may never present itself to him again. On all such great occasions promptness of action is required, and if a policeman has not the knowledge of his duties in his head he may fail to do them as a good workman should, and lose a great chance of distinguishing himself. It is for such reason it is recommended that every policeman ought to have a skeleton scheme for action when suddenly called upon to perform an important duty, for example, to detect the offender on the commission of a crime. The intelligent policeman will modify the skeleton scheme, studied beforehand, so as to adapt it to the particular case in which action is required. The cardinal points of the scheme will generally fit every case of the class for which it is prepared. A policeman should therefore constantly exercise his mind and intelligence by asking himself, "How would I act in such a case or in such circumstances?" Much information is obtained by the study of the account of the trials of criminal cases given in books and newspapers. While you are here, under training at the Depot, you have an opportunity of acquiring a sound knowledge of your profession. You have an able Instructor, who is thoroughly conversant with every phase of police work; and as the impressions on memory are often not permanent, but fade away, I would strongly advise you to keep a good-sized note book, and enter in it any important principles or points of instruction mentioned in the lectures. Those notes will be useful to you afterwards for perusal and study at your stations.

The next essential is PROFESSIONAL ENERGY. It has been truly stated that "Energy is talent," and "that the most infallible sign of genius is a prodigious capacity for hard work, and an intense conviction of its necessity." Without energy a man will not succeed at any calling in life. A constable who has not energy and a love for his profession, even though well conducted, is not fit for advancement in the service. When the Sergeant has no energy, as a rule, the Constables of his party will have none, as they will be influenced by the example of their superior.

If a Sergeant is energetic, he will impart his energy to every man under him. The test as to whether a man loves his profession is—that if he loves it he takes as much pleasure in doing its work as another would in following a pastime. Professional work is no drudgery to him; it is his delight. He gives up his whole heart and thoughts to his work. He is always eager for its performance. The Constable who enjoys good health and complains of the amount of work he performs, or being sent on patrol or other duty out of his turn, &c, will never succeed as a policeman. On the other hand, the Constable who is always ready for duty and work, whether it be his turn or not, and eagerly volunteers for the performance of extra duty when he thinks he can be of any use, is the man who will succeed; and whose zeal, energy, and devotion to duty will surely bring him under notice for advancement.

There is one other essential necessary for success in your profession, and that is EDUCATION OR SELF-IMPROVEMENT. When you join your stations try and set apart a portion of your leisure time for improving yourself in knowledge of your profession and in general education, so that should you after five years be successful in obtaining a nomination to compete for promotion, you will be well prepared, so as to ensure success.

I strongly advise you also, if you have the opportunity, to join athletic clubs. If you are a good athlete you will be the better policeman. Taking part in gymnastics, racing, rowing, cricket, tennis, ball-playing, swordstick practice, boxing with gloves (to learn the art of self-defence), and suchlike manly exercises, will make you physically and mentally more active, stronger, and more useful in the discharge of duty. Every policeman ought to be able to swim well. Legitimate amusement is absolutely necessary for body and mind. It should, therefore, be looked upon as of primary importance as conducing to health, good comradeship, and contentment. *It is my desire that every encouragement should be given to the men of the Force to take part in athletic and manly sports in*

their leisure time. Officers who take an interest in their men will render every help in this important matter.

The time you spend in this way is well spent. Having some good object to occupy their leisure hours keeps men out of mischief and trouble. At all events, never be idle, be always doing some good for your mind or body—by study and self-improvement for the mind, or by engaging in manly sports, where you have the opportunity. There is an old proverb which every man who has long experience of life knows to be true, namely, "The idle man's head is the devil's workshop." If a man has his health, the more work he has to do or the more he is occupied with some legitimate pursuit the better for himself.

Now, men, the possession of these four essentials—GOOD CONDUCT, KNOWLEDGE OF YOUR PROFESSION, PROFESSIONAL ENERGY, and EDUCATION, is necessary for success. Having one and wanting the others will not suffice. A man may be well conducted, may have a clean sheet for his whole service, and yet be a useless or indifferent policeman, and quite unfit for advancement. He may not know his work, or he may have no energy, or he may be illiterate. Such a man would make a useless sergeant. Now it does not require a man to be of extraordinary talent to succeed at a profession for which he is suited. In my experience of life and of the world, I have found that as a rule the most successful men of every profession are not the men of the greatest ability, but the men of ordinary ability. In our own service, in all ranks, I have often found the men of extraordinary talent to have been most unsuccessful. They depended too much upon their natural cleverness, but were wanting in those essentials necessary for success, and lamentably failed. If you keep these four essentials in view you are sure of early promotion. It is within the range of possibility and probability that you will obtain it within six years. A man who has kept these essentials in view, by steadily carrying

them into practice, will, in five years, have made such an impression on his superiors that he must be singled out as worthy of advancement, and of a nomination under the competitive system. And if he obtains a nomination, such a man is certain of success. It is a great advantage for a man to obtain promotion while young, so that he may be in his prime when he is advanced to the higher positions in the Force; and the highest positions in our service are open to the men in the ranks. If you don't obtain promotion by competition you will certainly obtain it in due time under the ordinary rules, as in our service the hard working efficient men are advanced and receive every encouragement.

There is another point I would like to mention, and that is that there are certain men in the Force you ought to guard against. The first is the *ill-conducted man*, happily rare in the service. You may have to serve with such a man. If you have, be very careful not to be led or advised by him. He will, if he can, fasten himself upon a junior for comradeship, and if you allow him to do so, he will most certainly lead you astray, if not to ruin. You, a young constable, may think it a fine thing to be patronised by a senior, and rather an advantage. Such a senior is hanging on to the service by a thread—owing to his repeated misconduct—and his object is to make others as bad as himself, and drag them down to his own level. Do you set him a good example, be kind and obliging to him, and give him good advice if he will take it from you, but don't allow him to influence you to do what is wrong. Keep the company of such a man as little as possible, and if you require help or advice seek it from your sergeant or the steady men of the party.

There is another man you will occasionally meet with, and that is the *well-conducted grumbler*, who will try and make you discontented by running down the service. Such a man, as a rule, is a useless, lazy, well-conducted policeman; a man not having any energy or interest in his profession, always com-

plaining of being over-worked, or badly treated in not getting advancement, &c., and who in any other employment would not be able to earn half the pay he receives in the Constabulary. Don't be discouraged by such a man. A man while he is in a service should support its credit and never run it down; and if he does not like it let him resign, and get some employment more to his taste. Always in conduct, in action, and in word, support the *esprit de corps*, and maintain the credit of the service. Never act the unmanly part of running down the employment by which you earn your bread.

There is another man in dealing with whom you will have to be on your guard (I am glad to say he is now seldom met with), namely, the *ill-tempered, disagreeable Sergeant*. Such a man, no doubt, is quite unfit for his position. One of the necessary qualifications for command is "good temper," and a man having a bad temper, who is unable to control it, should not be put in a position of authority, as it is unjust that a party of men should be made miserable by having such a man placed over them. However, occasionally, though very rarely, such a man gains promotion, his infirmity not having been discovered by his officers who recommended him. In dealing with such a Sergeant always keep your own temper under control, and never allow your feelings, to carry you away, so as to cause you to forget yourself. Always be doubly civil and courteous toward him; don't argue with or contradict him; if he speaks harshly to you, bear with his conduct, and very probably if you bear with it with proper resignation, and exhibit towards him a proper spirit, devoid of resentment, his conscience will smite him, and he may treat you kindly in the future. If you engage in argument with him, or contradict him, you may commit yourself, so that he may have grounds for reporting you for insubordination. In your intercourse with such a man, or with any person exhibiting passion or bad temper, never forget the wise man's saying: "*A soft answer turneth away wrath.*" Always try and give the soft answer or exhibit the soft

demeanour when provoking words are spoken to you by anyone. Avoid, if you can, making reports against superiors for anything done to yourself. It is far better that you should bear with a great deal than that you should involve yourself in disciplinary litigation. The man who is inclined to this will never succeed in the service. You will find men of your own rank who will advise you to report your Sergeant. They may not like him, and they may wish to injure him, but they won't incur any risk, and put themselves forward as accusers; they may try and make a "*cat's paw*" of you, as of a man of no experience. Don't be advised by them; judge for yourself in your own case. Every man is the best guardian of his own honour and rights, and should judge for himself whether he should become the accuser when aggrieved. Don't suffer others to warm the hot water and put you into it; and never be so base as to join others in a conspiracy to injure your superior or any other.

On the other hand, there are some Constables whose bad behaviour, perverseness, and inefficiency would vex a saint if he were a Sergeant. You should, therefore, be careful not to do anything to annoy your Sergeant, and make every allowance for any hasty words spoken by a man who is often heavily weighted with responsibility and duty. You will find when you acquire experience that a Sergeant has often a great deal to try his temper. Occasionally he has to work with a useless, lazy, ill-conducted Constable; while he is held responsible for the efficiency of his men and that all the duties of the station are well performed. You should always support your Sergeant's authority; if you fail to do so, you cannot be considered to have a proper sense of discipline and will not succeed in the service.

Be careful of your money, and keep out of debt. In order to do so make it a strict rule never to buy anything unless you have the money to pay for it; and deny yourself, until you can purchase with cash what you require. Save some money regularly and put it into the Savings Bank. Such spare money, which can be easily saved while you are unmarried,

will be useful to you in the future when you marry or when you leave the service. Or what is better and nobler than saving for one's self, if the loved ones in the old home require help, give to them regularly and cheerfully what you can spare. You will derive more inward satisfaction in disposing of your savings in this way than in putting it by for yourself, or spending it upon your own gratification. The men who help their fathers or widowed mothers, or helpless orphan brothers and sisters, who are in need, are well known in the service; and it is remarked that these men are always the most steady and reliable. Their officers think more highly of them, and their comrades value and respect them as being noble fellows, having warm feeling hearts. I am proud to say there are many such excellent men in the Force.

There are some of you who may remain in the Force but a few years—who may be induced to seek other employment. Now it is as important that you should bear in mind and act on the advice I have given you, as if you intended to spend your lifetime in the service. Your time in the Force will be well spent. You will learn while in it a great deal that will be useful to you through life. Further, if, while serving, you are steady in conduct, faithful and efficient in the discharge of duty, and thereby earn for yourself a good certificate of discharge, having that certificate you will possess a passport to employment in every part of the world where the English tongue is spoken; for such is the high character of the Royal Irish Constabulary all over the world, that a man leaving it with a good discharge is always sure of good employment wherever he goes.

In concluding my address I desire to express my hearty good wishes for your success. You are now in the springtime of life and manhood. Yours is the season of ambition, of courage, of hope. Determine, therefore, on making a good start, and firmly pursue your object till you attain it. You may rest assured, success will crown your efforts if you steadfastly persevere in the good resolve *to do your duty at all times honestly and faithfully.*

THE POLICEMAN'S MANUAL.



PART I.

CHAPTER I.

GENERAL PRINCIPLES OF POLICE DUTY.

1. Members of the Constabulary should keep in mind that they are a preventive as well as a repressive force; that the prevention of crime is of even greater importance than the punishment of criminals, and that their ceaseless endeavours for this end may operate quite as usefully in maintaining the peace of the country and infusing into the community a confidence in their vigilant guardianship of person and property, as their most strenuous and successful efforts for the detection and arrest of offenders.

2. The Constabulary will preserve the good opinion which the public generally entertains of them by a prompt obedience of all lawful commands of the magistrates; by pursuing a steady and impartial line of conduct in the discharge of their duties; by their cleanly, sober, and orderly habits, and by a civil and respectful bearing towards all classes.

3. Every member of the force ought seriously to consider the totally new position in which he is placed by his admission into the Constabulary, whereby he becomes a peace officer, and is consequently invested with certain powers by law, which he must exercise with great caution and prudence. He is, therefore, to avoid altercations or disputes of every kind. If wantonly assaulted he has a legal power to arrest the assailant, or if that be imprudent or impossible at the time to take proceedings against him afterwards.

4. *To guard against over-zeal.*—A policeman should however, guard against being meddlesome or over-zealous. To be exercising austere authority upon

every little occasion that may call for a policeman's interference will be to excite the ill-feeling of all observers, whilst the exhibition of good-tempered forbearance and friendly persuasion will not only enlist their sympathies, but in the end will greatly assist him in fulfilling those numerous and useful duties which the law has charged him to execute. A policeman should, however, be always foremost in helping those in need of aid, in saving life and property, and in doing acts of kindness as far as his duty and ability will enable him.

5. *The Constable* is placed under the immediate control of a superior, but in the execution of his duty as a peace officer he is not unfrequently called upon to act on his own responsibility. He should, therefore, be a person of intelligence, discretion, active habits, and good temper. His first duty is perfect obedience to his superiors. He should receive the orders of those above him with deference and respect, and execute them with alacrity. He is always to be on the alert for the prevention of crime and the protection of the subject, and is never to omit reporting to his Sergeant any circumstance that may appear to affect the public peace or the character of the force.

6. *Oath taken on admission to the Constabulary.*—The following is the oath which is taken by every member of the force on his admission to the service. The Constable is recommended to commit it to memory, so that he may always bear in mind the solemn obligations which he is bound to fulfil :—

"I, A. B., do swear that I will well and truly serve Our Sovereign Lady the Queen, in the office of [*Constable*] without favour or affection, malice or ill-will; that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof, in the execution of warrants and otherwise, faithfully according to law; and that I do not now belong, and that I will not, while I shall hold the said office, join, subscribe, or belong to any political society whatsoever, or to any secret society whatsoever, except to the Society of Freemasons. So help me God." (6 Wm. IV. c. 13, s. 17.)

7. *Obedience to Superiors.*—The Constable should learn and ever practise the first and most important rule of discipline, namely, *absolute obedience to all official superiors*. He should obey every order of his superior (Officer or Sergeant). If by any order which he receives he feels aggrieved, he should first obey it, and afterwards he can make a respectful statement to his superior, asking for redress. When called upon to perform any duty he should never hesitate, but at once proceed to discharge it in a cheerful manner, whether it be his turn or not. The Constable who will act in this way will recommend himself to the favourable notice of his superiors. A grumbler with regard to duty will never gain the confidence of those in authority over him.

8. *To acquire a knowledge of all his duties.*—The Constable should carefully study the rules, regulations, and instructions issued to the Force, and in every way possible endeavour to acquire a knowledge of a policeman's work. A policeman ignorant of his powers and duties is worse than useless, he is sometimes a dangerous member of society. No man following any trade or calling can succeed at it unless he knows and can perform his work. The Constable should possess a sound knowledge of the best plans and expedients for the prevention and detection of crime.

9. *Journal.*—The Constable is recommended to keep in his memorandum-book a brief journal of his work each day. He should merely note in it how he himself was engaged, the steps taken by him in regard to the prevention or detection of crime, and any other matter of importance connected with his duty. He should never act so basely as to record in it the misconduct or irregularities of his superiors or comrades, in other words turn his journal into a "black book." A policeman so disposed is advised not to keep a journal.

10. *Sobriety.*—The Constable should practise the strictest sobriety. A policeman who tipples will never gain the confidence of his superiors or the respect of the public. The smell of drink or of

"peppermint," &c. (taken to remove the smell) from off a policeman, makes a most unfavourable impression upon a magistrate, officer, or other authority. A policeman who is determined to establish a character for sobriety should make it a rule never to touch intoxicating liquors during the day. For refreshment on a journey a cup of coffee or tea is far more nourishing than intoxicating liquor. Some of the best policemen ruin their prospects by tippling; such men foolishly consider that because they do not become intoxicated their superiors do not notice their weakness. This is a great mistake, officers very soon notice the men in their districts who are tipplers.

11. *Conduct and Offences.*—The Constable should never be induced by a comrade or by any one to misconduct himself. It indicates a weakness of character and a want of moral courage in a young policeman who does not decidedly refuse to be led by another to do what is clearly wrong.

12. *Offences against discipline.*—The following are offences for which a policeman is liable to dismissal from the service or to punishment:—Disobedience of the lawful commands of his superior—striking his superior—behaving with contempt towards his superior—drawing his sword without authority, except in defence of himself—intoxication however slight—directly or indirectly receiving any gratuity without the Inspector-General's sanction—receiving a bribe—embezzling or misapplying any public money, arms, ammunition, clothing, appointments, or other public property—converting to his own use any necessaries belonging to his comrades without their consent—wearing any party emblem—manifesting political partisanship—using any mutinous words—overholding a complaint—guilty of any mutinous or insubordinate conduct—knowingly making any false return or statement, or signing any false certificate, or being privy thereto—making any alteration or erasure (for the purpose of fraud or deceit) in any public document—forging the name of any person on any warrant, summons or other public document—making any false entry

in an official book or diary—wilfully omitting to make an entry therein as to the performance of any duty, &c., which ought to be so entered—convicted of any offence by a court of justice—refusing or neglecting to pay any lawful debt—overholding any public money—gambling—misapplying any money or goods levied under a warrant or taken from a prisoner—giving notice or otherwise causing to be intimated to any person against whom there is a warrant or order notice thereof, with a view to the evasion of such warrant or order—divulging any matter or thing which it is his duty to keep secret—making any *anonymous* complaint to the Government or the Inspector-General—communicating without authority, either directly or indirectly, to the public press any matter or thing touching the Force—knowing where any offender is residing or concealed and not immediately informing his superior of the same—or not taking due and prompt measures for the arrest of such person—wilfully or through negligence allowing any prisoner to escape—using any cruel, harsh, or unnecessary violence towards any prisoner or person—leaving his post or beat on which he has been placed—absenting himself from quarters without leave—guilty of any prevarication before any court or upon any inquiry—guilty of disgraceful conduct—entering a public house when on duty, except in the performance of duty—guilty of profane or immoral conduct—quarrelling with comrades—unpunctuality for parade—incivility, or using improper language—neglect of duty in not taking prompt steps to secure the arrest of an offender—talking and gossiping on duty—malingering—slovenly in dress and appearance—borrowing money or property from any other member of junior grade—lending money to a superior—borrowing money from or placing himself under obligation to a publican, beer retailer, or spirit grocer.

13. *Attention to duty.*—The Constable when on duty should allow nothing but his duty to occupy his thoughts. He should keep his eyes and ears open to what is passing around him, and note in his mind

everything that he observes. A man will never make a good policeman or a good witness who has not good observation, which is acquired by strict attention to what is passing before him. The habit of *observation* (taking in and recording in the memory everything one sees and hears) should be carefully cultivated by every policeman.

14. *Knowledge of locality.*—On joining his station the Constable should at once set himself to acquire a knowledge of every street, road, and public place in the town or sub-district in which he is located. He should endeavour to gain a good knowledge of locality by close observation.

15. *Knowledge of persons.*—Next he should acquire a thorough knowledge of the appearance, character, &c., of everyone in his sub-district. He should make it his business to know, if possible every person residing in his sub-district. He should have a friendly intercourse with all the respectable inhabitants, and a useful knowledge of all the bad characters. In his walks and whenever he has an opportunity he should have a friendly greeting and a kind cheery word for everyone he meets.

16. *Civility and courtesy, &c.*—The Constable should be most civil and courteous, and endeavour, so far as he can consistently with his duty, to make himself popular with all classes. He should impress them with the idea that it is his desire to be obliging to all and to render all the help in his power to everyone in need of it. As a rule an unpopular policeman is useless as a detective; unless he possesses the confidence of the peaceable inhabitants of his sub-district he will never be successful in detecting offenders. The Constable should bear in mind that when he joins the constabulary he does not cease to be a neighbour to those amongst whom he resides. An uncivil discourteous person is seldom successful in official life.

17. *Conduct towards the peaceable inhabitants.*—The Constable should by kindly warning and advice endeavour to get the people to obey the law without summoning them or bringing them before the

magistrates for every trifling offence. This remark applies especially to road nuisances and other similar offences not of a criminal nature. A good policeman will never pounce upon a law-abiding person for a first offence of that class, but will by friendly advice endeavour to induce him to keep the law. A policeman who acts this friendly part towards the peaceable inhabitants in his sub-district will materially increase his usefulness as a peace officer.

18. *Conduct towards the criminal class.*—The Constable should make himself well acquainted with the persons, and haunts of the criminal class (convicts on license, habitual criminals, thieves, &c.) in his sub-district, in order to his being able to bring them forward without delay in the event of their being charged with the commission of any crime, or by close observation of their movements deter them from committing depredations or other offences against person or property. The Constable should not hold himself aloof from such persons, on the contrary he should converse with them upon every suitable opportunity. He should act kindly towards them and endeavour by advice and encouragement to induce them to abandon crime and live honestly. By keeping on good terms with them valuable information for the detection or prevention of crime may be obtained.

19. *Conduct towards accused persons.*—The following valuable advice has been given by an eminent English judge (Sir Henry Hawkins) in his address to policemen as to their conduct towards accused persons:—

“When a crime has been committed, and you are engaged in endeavouring to discover the author of it, there is no objection to your making inquiries of or putting questions to *any person* from whom you think you can obtain useful information. It is your duty to discover the criminal if you can, and to do this you must make such inquiries, and if in the course of them you should chance to interrogate and to receive answers from a man who turns out to be the criminal himself, and who inculcates himself by these answers, they are nevertheless admissible in evidence and may be used against him.

"When, however, a Constable has a warrant to arrest, or is about to arrest a person on his own authority, or has a person in custody for a crime, it is wrong to question such person touching the crime of which he is accused. Neither Judge, Magistrate, nor Juryman can interrogate an accused person, and require him to answer questions tending to criminate himself. Much less then ought a Constable to do so, whose duty as regards that person is simply to arrest and detain him in safe custody. On arresting a man the Constable ought simply to read his warrant, or tell the accused the nature of the charge upon which he is arrested, leaving it to the person so arrested to say anything or nothing, as he pleases. For a Constable to press any accused person to say anything with reference to the crime of which he is accused is very wrong. It is well also that it should be generally known that if a statement made by an accused person is made under or in consequence of any promise or threat, even though it amounts to an absolute confession, it cannot be used against the person making it. There is, however, no objection to a Constable listening to any mere voluntary statement which a prisoner desires to make, and repeating such statement in evidence; nor is there any objection to his repeating in evidence any conversation he may have heard between the prisoner and any other person. But he ought not by anything he says or does to invite or encourage an accused person to make any statement, *without first cautioning him that he is not bound to say anything tending to criminate himself, and that anything he says may be used against him.* Perhaps the best maxim for a Constable to bear in mind with respect to an accused person is—'*Keep your eyes and ears open, and your mouth shut.*' By silent watchfulness you will hear all you ought to hear. Never act unfairly to a prisoner by *coaxing* him by word or conduct to divulge anything. If you do, you will assuredly be severely handled at the trial, and it is not unlikely your evidence will be disbelieved.

"In detailing any conversation with an accused person be sure to state the whole conversation from the commencement to the end in the very words used; and in narrating facts, state every fact whether you think it material or not, for you are not the judge of its materiality. Tell, in short, everything—as well that which is in favour of an accused as that which is against him, for your desire and anxiety must be to be *fair* and assist the innocent, and not convict any man by unfair means, such as by suppressing something which may tell in his favour, even though you feel certain of his guilt. Unfairness is sure to bring discredit upon

those who are guilty of it. If an accused in a conversation with you states any circumstances which you have the means of inquiring into, you ought, whether those circumstances are in his favour or against him, to make such inquiry, and the witnesses who can prove or disprove the truth of the statement ought to be taken before the Magistrate when the accused is examined, and if an accused person desires to call witnesses, the police should assist him to the best of their power.

"I cannot too strongly recommend every Constable, however good he may fancy his memory to be, to write down, *word for word*, every syllable of every conversation in which an accused has taken a part, and of every statement made to him by an accused person, and to have that written memorandum with him at the trial."*

20. *Conduct towards prisoners.*—While securing the safe custody of prisoners, a policeman should in every way possible lessen the humiliation of their position. He should show them every kindness, and in many ways the policeman can do so. No harshness or unnecessary restraint should be used towards them. A kind consideration for the feelings of prisoners, and due regard for their comfort will always distinguish the good policeman. Great forbearance should be shown to drunken prisoners; rough usage, such as dragging them through the street, wrenching their arms, knocking them down, &c., indicates a brutality in the policeman who treats them so, which will bring upon him the just condemnation of the public. A policeman who practises such cruelty is quite unfit for his office. Besides, such conduct is grossly illegal, as where more force is used towards a prisoner than is sufficient to secure his safe custody, an assault is committed for which the policeman can be punished. Every rational allowance should be made for the feelings of a prisoner by his escort, but the latter being responsible for his safe custody, a prisoner may be handcuffed if charged with the commission of any serious crime (such as felony), or if he be a person of bad character, or if there be other reasonable grounds to apprehend an escape, or attempted rescue, or

* See Vincent's Police Code, p. 7.

violence. In the absence of such reasonable grounds, prisoners charged with drunkenness and other minor offences are not to be handcuffed. Female, old, or infirm prisoners are *never* to be handcuffed.

21. *Conduct towards children and the poor.*—The Constable is recommended never to imitate the policeman in the pantomime, who, while allowing the big thieves to slip through his fingers, pounces upon some little boy who has not committed any offence. Great forbearance should be shown towards children who may be guilty of minor street offences. Seizing and confiscating a boy's kite, top, or ball marks the pantomime policeman. A policeman who knows his duty will reason with children committing minor offences, and point out to them that they are doing wrong; kind and timely warning will invariably have the desired effect. There is nothing recommends a policeman to the favourable notice of the public as kindness to the poor, to the helpless, and to children. The Constable should constantly, in every way he can, exercise the feelings of true manhood, and ever practise the principles of humanity and charity.

22. *Keep your temper.*—The Constable should on all occasions endeavour to govern his temper. He should curb it, and never allow it to get the better of him. A policeman who gets into a passion and loses his temper when dealing with the public, shows utter unfitness for his calling. When spoken to, he should answer most civilly, and show all possible attention to what is said. He should never engage in argument, nor allow himself to be irritated by abusive or insulting language. He should bear all patiently, and still perform his duty quietly, but firmly, quite regardless of what is said of or to him.

23. *Always state the truth.*—The Constable should always be most particular to state the truth in the discharge of all his duties. If he makes a mistake let him not hide it, but manfully confess it. Every official occasionally makes mistakes. He should however, endeavour to make as few as possible. When examined on oath as a witness, he should re-

member that he is bound by the form of oath to tell "the truth, the whole truth, and nothing but the truth." He should state all he knows about the matter without reservation. He should never exaggerate, or in repeating a conversation or statement add a tone or colour to it. On the other hand, he should suppress no part of a conversation or statement, nor any tone or action which accompanies it, for everything suppressed is short of the whole truth. He should, in giving evidence, never express any opinion as to the guilt or innocence of the prisoner. Having given his evidence fairly, he should be perfectly indifferent as to the result. Many policemen feel disappointed, and regard it as a slur cast upon their official reputation by the acquittal of an accused. A policeman should never give way to such a feeling. When he brings before the magistrate all the available evidence calculated to throw light on the case, a policeman's duty is discharged. He is in no way responsible for the result, and should, therefore, be perfectly satisfied with any decision pronounced by the court.

24. *Partizanship to be avoided.*—A policeman should have no politics, and in his official life he should act so that no one can form an opinion from his official conduct as to what religion he belongs. He should never, in public or in quarters, give expression or exhibit any manifestation of political or sectarian opinions.

25. *To live on good terms with comrades.*—The Constable should live on friendly terms with the men stationed with him; he should avoid quarrels and disputes, as such would materially interfere with the unanimity and good will which should exist between all members of the force. He should be kind and obliging to all his comrades without distinction.

26. THE FOLLOWING ARE USEFUL MAXIMS FOR
CONSTABLES.*

(1.) Constables are placed in authority to protect not to oppress the public.

(2.) To do which effectually, they must earnestly and systematically exert themselves to *prevent* crime.

(3.) When a crime has been committed, no time should be lost, nor exertions spared, to discover and bring to justice the offenders.

(4.) Obtain a knowledge of all reputed thieves, and idle disorderly persons.

(5.) Watch narrowly all persons having no visible means of subsistence, and repress vagrancy.

(6.) Be impartial in the discharge of duties, discarding all political and sectarian prejudices.

(7.) Be cool and intrepid in the discharge of duties in emergencies and unavoidable conflicts.

(8.) Avoid altercations, and display perfect command of temper under insult and provocation, to which all Constables are occasionally liable.

(9.) Never strike but in self-defence, nor treat a prisoner with more rigour than may be absolutely necessary to prevent escape.

(10.) Practise the most complete sobriety; intemperate habits must eventually lead to dismissal.

(11.) Treat with utmost civility in *words, manner, and tone of voice*, all classes of the public, and cheerfully render assistance to all in need of it.

(12.) Exhibit the greatest deference and respect to all magistrates.

(13.) Promptly and cheerfully obey all superiors, recollecting that he who has learned to obey will be considered best qualified to command.

(14.) Render an honest, faithful, and speedy account of all moneys and property, whether intrusted for others, or taken possession of in the execution of duty.

(15.) Be perfectly neat, clean, and smart in person and attire, having at all times hair closely cut, and beard (if worn) and whiskers properly trimmed.

* Partly taken from *Suorden's Constable's Guide* (old edition).

(16.) Never sit down or drink in a public-house except when refreshment on a journey is required, and avoid tippling.

(17.) Strictly comply with all the rules and regulations of the Force.

(18.) Devote some portion of spare time to the general improvement of your mind, for ignorance is an insuperable bar to promotion.

CHAPTER II.

PRINCIPAL CRIMES.

1. The object and end of a police force is the prevention of crime and the detection of offenders.

2. *Crimes and offences may be classified under three heads*—(1) felonies, (2) misdemeanours, and (3) minor offences. Felonies and misdemeanours are crimes for which the persons committing them may be indicted at Assizes or Quarter Sessions. Minor offences are such breaches of the law as are not indictable, but for which the offenders are tried *summarily* by magistrates.

3. *The following are the principal felonies* :—Murder, manslaughter, forgery, burglary, robbery, larceny, embezzlement, rape, bigamy, receiving stolen goods knowing them to be such, maliciously setting fire to any church, house, or other building.

4. The following are examples of *misdemeanours* :—Common assaults, affrays, riots, obtaining money or goods by false pretences.

5. The reason why it is necessary for a policeman to know whether an offence is a felony or not is that the authority to arrest without a warrant is greater in the case of a felony than in that of a misdemeanour.

6. *Homicide*, or the killing of any human creature, is of three kinds :—(1) justifiable, (2) excusable, and (3) felonious.

Justifiable homicide is occasioned in the due execution or for the advancement of justice, or for the prevention of any forcible or atrocious crime, in every case of which there must be an apparent necessity.

Excusable homicide is of two sorts, and is occasioned either (1) by misadventure or accident, or (2) upon a sudden affray in self-defence.

Felonious homicide is of two kinds—murder and manslaughter. Murder arises from the wickedness of the heart, manslaughter from the sudden heat of passion. The law presumes every homicide to be murder until the contrary appears.

7. *Murder* is where a person of sound memory and discretion unlawfully kills any human being with malice aforethought either express or implied.

8. *Manslaughter* is the unlawful killing of another without malice, either express or implied, which may be voluntarily upon a sudden affray, or involuntarily, but in the commission of an unlawful act.

9. It is necessary to constitute homicide that the death of the injured person takes place within a year and a day from the time the injury was inflicted, otherwise the law presumes that the injury was not the cause of death, and the death cannot be deemed homicide.

10. *Forgery* is the fraudulent making or alteration of a writing or seal to the prejudice of another man's right, or of a stamp to the prejudice of the Revenue.

11. *Burglary* is the breaking and entering a dwelling-house (that is a house in which people habitually sleep) in the night time (9 P.M. to 6 A.M.) with intent to commit a felony therein.

12. *Robbery* is the felonious taking of money or goods from the person of another or in his presence, against his will, accompanied by violence or putting him in fear.

13. *Larceny* is the wrongful or fraudulent taking of the goods of another with the felonious intention of converting them to a person's own use.

14. "Larceny by finding."—In cases where goods are lost, and a person finding them converts them to his own use, believing that the owner can be found, he commits a larceny of the goods.

15. *Embezzlement*, which is a species of larceny, is the fraudulent appropriation by any clerk or servant of goods, money, &c., *received by him for his master*.

16. *Rape* is the carnal knowledge of a female forcibly and against her will.

17. *Bigamy* is where a person being married shall marry again in the life of the former husband or wife. But a second marriage is not an offence in the following cases:—(1.) That of a second marriage contracted out of England or Ireland by any other than a subject of Her Majesty. (2.) That of any person marrying a second time whose husband or wife shall have been continuously absent from such person for seven years, and shall not have been known by such person to be living within the time. (3.) That of a person who at the time of such second marriage shall have been divorced from the bond of the first marriage. (4.) Where the first marriage is declared void by court of competent jurisdiction.

18. *Sodomy and Bestiality* are unnatural offences committed by man with mankind, or by mankind with any animal; the offence is felony. [Punishment, penal servitude for life, or for not less than ten years.] The *attempt* to commit sodomy is a misdemeanour.

19. *Arson* is the unlawfully and maliciously setting fire to any church, house, or other building, stack, crop, &c.

20. *Perjury*, at common law, is a wilful false oath by one who, being lawfully required to depose to the truth in any proceedings in a court of justice, swears falsely in a matter of some consequence to the point in question, whether he be believed or not.

21. *Subornation of Perjury* is the procuring a man to take a false oath, amounting to perjury—the man actually taking such oath. Both offences are *misdemeanours* at common law.

22. *Compounding Felonies.*—Though the bare taking again of a man's goods which have been stolen (without favour shown to the thief) is no offence, yet where a man either takes back the goods or receives other amends on condition of not prosecuting it is a *misdemeanour*, and so in any other felony, an agreement not to prosecute an indictment for reward is a *misdemeanour*.

23. *Misprision of Felony.*—A man who knowing a felony to have been committed, he having been no party to it, conceals it, is guilty of misprision of felony, which is a *misdemeanour*.

24. *Advertising for Property stolen, &c.*—To publicly advertise a reward for the return of stolen or lost property, using words purporting that no questions will be asked, or that no inquiry, &c., will be made after the person producing the property, &c., renders offenders liable to penalties (24 and 25 Vic., c. 96, s. 102).

25. *False pretences, obtaining property by.*—This offence is distinguishable from larceny, inasmuch as the owner *consents* to the property being taken out of his possession, though such consent has been induced by fraud. In *larceny* the property is taken against the wish and intention of the owner.

26. *Assault.*—At common law an assault is an *attempt or offer* with force and violence to do a corporal hurt to another, as by striking at another with a stick or other weapon, or without a weapon, though the party striking misses his aim. A *battery* is any injury whatsoever, be it ever so small, actually done to the person in an angry or revengeful, or rude, or insolent manner. Every battery includes an assault.

27. *Libel and indictable Slander.*—Libels upon individuals are malicious defamatory expressions, writings, pictures, &c., tending to blacken their characters and expose them to public hatred, contempt, and ridicule. For such libels an indictment lies. Words spoken (*slander*), however scurrilous, even though spoken personally to an individual, are not the subject of indictment, unless they directly tend to a breach of the peace.

28. Blasphemous publications, or publications which are immodest or immoral, are offences indictable as misdemeanours. It is also a misdemeanour to degrade or calumniate the sovereign, the administrators of the Government, or the administration of justice by judges.

29. *Fraudulent Bankrupts* are persons who, having been adjudged bankrupts, commit certain offences against the Bankruptcy Act, which in some instances amount to felony (35 and 36 Vic., c. 57).

30. *Conspiracy* is the agreement of two or more persons to commit a crime, or to do a lawful act by unlawful means—and is a misdemeanour. When two or more persons conspire together to commit any offence, or actionable wrong, everything said, done, or written, by any one of them, in the execution or furtherance of their common purpose, is deemed to be so said, done, or written by every one, and is a relevant fact as against each of them.

31. *Dead bodies*.—It is a misdemeanour at common law to remove, without lawful authority, a corpse from a grave. It is also a misdemeanour, without lawful authority, to dispose of a dead body for the purposes of dissection, and for gain and profit. Refusal or neglect to bury a dead body is the same offence, and so also is obstructing the burial of dead bodies. The dead body of a human being is not capable of being stolen.

CHAPTER III.

CRIMINAL INVESTIGATION.

1. It is impossible to lay down general rules for the detection of crime which would be applicable to every case: notwithstanding, it is most necessary for every policeman, who desires to become a good detective, frequently to consider and reflect upon the best steps

to be taken upon the commission of an outrage for the detection of the offender. He should also carefully read and study all the important criminal trials reported in books and newspapers; very useful information and good practical hints will be obtained from them.

2. *Homicide*.—When intelligence of the commission of homicide reaches a police barrack, the first duty of a policeman is to visit the scene and make careful inquiry. On arrival, a careful and close examination of the scene (whether within or without doors) should be made, and a note in writing taken of the exact state in which it was found, including any facts or circumstances that might be conceived to be of use in throwing light upon the occurrence. If in a house, immediate possession should be taken by the police, and all strangers and unofficial persons carefully excluded from access to it, or to any of its contents, without the sanction of a magistrate or of the officer in charge.

3. *The police should take possession of the dead body*, but should on no account move it, or anything surrounding it, or allow any other person to do so. Notes in writing should be taken of the position of the body, the condition of the clothing, the position of the wound, and how and with what instrument caused. The teeth and hands of deceased should be carefully examined to see if he has grasped any skin, hair, &c., of his assailant. The pockets and clothes of deceased should be carefully searched for papers, money, &c., which may furnish some clue to his identity (if unknown), or to the murderer. A note should be taken of everything discovered. If the deceased cannot be identified, his body should, if possible, be photographed, and it should be carefully examined for any natural or other marks. The description of his person should be carefully taken in writing.

4. *Careful search should be made for the weapon* with which the offence was committed; also for portions of clothing, and for bullets, shot, gun-wadding, footprints, blood-stains, or anything that would assist

in tracing guilt. Should any of those things be discovered, they should be taken possession of and carefully preserved. If a shoe-print be left, care should be taken that it does not get defaced : it should be covered up, and a watch placed to prevent its being disturbed until a cast, or the shape, &c., on paper be taken. Should the boot or shoe be obtained from any party suspected, it should not be placed in the print already left, but by the side thereof ; then a measure should be taken very carefully and a comparison made.

5. *Arrest of offender.*—Policemen are, in general, too hasty in making arrests. Where there is no evidence, the proper course is to interview the suspected person and ascertain what he has to say, as he may be able to explain circumstances of suspicion which point to him. His arrest should not be hastily made, as if he be guilty, his conduct and admissions before arrest, will, in general, furnish important evidence for the prosecution. Accordingly, in cases of mere suspicion, a discretion as to the time and manner of arrest is permitted to be exercised, care being taken in the meantime that the suspected person will not evade justice. A watch in such case should be placed on his movements. These observations are applicable to all cases of serious crime.

6. In investigating a case of serious crime where the Constabulary meet with a person who they have reason to believe is capable of giving important evidence, but who professes entire ignorance of the matter, *there is great danger to the success of the case in then taking from such person a statement or sworn information.* The reluctance to tell what he knows may be caused by strong influences affecting the mind of such person. To take a negative statement on oath or otherwise from him would not only be useless, but might have the effect of rendering the further efforts of the Constabulary to bring to justice the offender perfectly hopeless. Such imprudent action on the part of policemen, who thereby show their utter ignorance of their work, frequently defeats the ends of justice in many important cases.

7. Where a suspected person accounts for himself for the time about which the offence was committed, and states that he was then in a certain place, or states certain facts which, if correct, would tend to exonerate him, the Constabulary investigating the case should *at once* see the persons referred to by him, or who might be able to support his statement, and take down in writing what they have to say. If the statement of the accused is found correct, and that such persons corroborate it, the suspicion may thereby be removed from him. On the other hand, if the statements of such persons do not corroborate his, their statements may be useful in defeating a false *alibi*, should it be set up in the defence at the trial, in the event of the suspected person being prosecuted. The written statements taken in such inquiry should be carefully preserved.

8. *Upon the arrest of the accused his person should be carefully searched, and his clothes carefully examined.* All weapons, documents, money (if connected with the crime) should be taken possession of and labelled. The accused's house, lodgings, and effects should be searched with the like object. The body of the accused should be closely examined to see if he has been wounded or marked by deceased in any struggle between them. The hat, clothes, and boots of the accused should be at once taken possession of and replaced by others, in order that they may be examined for blood marks, &c. The clothes, &c., should be folded up in paper and sealed for examination by an analyst.

9. *If the case be one of poisoning, search should be made for bottles, boxes, powders, &c., containing medicines and drugs, which should be seized; and all evacuations by vomit, &c., of the deceased should be taken possession of.* Such things should be put into clean vessels and placed under lock and key, and in the charge of a Constable till they can be removed. The whole house and all the effects of the inmates should be carefully searched for portions of the poison, drug labels, &c.

10. *The Constabulary should give immediate notice to the Coroner, and furnish him with such information as they shall have been able to obtain touching the death of deceased.*

11. In his report to the Coroner the Constable should state correctly, if possible, the name of the deceased, the nature of the death, and any circumstances that render an inquest necessary. He should also state the name and address of the medical gentleman (if any) who was in attendance on the deceased immediately before or at the time of the death (see also page 49).

12. *The motive for the crime should be carefully inquired into and ascertained; and in preparing evidence for the prosecution the persons who can prove the motive should be brought forward and examined as witnesses.* It should be ascertained whether deceased was obnoxious to anyone, or if any person had any ill-feeling towards him, or a strong inducement to commit the crime, or an interest in his death; whether the motive was one of robbery or of revenge, &c.; whether the plans for the murder were laid in such manner as to show that an intimate knowledge of the habits of the deceased was possessed by the murderer.

13. *In case the suspected person be arrested, and the injured person be not dead, a magistrate should be procured, and the accused brought into the presence of the injured person for identification, which will be more complete if the accused be placed before the injured person with some others of his own rank in life.* The deposition (on the proper form, A b) should then be taken in the presence and hearing of the accused, who should be permitted to ask his accuser any question he wishes.

14. *In case no magistrate can be procured in time to take the dying person's deposition, the constable should bring the supposed offender, if arrested, into the presence of the injured person, so that he may have the opportunity of identifying the accused, or saying anything he thinks fit in his presence.* Every word

should be noted by the constable. The constable should take the dying person's declarations, acquainting him with his awfully solemn situation, and admonishing him to speak the truth.

15. If the dying person be unconscious an intelligent policeman should remain constantly with him for the purpose of taking his dying declaration should consciousness return.

16. *How dying declarations may be taken.*—Any person may take the dying declarations, which need not be in writing, but if possible should be. They should never be sworn to (the awful position of the dying person is considered as creating an obligation equal to the sanction of an oath), and the presence of the accused is not necessary.

17. *In order to make dying declarations evidence at the trial it is essential*—(1.) That at the time when they were made the declarant should have been in actual danger of death.

(2.) That he should have had a full apprehension of his danger.

(3.) That death should have ensued.

The declarations of the deceased are admissible only as to matters to which he would have been competent to testify if sworn in the cause.

18. *Burglary.*—In cases of burglary or house-breaking special notice should be taken of the manner in which an entrance has been effected, with a view to ascertaining whether the offence has been perpetrated by persons acquainted with the place or by strangers. Inquiry should be made at public-houses, railway stations, &c., to ascertain whether any suspicious persons have been seen about. An accurate description of the articles stolen should be taken and at once circulated, copies being sent to the police in neighbouring towns for their information, and for the information of pawnbrokers and others. Careful search should be made of all adjoining premises, out-houses, sheds, &c., for traces of the thieves or of the stolen property. The ground under the windows and

around the house should be closely examined, and if foot-marks be found they should be guarded till impressions are taken of them.

19. To prevent burglary in large towns police in plain clothes should be employed patrolling districts (not beats) at uncertain hours of the night. The police on beats should be on the alert for marks disturbed, for doors, shutters and windows forced, and for lights at unusual hours; and should let no suspicious looking person pass at unreasonable times, without calling upon him civilly to explain his business, and to show the contents of any bag or bundle he may have. Police approaching a house in which burglars are supposed to be, should first make sure that the retreat of the thieves is cut off before they enter.

20. *Inmates or servants suspected of larceny.*—When inquiring into burglaries and other offences constabulary must be careful not to accept the theories which are frequently put forward of complicity of some of the servants with the thieves, in the absence of sufficient grounds.

21. If there is any cause whatsoever to suspect that a larceny has been effected by any person in a house, and even in cases where there is no evidence to point to the thief, and if it is desirable to establish whether any one in the house was concerned, the best course will be for the entire household to be summoned, to be questioned separately as to their movements, and then, before any one is allowed to go into any other part of the house, for the master to state that in order to free the servants and all others in the house from suspicion, he suggests that they should all allow their things to be searched without delay. Consent being obtained, every floor should be occupied by a constable, or some independent person, to prevent any one entering a room before it is searched. In company with the owner of the stolen property, and the person whose things are being examined, the most minute search should be made. Such a proceeding will rarely be resented by the servants if, as in fairness to them, every member of the family and every guest submits

to the same ordeal. It is of great value, as then it will be established or otherwise, that the missing articles have not been mislaid, as is so often the case with alleged petty domestic larcenies, and also that the thief must be looked for outside the house.*

22. It must be remembered that stolen articles, and especially jewellery or money, may be secreted between mattresses, in writing cases, workboxes, and baskets, between the leaves of books, the folds of clothes and linen, underneath table covers, in boots and shoes, and also in water-closets.*

23. The constabulary cannot search a servant's boxes without his or her consent, which should be usually obtained by the master or mistress. In going to a house from whence a larceny has been reported, but it is not known by what means it was effected, the constabulary must be very careful not to arouse the suspicions of the servants.*

24. *Cattle and sheep stealing.*—Inquiry should be made when the cattle were last seen? at what hour? whether roads or lanes pass near the spot? any tracks of them passing through gates, or through opening in hedges? Search should be made not only for the tracks of the animals, but also for the footprints of the persons who drove them, and inquiry at the houses by the side of any roads in the neighbourhood as to whether carts were seen or heard passing by after the time the cattle were last noticed; tracks of cart wheels can be as easily followed as those of human beings, and if any can be discovered near a gateway or an opening in a hedge they may point to the direction the cattle were taken. Inquiry should be made in butchers' shops, tan-yards, wool staplers', and railway or canal stations; and a sharp look-out upon unknown cattle or sheep passing the barrack, and upon cattle, &c., at fairs and markets.

25. *Fowl stealing.*—In such cases careful search should be made for tracks or traces of feathers. The property is sometimes hidden by the thieves in adjoining fields or premises and subsequently removed.

* Vincent's Police Code.

Should property so hidden be discovered it should on no account be removed, but carefully watched, when the thief may be caught removing it.

26. *Bigamy*.—In investigating a case of *bigamy* the constable should obtain evidence on the following points :—(1) The two marriages, and it is immaterial whether both marriages took place in this country or in a foreign country ; (2) the identity of the parties ; (3) that the first wife was alive at the time the second marriage was solemnized ; (4) and if the first wife has been absent for seven years, that the accused knew she was alive. After proof of the first marriage, the second wife becomes a competent witness as in that case she is no longer the wife of accused, her marriage with him being void. The first wife is not a competent witness to prove any part of the case either for or against her husband. Upon the charge of bigamy, as a rule, a warrant should be obtained before an arrest is made.

27. *Arson*.—In such cases it will generally be found that the incendiary bore some malice or ill-will to the owner ; but it sometimes occurs that property is set on fire by persons bearing no ill-will to the owner, but who are actuated by wantonness and mischief. Occasionally cases occur in which persons in needy circumstances set fire to their own property in order to gain the amount of money for which it is insured, and which amount is usually beyond the value of the property insured.

28. In all cases of fire a policeman must first endeavour to save life if in danger, his subsequent efforts being directed to the saving of property. A close watch should be kept on the movements of pickpockets and any suspicious persons observed in the crowd, and care should be taken to prevent their gaining access to the premises for the purpose of carrying off any portable property.

29. *Picking Pockets*.—At fairs and races policemen in plain clothes should be employed to watch closely the movements of pickpockets. It is at an exciting time when the attention of the lookers on is fixed

on the race, &c., that the pickpockets generally ply their trade. Every effort should be made to detect the pickpockets while the hand is absolutely in the pocket of the person robbed, or while the stolen property is still in their possession, for although an arrest for attempting to pick pockets is perfectly legitimate, yet as in such case a plausible defence may be set up, it is better under ordinary circumstances to wait. Two pickpockets usually act in concert, one distracting the attention of the victim, while the other jostles against him or her, the property being subsequently transferred. Observation for pickpockets is better kept at a short distance above or behind a crowd, and when the movements of persons are suspicious, the policeman must endeavour to get near them without attracting notice.

30. *Rape*.—In case of *rape* the Constable should arrest the person charged, and bring him and the woman before a magistrate; and also without delay, *if she consent*, have her person examined by a doctor. *This examination cannot be made without her consent.* The following circumstances support the testimony of the woman ravished:—her credibility, good fame, marks of violence on her person, discovering the offence without delay and looking for the offender, if party accused has fled. The following circumstances weaken her testimony:—evil fame, concealing the injury, if place of offence was where she might have been heard and she made no outcry.

31. Carnal knowledge of a girl of thirteen and under sixteen *with her consent* is a misdemeanour; but *without her consent*, being rape, is a felony. Carnal knowledge of a girl under thirteen *with or without her consent* is a felony. In such case the child's person should at once be examined by the doctor *if her parents consent*. The fact of the child having complained of the injury recently after it was received, is confirmatory evidence. It is desirable in order to render her evidence credible that there should be some concurrent testimony of time, place, and circumstance. These points should therefore be attended to in the inquiry.

32. *Concealment of birth* is a misdemeanour. To maintain an indictment for *concealment of birth by a secret disposition of the body*, it is necessary to prove : (1) That the accused was delivered of a child. (2) That she or any other person (who is equally culpable) endeavoured to conceal the birth *by secret burying or disposal of the dead body*.

33. To prove the first point the Constable should have the woman at once examined by a doctor if a magistrate so directs and *that she consents*, but not otherwise. It would be a criminal assault to examine the woman's person without her consent.* The state of her bedding, &c., may furnish evidence of the woman having given birth to a child without such personal examination. It is immaterial whether the child died before, at, or after birth.

34. During her illness the woman should not be charged until a doctor certifies that it may be done with perfect safety. If she has no friends to receive her, she should be taken with care to the workhouse, and arrangements made for the Constabulary to be informed when she is well enough to be moved.

35. In order to convict, a dead body must be found and proved to be that of the child of which the woman is alleged to have been delivered. The denial of the birth is not sufficient to convict the woman, *she* (or any person aiding her, who is equally guilty) *must be proved to have done some act of disposal of the body after the child was dead*. A case of concealment of birth requires very delicate handling, otherwise much cruelty may be inflicted upon an unfortunate woman who may have secretly given birth to a child, and yet may not have committed an offence against the law. A Constable should therefore act with extreme caution in such a case, so as not to cruelly outrage the feelings of a person innocent of a criminal offence, who may, however, in other respects be unfortunate. It should be remembered that the offence being a misdemeanour an arrest upon such a charge cannot be made without a warrant.

* A magistrate has no power to order an examination of the person of a prisoner.

36. *Uttering counterfeit coin.*—The offence of uttering counterfeit coin is an indictable misdemeanour, but where a person *previously* convicted again commits the offence he is guilty of felony. Efforts should be made to obtain possession of the coins tendered or uttered. They should be marked so that they can afterwards be identified. The offenders should be at once apprehended and immediately searched, to ascertain if they have any other coins in their possession.

37. *Swindling, cheating, &c.*—The term swindler is applied to one who lives by cheating.

Cheating is indictable as a misdemeanor under the common law, when false weights and measures or false tokens are used or such methods taken to cheat and deceive as people cannot by ordinary care guard against, but not when it is mere imposition or deception against which common prudence might protect.

Confidence trick is one of the most common devices practised by swindlers. It is usually carried out with the aid of one or more confederates who persuade their dupe to intrust them with money or valuables, and to allow them to be taken out of his presence for a few minutes as a proof of confidence. Whilst the victim is awaiting their return the swindlers decamp with the plunder. The offenders may be charged with conspiracy to defraud.

Ring-dropping is a name given to a fraud which is thus perpetrated :—A man picks up a valuable pin or ring, and endeavours to induce some passer by to give him a sum of money for it in lieu, as he states, of any reward that may be offered for it. The pin or ring is of course valueless and the trick cheating.

Ringling the changes is a method of swindling, and consists in endeavouring falsely to obtain money by tricks practised in seeking change, either by pretending the amount put down was greater than was actually the case, or that sufficient change has not been given, or in any similar manner. The offence is usually attempted at public bars, and not unfrequently a confederate diverts the attention of the attendant at the particular moment. The offence is that of larceny

and the offenders may be arrested without warrant when found committing it.

Mock auctions consist in the sale of worthless articles at prices far above their value by pretended competition between fictitious bidders. Under certain circumstances the confederates may be indicted for conspiracy to defraud; and if not, the best course is to station a constable in uniform at the door of the pretended sale room to caution probable dupes.

Long firm frauds consist in obtaining goods by false pretences from merchants, agriculturists, &c., by a gang of persons who, by giving each other fictitious references, obtain consignments of goods, which they sell, and fail themselves to pay for. A warrant should be obtained for the arrest of such offenders.

Three-card trick and *thimble-rigging* are other forms of swindling, and may be dealt with as cheating. The offender may be arrested at once, upon the Constable satisfying himself that the cheat has been attempted.

38. *The necessary steps to be taken in a threatening letter case.*—To ascertain who is the most likely person to send the letter, to obtain evidence if possible to prove the *sending*. To obtain proof of the handwriting, which along with other circumstances may prove the guilt of the offender. The sending or delivery of the letter need not be immediately by the offender to the prosecutor; if it be proved to be sent or delivered by the offender's means and directions it is sufficient. The envelope in which the threatening letter was received should be carefully preserved.*

39. *Suicide.*—To attempt to commit suicide is an indictable misdemeanour at common law. The offender should be arrested and brought before a magistrate. If necessary a doctor should be called in, and the Constabulary should keep a watch upon the movements of the offender whilst in custody lest he should again attempt to destroy himself.

* When a threatening letter or any document which may afterwards be required as evidence, is given to a Constable, he should at once enter his initials and date on the back for the purpose of subsequent identification, but should be careful not to make any mark on the face or written part of the document.

CHAPTER IV.

ARREST.

1. Arrest in a criminal sense is the apprehension or restraining of the person of a man, in order that he shall be forthcoming to answer an alleged or suspected charge.

2. *An Arrest on a criminal charge may be made in four ways:—*(1) by warrant, (2) by a Constable without warrant, (3) by a private person also without warrant, (4) by hue-and-cry.

3. A Constable, who is the ordinary conservator of the peace, is in many cases authorized by law to arrest though not armed with a warrant; and wherever the Constable has such authority, then it is also his duty to interfere, which if he refuses to perform, he may be indicted and fined.

4. *Constable's powers of arrest without warrant.*—He may arrest a party whom he sees committing felony, and is also bound, upon a direct charge of felony, and reasonable ground of suspicion laid before him, to apprehend the party accused; or if he has reasonable ground to suspect that a felony has been committed, he is authorized to detain the party until inquiry can be made by the proper authorities, but he should go at once before a magistrate. He may also arrest if he cannot otherwise prevent a breach of the peace to be committed, or about to be committed, in his own view, but he cannot arrest without a warrant after an affray is over, and not about to be renewed; he may arrest and take before a magistrate any person who obstructs him in the discharge of his duty, but he cannot arrest without a warrant for a mere assault not committed in his presence, although while an affray is going on he may arrest the offender without a warrant on the information or complaint of another person as well as in his own view.

5. *Abusive Language.*—If persons be merely quarrelling or insulting each other by words the Constable has no right to take them into custody, but he should

be ready to prevent a breach of the peace. If a person annoys another by abusive language or constantly following him, whereby a breach of the peace may occur, such person can be proceeded against, and summoned by the party aggrieved.

6. In cases of misdemeanour, where a Constable has good reason to believe that a breach of the law has been committed, *it is a general rule that an arrest should not be made unless it appears necessary for the purpose of insuring that the person offending shall be made amenable to the law.* It is much the safer course in all cases which do not require immediate interference, and when there is no danger of the offender absconding, to obtain a magistrate's warrant before arresting, and in all trifling cases and minor offences it is best to proceed by summons.

7. *Cases in which private persons without a warrant are bound to make an arrest.*—All persons who are present when a felony is committed, or attempted to be committed, or a dangerous wound is given, are bound to arrest the offender.

8. *The difference between a Constable's and a private person's power in arrest is:*—The private person cannot arrest, except at his peril, for crimes not committed in his presence, unless he can prove that he had reasonable grounds of suspicion, and that a *felony* had actually been committed by some one. A private person on mere suspicion cannot break open doors, which a Constable can in certain cases without a warrant.

9. *Legal powers of a Constable in the pursuit of a felon (i.e., a person guilty of felony).*—The Constable may follow a felon wherever he goes. If he takes refuge in any house the Constable may break into it, if, on first stating his business, and that he is a Constable, and demanding an entrance, he is refused admission; but a house should not be broken into without warrant, unless the immediate arrest of the felon be necessary, or his escape be feared.

10. *The other circumstances under which a Constable would be justified in breaking into a house are:*—When

parties are fighting furiously inside, or when persons openly preparing to fight have taken refuge therein; or when a felony is about to be committed inside, as when there is a violent cry of murder and calls for assistance; or when a house has been entered by others with a felonious intent, and a felony will probably be committed unless the Constable interferes. In every instance the Constable should first demand entrance, and should he be refused he may break open the door (where there is no other means of entering) to keep the peace and prevent the danger. Except in such cases as the above, or when time admits, the Constable should obtain a magistrate's warrant before forcing his way into a house.

11. *When and where arrest may be made.*—All persons are subject to arrest when charged with the commission of a crime (where the law authorizes the arrest), and may be arrested either by day or night, and on Sunday, and anywhere. No place affords protection against the criminal law. If a prisoner should escape he may be retaken, and in immediate pursuit the Constable may follow him into any place or any house. If a Constable find his exertions insufficient to effect the arrest, he ought to warn one or more of the persons present to assist him, and it is an indictable misdemeanour in anyone so warned to refuse.

12. When an offender is known to be in a certain place the best way to set about arresting him, so as to prevent his escape, is, to cause the place to be surrounded, or, if that be impossible, to guard all points of egress whilst the search proceeds.

13. *Proper mode of making an arrest.*—Unnecessary violence should be carefully avoided, as much because it will probably entail legal consequences to the Constable using it, as provoke resistance. The Constable should make the arrest quietly without attracting attention, or inflicting any needless exposure on the prisoner.

14. The Constable should in all cases lay hands on or touch the person in order to complete it, as mere words used by the Constable will not make an arrest. The usual way of effecting an arrest is to touch the

shoulder of the accused lightly, and, if the Constable be in plain clothes, saying—"I am a Constable, and arrest you for—" (naming the offence), or, "I arrest you on this warrant, for—" (reading it over to the prisoner as early as practicable).

15. *Cautioning the prisoner.*—The first thing a Constable does when he arrests a person for crime is—he tells his prisoner that he (or she) is in custody, and not bound to say anything, but that anything he (or she) may say, may hereafter be brought in evidence against him (or her).* The Constable should also search the prisoner for any offensive weapon, papers, and money, and mark and note the same.

16. A Constable has no right on arresting a person to take away from him any money or property which he may have about him, unless it is in some way connected with the offence with which he is charged; such a proceeding is both illegal and cruel.

17. *Constable to note the circumstances attending the arrest.*—In arresting an offender the circumstances accompanying the proceeding will frequently be of importance in the investigation which will afterwards take place. It is most desirable, therefore, that the Constable should be vigilant to observe and remember all that takes place; and if he at all distrusts his own recollection he should at the time record all the circumstances in his note-book, to the end that he may afterwards, if required, give them in evidence. Any important statement made by the accused should be accurately recorded. The *original* notes made at the time should be carefully preserved, so that they may be produced in evidence if necessary.

* In Ireland it is the practice for a Policeman to caution a prisoner when arrested, although the law does not require a caution to be given. A confession made by the accused to a Policeman, where the accused has not been induced to make it by any promise of favour or by menaces, will be received in evidence, although he receives no caution. Before, however, a Policeman questions a suspected person, not under arrest, touching the crime, the Policeman should first give the caution to such person. While a Policeman should never interrogate a prisoner, he is bound to note carefully all that the prisoner voluntarily declares.

18. *Identification of prisoners.*—The identification of a person who may be charged with a criminal offence should be conducted in the fairest possible manner. A person detained on suspicion, and whose identity is in question should be placed with not less than five or six others of as nearly as possible similar appearance as to age, clothes, and position in life. The suspected person may be asked if he is satisfied, and any reasonable request on his part should be acceded to. The witnesses should then be introduced, one at a time, and told to go up to the person recognised. They must not communicate with each other in any way; and after the persons are placed for identification, no policeman should hold any communication with a witness. Identification by bringing a suspected person alone into a room, or by showing him to a witness is unfair and likely to lead to difficulties and mistakes.

19. *Wrongful arrests on suspicion.*—Where a Constable makes an arrest on suspicion, and subsequently satisfies himself that his suspicion was wrong, if the person arrested has not been brought before a magistrate, the Constable should at once discharge him. If the person has been already brought before a magistrate, the Constable should at once communicate with the magistrate with the view of having the person at once discharged. The particulars of every such case should be entered in the diary and a special report of all the circumstances at once made.

20. *Handcuffing a prisoner.*—When an arrest is made, no unnecessary harshness beyond what is actually necessary for the safe custody of the prisoner should be used, and the Constable would not be justified in handcuffing him unless to prevent his escaping. In general a prisoner may be handcuffed when he is charged with the commission of any serious crime, or is a person of notoriously bad character, or there are any reasons to think that an escape or rescue may be attempted.

21. *Duty of the Constable on delivery of a prisoner to the gaoler.*—The Constable should deliver the warrant

and the prisoner to the keeper of the gaol, and obtain a receipt setting forth the state and condition in which the prisoner has been delivered into the custody of such keeper (see 14 & 15 Vic., c. 93, Schedule Form F).

22. *Sick offenders.*—When sick, diseased, or disabled persons are accused of any offences which render their arrest necessary, they should not be removed to prison, &c., if, in the opinion of a doctor, removal thereto would be dangerous to the life, or seriously injurious to the health of the party arrested. In such case a Constable should be left in charge, and a report made to a magistrate and his instructions taken.

23. *Foreigners.*—When foreigners are in custody great consideration should be shown them, and pains taken to explain to them the proceedings. Every facility should be afforded them to communicate with the consuls of their respective countries.

24. *Treatment of prisoners in custody.*—All possible facility should be given for prisoners to send for bail and to communicate with their friends, but no letter should be sent without the officer or sergeant in charge satisfying himself that it contains nothing prejudicial to the interests of justice. When prisoners in wet clothes are brought to a barrack, inquiry should be made as to whether they wish their clothing dried. If they do so, it should be done as far as practicable. Necessary refreshments for prisoners may be purchased out of money taken from them, provided the charge against them does not relate to the money. No beer or spirits should be given to them, but only tea or coffee, with the eatables supplied.

25. *Summary of offences.*—The following is a summary of the principal crimes and offences for which a Constable can arrest offenders without a warrant:—

Offences against the person.—Murder, manslaughter, attempted murder, wounding, abduction, rape, placing gunpowder to endanger life, using means to procure abortion, child stealing, bigamy, sodomy and beastiality, sending a letter threatening to kill or murder, corrosive fluid throwing, maliciously causing

explosion endangering life, making or keeping explosive with intent to endanger life. (24 & 25 Vic. c. 100.)

Offences against property.—Robbery, burglary, housebreaking, horse stealing, sheep stealing, larceny, embezzlement, sacrilege, receiving stolen goods, demanding money with menaces. (24 & 25 Vic., c. 96.)

Malicious injuries to property.—Setting fire to any church, house, or building, *crop* or stack of hay or corn, &c., malicious injuries, to houses, goods, &c., killing or maiming cattle. (24 & 25 Vic., c. 97.)

Also the crimes of forgery, and offences against the coinage, making or uttering counterfeit coin, &c. (24 & 25 Vic., caps. 98 and 99.)

Persons can also be arrested without a warrant for offences against the Penal Servitude Act and Prevention of Crimes Act, 1871, and for the crimes of treason and smuggling, rescue from custody, escape from custody.

The following persons are liable to arrest without a warrant:—Deserters, vagrants, pedlars trading without license, persons found committing any indictable offence *in the night* (9 P.M. to 6 A.M.), persons found loitering or lying in any highway, yard, or other place *during night* suspected of felonious intent, person hawking spirits, in proclaimed district carrying or having arms without Peace Preservation Act license.

26. *Arrests for minor offences to be avoided.*—The Constabulary, even though authorized by law, should abstain, unless when specially instructed to the contrary, from making arrests for minor offences where the offenders can be made amenable by summons. An arrest for a minor offence, even for drunkenness, should especially be avoided where it is likely to produce a serious disturbance of the peace, and where, in order to hold their prisoner, the Constabulary may be obliged to have recourse to the use of fire-arms. *In general, unnecessary arrests should be carefully avoided.*

CHAPTER V.

SUMMONSES AND WARRANTS.

1. A summons is a magisterial order to appear in court with reference to a matter named therein, at a given time.

2. *Form of Summons.*—The summons should bear a sixpenny stamp. It should be signed by the justice who issues it, and should state shortly the cause of complaint. It is not to be signed in blank. It should fix a day and place for the defendant's appearance. A copy of the summons is prepared for service.

3. *How a Constable should serve a summons.*—He should first compare the summons and copy to see that they correspond; he is then to deliver the *copy* to the person to whom it is directed, or if he cannot be found, to leave it at his place of abode or business, with some inmate of the house not being under sixteen years of age. Should the person to whom it is delivered be not able to read, the constable should read it for him, or explain its purport. After service the constable should indorse on the summons the time when and place where it was served, and should attend the hearing of the complaint to depose if necessary to the service. A summons cannot be legally served on Sunday.

4. *Cases in which summonses are served by the constabulary.*—The constabulary are required to serve Crown summonses for attendance of witnesses and jurors at Assizes and Quarter Sessions; also summonses for the attendance of witnesses and jurors at a Coroner's Court; also all summonses in cases of offences prosecuted by them at Petty Sessions. A constable should not serve a summons in a case in which he is *himself* individually the complainant. Loan Fund Summonses are not to be served by the Constabulary.

5. *Complaint in summons.*—In prosecutions by the Constabulary at Petty Sessions the complaint in summons, &c., should be entered in the name of the District Inspector, Head or other Constable who is to conduct

the case, or (in the case of an indictable or serious offence), "The Queen at the prosecution of———," giving the name of the member of the force who is to prosecute, otherwise objections may be offered to the examination, &c., of witnesses by him. The name of a private person should never be entered as complainant in a Constabulary case, as when before the Magistrates the private person may decline to prosecute (14 & 15 Vic., c. 93, s. 9).

6. A Constable should report all offences which come under his notice to his Sergeant, and should not take out a summons in any case without his Sergeant's (or District Inspector's) sanction. The Sergeant should inquire into the case before giving his sanction to the proceedings. He should not allow a summons to be taken out in a frivolous case or in one which cannot be supported by proper evidence.

7. *Warrants.*—A warrant is an authority, under hand, to some officer (District Inspector, Sergeant, &c.), to arrest an offender to be dealt with according to law, or to commit him to prison, to search premises, or to levy distress for the non-payment of a legal penalty, &c. The Constable is the proper subordinate officer to the justice of the peace, and must execute his warrants. All warrants for indictable offences may be executed on a Sunday, but warrants of commitments for a penalty cannot be executed on that day. A warrant continues in force during the lifetime of the justice who grants it, or until it has been fully executed. A Constable having received a warrant should proceed with all speed and secrecy to execute it. If it cannot be executed immediately, it should be executed as soon as possible afterwards. He should show his warrant if required to do so, but he should never part with its possession, as it may be wanted afterwards for his own justification. The directions of the warrant must be strictly observed or the party executing it will not be justified in his acts. When executed, the Constable should write on the back of the warrant his name, and the day and hour when executed.

8. *Warrant to arrest or commit.*—A warrant to arrest or commit should state the specific offence with time and place of commission, with which the party is charged; and that information thereof was duly made on oath before a magistrate. It should be properly dated and signed by the magistrate. It should name the defendant correctly, or if his name is unknown a proper description of him and the cause for omitting the name should be stated. If it be on conviction, the warrant must allege the party to have been convicted of the offence, and the order of conviction should be given. All warrants of committal should show the period of imprisonment, or time of detention, also the gaol in which he should be lodged.

9. *It is of the essence of a warrant* that it should be so framed that the Constable should know whom he is to take, and that the party upon whom it is executed should know whether he is bound to submit to the arrest.

10. It is always advisable when time permits to procure a warrant for the arrest of an offender, as a Constable acting under the authority of a warrant is in a better position to follow and arrest the offender than a Constable without warrant.

11. *Breaking open doors in the execution of warrant.*—In the execution of a warrant doors may be broken open for the arrest of the offender, but not till the Constable first signifies to those in the house the cause of his coming, and requests them to give him admittance. If a Constable to execute any warrant enter into a house, the doors being open, and then the doors are locked upon him, he may break them open in order to gain his liberty.

12. *Copy of warrant, when given.*—The Constable may read the warrant for the person against whom it is to be executed, but he should not volunteer to give a copy of it; still if a demand for a copy is made in writing by the person interested or his attorney, the Constable should furnish a copy *within six days* after such demand, unless forbidden to do so by his officer, to whom he should immediately report the fact of the demand having been made (43 Geo. III., c. 143, s. 6).

13. *Warrant of distress.*—A distress by warrant of a magistrate is usually issued for the purpose of compelling payment of a penalty or costs, and payment also of a debt or duty. In cases of distress for the levying of penalties there is no power to break open doors or gates, in case they are locked up or shut, unless such penalty or part thereof be given to the Queen. The Constable distraining has no right to impound the goods on the premises, and ought not to remain longer than a reasonable period for the purpose of removing them; he should therefore remove the goods seized as soon as possible to a convenient place; and he should not distrain more goods than are sufficient to satisfy the requisites of the warrant. A distress warrant should only be executed in the day-time and cannot be executed on a Sunday.

14. *What goods may be seized under distress warrant.*—The Constable may seize under a magistrate's distress warrant every chattel belonging to the defendant except his necessary wearing apparel. Growing crops, plants, &c., not severed from the soil, also the goods of other persons in the house or premises cannot be seized.

15. If the defendant pays or tenders to the Constable executing the warrant the sum mentioned in it, or if he produces the receipt of the Petty Sessions Clerk for the same, and if he also pays the expenses of the distress up to the time of such payment or tender, the Constable should refrain from executing the warrant.

16. *Sale of distress.*—The distress shall be sold within the period specially fixed by the warrant; or if no period shall be fixed then within three days from the making of the distress, unless the sum for which the warrant was issued and also the reasonable charges of taking and keeping the distress shall be sooner paid; and in every case the person selling the distress shall render to the owner the surplus, if any. When it is necessary to sell by auction the goods, &c., distrained in remote places, and no licensed auctioneer is residing in the neighbourhood, the distress may be sold by auction by any Head-Constable.

17. *Insufficiency of distress.*—If a distress warrant has been executed and the amount realized upon sale is not sufficient to satisfy the penalty, a second seizure may be made if other goods of the defendant are to be found within the jurisdiction.

18. *Warrant to search for stolen goods.*—A Constable may enter a house to search for stolen goods, having first obtained a search warrant from a magistrate for that purpose. The warrant should state the place to be searched and the description of the goods stolen. He should, when it is possible so to do, execute it in the day-time. To avoid mistakes the person who applies for the warrant ought to attend at the search to identify the goods. The Constable must strictly observe the direction of the warrant. He can break open doors if refused entrance, and boxes after the keys have been demanded. If he find the goods mentioned in the warrant, he is to take them to a magistrate; and *when the warrant so directs*, he must take the person also in whose possession they are found. The Constable in his search should be careful not to take anything *not mentioned in the warrant*, as if he does he will be acting illegally. If the warrant be executed, a second search cannot be made on the old warrant, but a new one should be obtained on fresh information laid.

19. *Indorsement of warrants.*—For backing of warrants, see sections 25 to 32 of 14 and 15 Vic. c. 93. The law requires that every warrant should be submitted to the Inspector-General for indorsement where the person to be arrested or his goods are to be found in another county, in the Police District of Dublin Metropolis, or in any other part of the United Kingdom. By section 77 of 40 and 41 Vic., c. 56, warrants issued by magistrates appointed under the Towns Improvement (Ireland) Act, 1854, may be indorsed by the Inspector-General for execution outside the limits of the town.

20. Where the person or his goods are to be found in some place in England or Scotland, or in the Isles Man, Guernsey, Jersey, Alderney, or Sark, the warrant

must be endorsed by the Inspector-General or Deputy Inspector-General, and by a Justice having jurisdiction in the place where it is to be executed upon proof on oath of the handwriting of the Inspector-General or Deputy Inspector-General (14 and 15 Vic., c. 93, s. 26).

21. Where a warrant is given to a Constable of the R.I.C. for execution in the Dublin Metropolitan Police District, or in England or Scotland, he should, on arrival at place where it is to be executed, report himself to the Chief Officer of Police, and if the warrant be addressed to such Chief Officer, the Constable should hand him over the warrant for execution by local Police. If affidavit, as verified, does not accompany the warrant (see clause 23) the Constable will then, in the case of warrants executed in England and Scotland, have to go before a Justice of the Peace having jurisdiction in the place, and make proof on oath of the handwriting of the Inspector-General, Deputy Inspector-General, or Assistant Inspector-General* by whom the same shall have been endorsed, or of the justice by whom the warrant shall have been issued. The local Justice will then endorse the warrant. The form of endorsement may be as in form Gc of 14 and 15 Vic., c. 93 (Schedule), the words "proved on oath" being inserted instead of the word "certified" (14 and 15 Vic., c. 93, s. 27). But the following form of endorsement, in accordance with the provisions of the English Summary Jurisdiction Act, 1848 (11 and 12 Vic., c. 42, s. 11, Schedule K) is adopted in England.

SCHEDULE K.

Endorsement in Backing a Warrant.

— } Whereas proof upon oath hath this day been made
To wit } before me, one of Her Majesty's Justices of the Peace
for the said (County) of , that the name of
J.S. to the within warrant subscribed is of the handwriting of the
Justice of the Peace within mentioned: I do hereby authorise

* By 30 Vic., c. 19, power is given to the Assistant Inspector-General of R.I.C. to back warrants in absence of the Inspector-General and Deputy Inspector-General.

W.T., who bringeth to me this warrant, and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all Constables and other Peace Officers of the said (County) of , to execute the same within the said last-mentioned (County)*, and to bring the said A.B., if apprehended within the same (County), before me, or before some other Justice or Justices of the Peace of the same County, to be dealt with according to law.

Given under my hand this day of , 18

J. L.

22. Whenever any person against whom any warrant is issued by any Justice in England, Scotland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, for any crime or offence, is residing in any place in Ireland, the Inspector-General, Deputy Inspector-General, or in their absence an Assistant Inspector-General of R.I.C., or any Justice of the last-mentioned place shall endorse the same in like manner, and upon like proof, as shown in last section, authorizing the execution of the same within his jurisdiction (14 and 15 Vic., c. 93, s. 29).

23. When a warrant of arrest issued in England is sent to Ireland for execution, it is not necessary that before it is endorsed by a Justice of the Peace for this country, oral proof should be given on oath of the authority of the signature of the Magistrate by whom it was issued, but proof by affidavit† is sufficient. Similarly an affidavit is sufficient verification for Irish warrants backed in England.

24. *Bench warrant.*—A bench warrant is issued by a criminal Court against an individual for contempt of Court, or when a true bill has been found against him by a grand jury for any indictable offence and he is not in custody, having absconded from his bail, or from some other cause. It is the duty of the Constabulary to execute such warrant.

* The words following this asterisk are to be used only where the Justice backing the warrant shall think fit, and may be omitted in backing English warrants in Ireland, Scotland, &c., or in backing Irish or Scotch warrants, &c., in England.

† An *Affidavit* is a written statement sworn before a person having authority to administer an oath.

CHAPTER VI.

GENERAL DUTIES.

1. *Classification of Police Duties.*

Police duties are classed under four heads:—

- (1.) Detection and capture of criminals.
- (2.) Their successful prosecution.
- (3.) Prosecution of minor offences.
- (4.) Suppression of Illicit distillation and Shebeen houses.

2. *Constables to attend Magistrates and execute Warrants.*—Every Head Constable, Sergeant, and Constable is required by law, when not engaged on actual duty, to attend on the justices at Quarter Sessions and Petty Sessions, and to obey and execute all the lawful warrants, orders, and commands of such justices at such sessions in all cases civil and criminal (6 & 7 Wm. IV., ch. 13, s. 15).

3. *Penalty for violation of duty.*—If any Head or other Constable "shall neglect or refuse to obey and execute any warrant directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office," he shall incur a penalty not exceeding £5 (s. 19).

4. *Constables dismissed to deliver up their Arms.*—If any Constable shall not within one week after he shall cease to hold and exercise his office, deliver up all his arms, ammunition, accoutrements, clothing, &c., he shall be liable to two months imprisonment (s. 20).

5. *Constables not to resign without leave.*—No Head Constable, Sergeant, or Constable, shall be at liberty to resign his office or to withdraw himself from its duties, unless expressly authorized so to do, in writing, by his County Inspector, or unless he shall give to his County Inspector one month's notice of his intention to resign (s. 21).

6. *Hue-and-Cry* :—(1) Constables and private persons are concerned in *Hue-and-Cry*—the old common-law mode of pursuing with horn and voice persons suspected of felony, or of having inflicted a wound from which death was likely to occur. A Constable in this pursuit has the same powers as if acting under a warrant. (2) The police publication entitled “The *Hue-and-Cry*” is the official source through which the Constabulary are made aware of crimes not only in their own districts, but throughout the whole of Ireland. Before any description can be inserted therein informations must be sworn in the case before a magistrate. The descriptions inserted in the *Hue-and-Cry* are those respecting felonies and such misdemeanours as are of an aggravated nature.

7. *Vagrants*.—Any person may arrest a vagrant begging, or placing himself in a public place to beg, or encouraging any child to do so, and take such offender before a magistrate as soon as practicable, or deliver him to a Constable.

8. If, after being cautioned not to do so, vagrants continue loitering and obstructing the way for the purpose of begging, they should be taken into custody and brought before a magistrate as soon as practicable. If they are seen or heard begging and desist when spoken to, they should be merely summoned.

9. The Constabulary should make special inquiries about the tramping vagrants who may have been begging in the locality. Detections may sometimes be made by a policeman heading them on the road by taking a crossway or footpath and entering the next house; in a short time the tramps will call at the house to beg—in some instances they will become abusive and threatening—when the policeman can step out and take them into custody.

10. The Constabulary have no authority to arrest persons on the mere suspicion of begging, but should such persons answer the descriptions given to the Police, and there can be no doubt they are the persons who committed the offence, the Constabulary should take them to the house where they begged, and when

identified they should be brought to the nearest magistrate, accompanied by the witness.

11. In enforcing the laws against vagrancy the Constabulary should be careful to distinguish between two classes of persons, namely :—

(1) Tramping vagrants who are found travelling about the country without any visible means of subsistence or employment, and beg from house to house and village to village ; and (2) poor people who may be driven by necessity to travel from one place to another in search of work or for some lawful object ; the latter class should not be interfered with, so long as they do not commit an offence. The condition of the hands will as a rule enable the Constabulary to judge between the workingman and the professional tramp.

12. *Duty as regards public roads, works, &c.*—The Constable should report to the nearest magistrate any wilful or malicious injury done to them.

13. *Duty as regards cattle or animals found straying on the public roads.*—To summon the owner before the magistrates in Petty Sessions. If the Constable does not know, or cannot ascertain the name of the owner, he should impound the animals, and report to the magistrates that he has done so, and obtain their instructions.

14. *Duty regarding public nuisances.*—A Constable is not authorized to enter any house or premises for the purpose of seeking for nuisances without the warrant of a magistrate ; but if he believes them to exist in any place so as to endanger health, he should give information, in writing, to the Sanitary Authority (Town Council, or Board of Guardians). The report should be signed by the Constable or senior in charge of the station. (See 41 & 42 Vic., c. 52, ss. 109, 121, and 122.)

15. *Information of any nuisance may be given to the sanitary authority* by any person aggrieved thereby, or by any two inhabitant householders of the district of the sanitary authority, or by any officer of such authority, or by the relieving officer, or by any Constable or officer of the Police Force of such district.

16. *A Constable may enter and examine private premises where a nuisance is alleged to exist*, when authorized and directed so to do by the magistrates in Petty Sessions hearing the complaint of the existence of such nuisance, in accordance with the Public Health Act.

17. *Duties in case of riots, assaults, &c.*—In cases of actual breaches of the peace, as riots, affrays, assaults, and the like committed within the view of the constable, he should immediately interfere (first giving public notice of his office, if he be not already known), separate the combatants, and prevent others from joining in the affray. If the riot, &c., be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and doing everything in his power to restore order; but if the offenders desist it is better to take their names and summon them. The Constable may arrest any one assaulting or opposing him in the execution of his duty.

18. *A Constable in a case of a common assault*, being a misdemeanour, which has not been committed in his presence or within his view, is not authorized to arrest or assist in arresting the party charged, nor is he to receive a person so charged into his custody, unless the party has been arrested by some other constable who saw the assault committed. In such case he should tell the accuser to take out a summons, and procure for him the name and residence of the accused.

19. A Constable is empowered to take a party into custody whom, from situation and character, he judges to be likely to commit a felony. Thus, when a drunken person, a lunatic, or a man in a passion, threatens the life of another, or to burn his house, the Constable may arrest. Also, when the offence has not yet been committed, but a breach of the peace is likely to take place, as when persons are openly preparing to fight, the constable should take the parties concerned into custody; if they fly into a house, or are making preparations to fight within the house,

the Constable should enter the house to prevent them, and likewise take the parties into custody; and should the doors be closed, he may break them open, if admission be refused, after giving notice of his office, and his object in entering.

20. *If a party threaten another with immediate personal violence, or offer to strike, the Constable should interfere and prevent a breach of the peace; if one draws a weapon upon another, attempting to strike, the Constable should take him into custody. If persons be merely quarrelling, or insulting each other by words, the Constable has no right to take them into custody, but should be ready to prevent a breach of the peace.*

21. There is no duty in which a Constable is called on to act which requires more command of temper and judgment than in assault cases, as generally the parties with whom he has to deal have lost their tempers and thereby become unreasonable; one party in their demands on the Constable to act, and the other in their resistance to his authority. In all cases of the kind the Constable should have a complete command of temper to enable him to act fairly and impartially between both parties, according to law.

22. *When a person gives another into custody, or offers to charge him with any offence, the first thing to be done by the Constable is to learn, if possible, the real name and address of both parties. If, after the accused person is in custody, the complainant refuses or neglects to accompany the Constable and accused to the police station, the Constable, if it be not a serious one, or if he have no charge of his own against the prisoner, will at once discharge him, taking care to enter in his memorandum book the particulars of the case, which he will report to the Sergeant in charge of the station. As a general rule, when the person accused is a householder, and known to the Constable, the most prudent course will be to give the name and address to the complainant.*

23. *If a Constable is called upon by any inhabitant to remove any person from his house—the Constable*

should first request the person to leave the house, informing him that he has no right to be there, and unless he do so the Constable should put him out, using no more force than is necessary for the purpose.

24. *Assaults by drunkards.*—When a Constable prefers a charge of assault against a drunken person, he ought to be able to show by marks on his person or clothing that violence was committed, otherwise the charge may not be sustained before the magistrates, or may appear to them to be vexatious or frivolous, as it is natural that a drunken person will in many cases resist arrest.

25. *Husband and wife.*—The Constabulary should not interfere in quarrels between husband and wife unless there is ground to fear that actual violence is imminent. If the parties are creating any obstruction, or attracting a crowd of persons, they should be cautioned before the law is enforced. Neither a husband nor a wife can give the other into custody except upon a charge of personal violence.

26. *The Constabulary are required to give protection to summons servers* when the latter shall swear an information that they apprehend personal danger in the execution of their duty, and shall obtain a written order from a magistrate for the protection of the Constabulary; in this case the Constabulary should be careful not to serve the summons.

27. *A deserted child*, if found by a Constable, should be taken by him to the workhouse. If found by a private person and brought to the barracks, the description of the child is to be entered, and the person finding it is to be directed to the workhouse, and is to be informed that he is accountable for its safe delivery there. A description should be taken of the dress of the child, and an entry made in the diary of all the circumstances of the finding, which may lead to the discovery of the person deserting the child.

28. *Coroners' Inquests.*—In every case when any dead body shall be found, or any case of sudden death, or of death attended with suspicious circumstances, a Constable should at once repair to the place where

the body lies, take charge of it, in cases of suspicion not suffering it to be disturbed: the Constable should make all inquiries that might be useful, obtaining the names of persons at or near the place where the death took place, and send word to the barrack of the occurrence. A report of the occurrence should be at once sent to the coroner and the nearest magistrate. Should the coroner hold an inquest the Constabulary are required to summon the jurors and witnesses. The coroner provides the summonses. The Constable fills up and signs the jurors' summonses. If the coroner cannot attend, two magistrates may hold the inquest.

29. *How the Constabulary should act in case an attempt be made to bury the body before the inquest is held.*—It is a misdemeanour, and therefore an indictable offence, to bury the body where an inquest ought to be held, before the inquisition is made; it is therefore the duty of the Constabulary to use every means (and force, if necessary, short of personal injury) to have the body kept for an inquest, and thereby prevent a serious breach of the law. Should the Constabulary be unable to prevent the removal of the body, they are to take the names of the persons resisting and summon them before the magistrates.

30. *Dangerous dogs.*—Where there are unsafe dogs at large, the Constabulary should summon the owner of any dog that is at large, within fifty yards of the public road, without a muzzle or log of sufficient weight to prevent such dog being dangerous.

31. If any dangerous dog be kept near any public road, contrary to Act of Parliament, the duty of the Constabulary in the first instance is to summon the owner; but if the dog continues to be kept at large, the Constabulary should apply to a magistrate for an order to seize and kill the dog.

32. *Duty in the prevention of cruelty to animals.*—To summon any person guilty of cruelly beating, ill-treating, over-driving, abusing, or torturing any animal.

33. *Duty as regards railways.*—To bring to justice persons guilty of attempting to injure the passengers

or carriages by placing obstructions on the line, of assaults, and breaches of the peace. It is not their duty to arrest trespassers on the line, or drunken persons on railway premises, as the railway officials are armed by law with full power to act in such cases. The Constabulary have no right to enter on railway premises, except when executing a warrant, or by permission of the railway authorities.

34. *How the Constabulary should act towards soldiers.*—If they assault the Constabulary, or are guilty of any direct breach of the law, a Constable should bring them before a magistrate like any other offender; but if they are merely drunk, the Constable should inform the guard at the military barracks, or the regimental patrol, and request that they may be taken in charge. If a quarrel takes place between soldiers in the public street, a Constable ought not to interfere unless life is in danger or civilians are concerned, but a report should at once be sent to the military authorities, the Constable remaining on the spot till assistance arrives. The Constabulary are required to arrest deserters from the Army, Navy, and Militia. The Constabulary should cultivate a friendly feeling with the Military.

35. The Constabulary have no right to require soldiers who are out at late hours to show their passes. If a soldier is out of his quarters at an improper hour without leave, he is accountable only to his own officers. The Constabulary should not interfere with soldiers unless they are committing a decided breach of the peace, or are charged with some serious offence, or are so much intoxicated as to annoy the public, and are incapable of taking care of themselves, or unless there should be some reasonable grounds to suppose they are deserters.

36. In apprehending soldiers for civil offences in cases where they have to be taken from their barracks, or when on duty, notice should be first given to the Commanding Officer.

37. *Pawn office duty.*—When a report is received of larceny, accurate descriptions of the articles stolen

should at once be taken and distributed among the different pawnbrokers in the town. The Constable should also visit the pawn offices, and if stolen property is discovered to have been pawned, he should ascertain all particulars respecting it, and obtain an accurate description of the party pawning or disposing of it. As information of this description is often the groundwork whereby serious offences are discovered, the perpetrators traced out, and brought to justice, every exertion should be used in order that the necessary steps may be at once adopted to trace out the offenders.

38. *Landlord and tenant.*—When a distress is made for non-payment of rent, or in case of evictions, or where disputes arise between persons, the Constable is not to give assistance to either party, or to interfere between them. He should not in such cases enter the house unless to prevent an immediate breach of the peace, or to quell a disturbance actually arisen.

39. *Drunken persons.*—The Constabulary should be watchful for prostitutes and others accosting drunken persons and enticing them into secluded places for the purpose of robbery.

40. Persons are sometimes found insensible in the streets, in reality suffering from apoplexy or other natural causes, the symptoms of which give them much the appearance of persons under the influence of liquor. The Constabulary should, therefore, be especially careful not to assume that a person is drunk, except upon sufficient grounds, for illness or the excitement of being taken into custody may at first contribute to such a conclusion. The odour of the breath is a fair test in such cases.

41. In all such cases the first thing to do is to try and rouse the person by gently shaking him: if that fails, the necktie and collar are to be loosed and the head raised a little, by which means breathing will be made easier.

42. *Drunken prisoners to be searched.*—When a drunken person is arrested and brought to the barrack, he should be searched in presence of the Head Constable or Sergeant in charge, and any property found,

such as knives, money, &c., should be taken in charge until the person is discharged.

43. *Care of drunken prisoners.*—Drunken persons when arrested and put in the lock-up should be visited and spoken to by the barrack-orderly, or other policeman in charge, not less than once every fifteen minutes. A drunken person should never be put in the lock-up together with other prisoners, and where there are two or more drunken prisoners they should be kept separated, and if necessary an extra orderly should be told off to assist. Serious assaults are often committed and life lost by not adopting these precautions. If there be no second lock-up, better let the drunken prisoner lie in the dayroom or kitchen, than any risk be incurred by putting him in a cell with other prisoners. In all cases, whether drunk or sober, a female prisoner must not be left in the sole care of the B. O., but an extra man must be told off to remain with the B. O. so long as she is in custody. If a drunken prisoner becomes insensible and cannot be roused, a doctor should be at once sent for; the prisoner should be removed from the lock-up to the dayroom and every care should be taken of him.

44. *Destitute Persons.*—Such persons coming under the observation of the Constabulary should be taken or directed to the workhouse. The Constabulary should not remove sick or destitute persons from any house or dwelling. If applied to, they should refer the proprietor to the Relieving Officer of the district, who will take the necessary steps.

45. *Persons singing profane songs,* or inflammatory ballads, or exhibiting indecent prints in the public streets should be first cautioned, and should they persevere are to be arrested.

46. *Loan fund warrants.*—It is the duty of the Constabulary to execute loan fund warrants, if the society be properly certified.

47. *Magistrate's order.*—Where the Constabulary have no power to act of themselves, and cannot do so under any Act of Parliament, they should obtain a written order or requisition from a magistrate, or they

should request the presence of the magistrate himself and act under his direction. Where two magistrates issue different directions to a policeman, he must use his own discretion, remembering that he is accountable for any consequences which may follow.

48. *Sheriffs and Sub-Sheriffs.*—The Constabulary are required to afford High and Sub-Sheriffs protection and assistance in the execution of any criminal process, or in the preservation of the public peace.

49. *Protection in civil cases.*—The Constabulary are required to afford protection to sheriffs and sub-sheriffs in the execution of all writs, decrees, and other process, from the Superior and other Courts, if in their written requisition they state that they have grounds to apprehend violence or opposition in the discharge of their duty; but the Constabulary are not to take charge of any civil prisoners nor of property for them, nor of houses or lands taken possession of under any writ, decree, or order whatsoever. The Constabulary should not leave their quarters to give assistance or protection, in cases of a civil nature, before 6 A.M. in summer, or 8 A.M. in winter, nor be present at the execution of any writ, decree, or order after sunset at any season of the year. But should the Sheriff or Sub-Sheriff require the protection at any hours during the day or night, it is to be granted.

50. *Duty of the Constabulary when protecting the Sheriff.*—The duty of the Constabulary is to protect the Sheriff and his Bailiffs, to prevent a breach of the peace, and to assert the law, but not to make or remove a seizure, or to do any of the formal acts connected with handing over to the plaintiff in an action the possession of the land or house recovered therein; but if the Sheriff or his assistants are assaulted, threatened with assault, or otherwise met with violent resistance, the Constabulary are bound at once to arrest offenders and to disperse mobs assembled to encourage and aid resistance, and if the premises are barricaded, they should, if necessary, compel and force entrance for the purpose of arrest. This duty ought to be performed without hesitation or delay immediately on the occasion for it arising.

51. *Jurors' summonses.*—The Constable employed upon the duty of serving jurors' summonses is required to deliver the summons to the person to be served four clear days at least before his attendance is required, or in case such person shall be absent from his usual place of abode, the Constable should leave the summons with some person therein inhabiting. The Constable summoning jurors is required to keep a book in which he should truly enter the name of every person so summoned by him, with the day on which such summons was served, and the manner and particulars of the service. The Constable is bound (if required) to produce such book at the sitting of the Court and verify the same upon oath, or to cause the book to be produced in case of his unavoidable absence. In case of the death, illness, or unavoidable absence of the Constable this book, verified on oath as to his handwriting, should, if required, be produced to the Court, and is *prima facie* evidence of the truth of the entries therein.

52. *Court duty.*—The Constabulary on duty in a Court should use their best efforts to preserve silence and order therein; they should attend to their duty exclusively and not to the proceedings of the Court. They are to have the passages to and in the Court kept free of spectators, and they should hold no conversation with each other, or with private individuals, while on duty in the courts, halls, or passages leading thereto. Constables in charge of witnesses should have them in attendance at the proper time when their case is called, with every article (if any) which they have to produce or identify in their possession, in order to prevent the slightest delay to the Court, and any policeman who shall have arrested any person committed or bound for trial at assizes or quarter sessions, should have the warrant (if any) under which he made such arrest ready to produce at the trial if so required.

53. *Giving evidence in Court, &c.*—In giving evidence upon oath before judges, magistrates, &c., a policeman should stand at attention, and take the book

in his right hand, with his cap and glove off. He must never kiss the book till the oath has been administered. He should remain with his head uncovered while giving his evidence. His testimony should be given in a clear, distinct tone of voice, without vindictiveness or partiality, and at all times adhering conscientiously to the truth. In giving his evidence before a jury he should turn his face towards them, so that every word may be clearly heard by the judge and jury.

54. *Property in custody of Constabulary.*—If any question is raised during or after trial as to whom any property in the hands of the Constabulary should be given up, application should be made to the judge to make an order respecting the disposal of the property. In all cases of property given up to any person, by direction of the judge or other authority, a receipt enumerating each article ought to be taken by the Constable who had charge of it.

55. *How the law regards the escape of a prisoner from custody in respect to the culpability of the Constable or the person in charge.*—The Constable permitting the escape of a criminal either by negligence or connivance is more culpable than the prisoner. If done through negligence, Constables are guilty of a misdemeanour; but voluntary escape by consent or connivance of the Constable becomes the same degree of offence as that of which the prisoner is guilty and for which he is in custody, whether treason, felony, or misdemeanour. An escape permitted by a private person is an offence of the same description as one permitted by the Constable, as the private person is bound to hold the prisoner and deliver him up to the proper authority.

56. *Constabulary to take charge of wrecks.*—On hearing of a wreck, the Constabulary of the station nearest to the scene will at once proceed thither, and render all possible assistance in protecting the property. If the Receiver of Wrecks or Coast Guard be not present, the Constabulary should take charge of the property wrecked, and convey it to a place of safety.

The Coast Guards of the nearest station, or the Receiver of Wrecks, should immediately be sent for by telegram or special messenger.

57. *Treasure trove*, or treasure found, is where any money, or coin, gold, silver, plate, or bullion, is found *hidden* in the earth, or other private place, the owner thereof being unknown, in which case the treasure belongs to the Queen. Concealment of treasure trove is a misdemeanour. Instructions are contained in the Code as to the disposal of articles of treasure trove delivered over to the Constabulary, in which case the full value is paid the finder.

CHAPTER VII.

DUTIES IN TOWNS.

1. *Beat Duty*.—The portion of the town to be protected by each Constable, is termed his beat.

2. In large towns where there are appointed places for the beat men to assemble the Constable, previous to going out on beat duty, should parade with the other men of his division at the appointed place, precisely at the prescribed hour. He must be properly dressed and provided with his truncheon. He is afterwards to proceed on beat and remain on it till relieved by another Constable at the appointed time. He should not walk his beat in a slovenly manner, or with his hands in his pockets, &c. The pace at which he should walk his beat is about two and a half miles an hour. He is responsible for the security of life and property within his beat, the preservation of the peace, and general good order during the time he is on duty. He should make himself perfectly acquainted with all parts of his beat, with the streets, thoroughfares, courts, and houses; he should possess such a knowledge of the inhabitants of each house as will enable him to recognise their persons.

3. He should visit, so far as possible, all the lanes, courts, and alleys within his beat. He is not to enter any house except in the execution of his duty, or loiter on his beat, or engage in conversation with anyone, except on matters relating to duty, or to answer any questions which may be put to him by strangers or others making inquiries, and he is in such cases to deport himself with the utmost civility and attention. *He should be civil and courteous to every member of the public, rich and poor.* Foreigners and strangers should be shown great attention. He is to pay particular attention to all public-houses, beer retailers, spirit grocers, and wine houses on his beat, reporting every breach of the law to his Sergeant.

4. *A Constable may leave his beat* when his assistance is required by another policeman, or by any inhabitant or passenger; when he has to convey a prisoner to the police office or station; or when proceeding to give the alarm of fires or accidents; or in case of illness, when he should report the matter at once. When obliged to leave his beat, he should, if possible, give notice to his Sergeant or to the men on adjoining beats, in order that they may keep an eye on his during his absence.

5. A Constable on beat should keep the right-hand side of the footway; at night he should keep next the houses. When two or more Constables are walking on the footway, they should proceed in single rank, so as not to inconvenience the foot-passengers. If persons approaching do not keep their proper side, the Constabulary should always give way by moving for the time to the left. If two men are on the same beat, one man should keep at each side of the street, in view of the other. Each, in going his round at night, should carefully examine the premises on his side of the street, and see that the doors, windows, gratings, &c., and places through which a thief might enter, are secure. If he finds any premises insecure, he should at once inform the occupier; and must be very vigilant to detect any burglary, &c. He should mark places likely

to be attempted by thieves, and if the marks are disturbed, he should ascertain the cause.

6. The Constable on beat is authorized to interfere when a crowd of persons is standing together on the footway and obstructing the free passage of the thoroughfare. In such cases he should, in a civil and mild manner, request the parties to move on; and if they persist in remaining, he should obtain their names and addresses and *summon* them, or, if absolutely necessary, arrest the principals, provided he is authorized by law (by local Act, &c.) to do so.

7. *Good temper.*—He is upon these and all other occasions required to execute his duty with good temper, civility and discretion. Any instances of unnecessary violence by pushing persons off the footways, or striking any person in custody, will show that the Constable is unfit to be a policeman. A Constable is not to use his truncheon because the person in custody is violent in behaviour or language; but he may do so when his life is in danger, or to prevent the escape of a felon, or when dispersing rioters. When the truncheon is used, blows should not be given on the head or face, but only on the arms, back, or shoulder.

8. Every policeman should remember that there is no qualification more indispensable to a member of a Police Force than a *perfect command of temper*. He should, therefore, never suffer himself to be moved by threats or irritating language. If he performs his duty in a quiet but determined manner, such conduct will gain for him public confidence, and will tend to induce well-disposed bystanders to render him assistance should he require it. He should, when on duty, be most careful to avoid entering into an argument with any one.

9. A Constable should never use towards prisoners or towards any persons language calculated to provoke or offend them; such conduct often creates resistance in a prisoner, and a hostile feeling amongst the person present. He should also recollect that in taking any one into custody, he is not justified in doing more than

is absolutely necessary for the safe custody of the prisoner whilst conveying him to a police station, &c.

10. When policemen are walking along the streets, they should not shoulder past passengers, but give way in a mild manner. The more civil and respectful they are, the more they will gain the good-will of the public, and the more likely they will be to receive support in the proper execution of their duty.

11. *Supervision of suspected persons.*—In watching the conduct of known offenders and persons of bad character, the Constable should keep in mind that *the prevention of crime*—the great object of all the exertions of the Constabulary—will be best attained by *making it evident to such parties that they are known and strictly watched*, and that certain detection will follow any attempt to commit crime. When on patrol or beat duty, he should keep a strict watch on their movements, and communicate information with regard to them, when necessary, to the Constables on adjoining beats. Brothels, low lodging-houses, the haunts of thieves, and houses frequented by disreputable characters ought to be well known to the Constabulary, and closely watched by them. The Constabulary should also carefully watch women who go about followed by male thieves. If a Constable observes a prostitute decoying a tipsy person into any back place, he should follow and warn such person of his danger.

12. *Fires.*—In case of a house taking fire, the policeman detecting it, &c., will immediately alarm the occupants, and if unable otherwise to attract their attention, he may break open the doors or windows, so as to awaken and save the lives of the inmates; after which he should exert himself in every way likely to be most useful, as in sending notice to the police stations, keeping a space clear for the engines, assisting in removing property, &c. No man who is on duty at any great distance from the fire should leave his beat, as in such case thieves may take advantage of his absence.

13. *Mayor attending fires.*—Whenever a fire takes place, and it is necessary to send for the mayor of the

city or town, a Sergeant or Acting Sergeant should accompany and remain with him, and see that his orders are carried out. The Head Constable or Sergeant in charge should give orders to his men to keep back the people, so that no robbery of any kind take place, and also that the fire engines may not be interfered with by there being too great a crowd near them.

14. *Newsvendors.*—The Constabulary should not interfere with newsvendors, unless they congregate and assemble together, and thereby cause an obstruction, when they should be made to move on. They may be taken into custody when they positively refuse to pay any attention to the directions of the Police and refuse to give their names and addresses. If known, or that they give their names and addresses, they should be proceeded against by summons.

15. *Selling in Streets.*—Where shopkeepers keep articles for sale in the public street to the inconvenience of passengers, the Police should give them notice to remove them, and if they neglect to do so, they should be summoned.

16. *Amusements in streets.*—The Constabulary should prevent boys whipping tops, rolling hoops, making slides, &c., and if they should not desist, they should be summoned.

17. *Footways.*—They Constabulary should request persons carrying articles on the footway to remove off the path, then watch them, and if they return, they should be summoned, or if unknown and refusing to give their names, they should be taken into custody, and brought before a Magistrate.

18. The Constabulary should not allow placards to be posted in situations where parties collected to read them may intercept the passengers; if they are posted in such places, they should be torn down.

19. *Public Meetings.*—Where public meetings or entertainments are held, the Constabulary should be posted outside, unless called on to preserve the peace.

20. *Knocker wrenching.*—Persons caught in the act of wrenching knockers off halldoors should be charged with malicious injury to property.

21. *Fire Plugs.*—The Constabulary should pay particular attention to fire plugs and not allow them to be injured or interfered with in any way.

22. *Order of streets.*—A policeman on beat is accountable for the order and regularity of the streets, and for the protection of life and property. If anything should occur on his beat which he is unable to deal with alone, he should send to the nearest Police barrack for assistance.

23. *Prostitutes.*—Women known to be common prostitutes should be watched, and if found importuning passengers, or indecently dressed, or behaving indecently, may be arrested. If the policeman is not certain that the woman is a common prostitute, he should not arrest her, unless the person importuned gives her in charge and goes with him to the police station.

24. *Arrival and departure of passengers.*—Some of the Constabulary stationed in all towns, ports, or other places should, when not otherwise engaged on duty, attend at the despatch and arrival of all vessels, boats, coaches, and other public vehicles with passengers, with a view not only to observe the persons departing or arriving by them, but to render such persons any assistance or protection which the Constabulary can afford to them.

25. *Violent or Sudden Death.*—Whenever a violent or sudden death occurs on his beat, the policeman must report it immediately to the Sergeant superintending the beat, so that information may be sent to the Coroner and the nearest magistrate. In a case where death has occurred under suspicious circumstances, a policeman is to be placed in charge of the body, who should allow no one to touch it without an order from the Coroner.

26. *Attempt to commit Suicide.*—When a person attempts or threatens to commit suicide, which offence is a misdemeanour, he should be arrested, and brought before a magistrate.

27. *Cheats and Swindlers* (Town Improvement Act).—All thimblers, loaded dice players, and other swindlers

found in possession of implements or articles for practising games of hazard, or who shall exhibit such implements, &c., in order to induce any person to play at any game of hazard, should be arrested and brought before a magistrate and the instruments should be seized.

28. *Furious Driving.*—The Policeman should stop persons negligently or furiously driving horses, &c., in the public street, and obtain their names and residences in order to summon them. If they refuse to give their names, &c., they should be arrested.

29. *Street and road offences for which persons should be summoned.*—Flying kites or playing games; making or using slides on ice or snow; discharging fire-arms, or throwing fireworks in the public streets or on any public road, or within sixty feet of the centre thereof.

30. *Some offences which are termed street nuisances.*—Throwing night soil on the street; allowing offensive matter to run from slaughter-houses and other places into the street; placing obstructions in thoroughfares. The policemen should take the names and residences of persons committing such offences and summon them.

31. *Arrest of suspected persons at night.*—A policeman may take into custody without warrant any person whom he shall find loitering or lying in any highway, yard, or other place during the night (9 P.M. to 6 A.M.), or whom he shall have good cause to suspect of having committed or being about to commit any felony, and take such person before a magistrate.

32. The Constable may also arrest any person found at night (9 P.M. to 6 A.M.), *with intent to commit a felony*, armed with any dangerous weapon, intending to break or enter a dwelling-house or other building, or having in his possession without lawful excuse any instrument for house-breaking, or having his face blackened, or found in any dwelling-house.

33. *Servants.*—The Constable should notice and report to his Sergeant irregularities of servants, in improperly admitting persons to, or letting them out of, their masters' houses at unreasonable hours, especially when families are out of town, and the houses are left in charge of servants. Also, where he observes servants

giving away private property, which may be that of the master, to suspicious persons who call, where he believes larceny is being committed, in such cases he may interfere and inquire.

34. In making inquiry into the antecedents of servants, the constable must take care that it is done in such a manner as neither to injure their present position nor their future prospects. Above all, accusations should not be made without ample grounds, or expression given to individual suspicion.

35. *Notes to be taken in Memorandum Book.*—A Constable, &c., when proceeding on patrol or beat duty, should always carry with him his memorandum book and pencil, and in it note down any offences or other important matters which come under his observation in his walk. In doing so he should take down accurately the Christian name, surname, and address of every person connected with any offence, &c., which comes under his notice, whether as offender or witness. On his return to barracks he should report the whole particulars of every case to the Sergeant in charge, and take his instructions as to whether a prosecution should be instituted.

36. Notes made at the time of, or soon after, an occurrence or inquiry may be referred to in giving evidence, but the practice is not desirable, as the opposite party has a right in such case to examine them and cross-examine upon their contents. Notes, which should be invariably made and never destroyed, should be read over before going into court, rather than in the witness box.

37. *Numbers on collars.*—The numbers of police on their collars must not be concealed in any way. They are worn in towns for the purpose of reference and identification; and persons wishing to take or ascertain the number of any Sergeant or Constable, must not be obstructed. If the number is asked for, it should be given immediately.

CHAPTER VIII.

PRESERVATION OF THE PEACE.

1. In all cases of expected breaches of the peace the magistrates should be consulted on the subject. The Constabulary should endeavour to find out the principals or ringleaders of the parties intending to commit such breach of the peace, and have them summoned before a magistrate to enter into securities for their good behaviour; and if after doing so it appears that a riot is likely to ensue, such other measures should be taken as the circumstances of the case may admit or require. The attendance of a magistrate should, if possible, be obtained, and a force assembled sufficient to preserve the peace and arrest its violators. It is regarded as a general rule that whenever the Constabulary are called upon to quell any riot their exertions should be at once directed to the arrest of the ringleaders.

2. *Affray*.—An affray is the fighting of two or more persons in some public place, to the terror of the Queen's subjects, for if the fighting be in private it is not an affray, but an assault. It differs from a riot in not being premeditated, and also two persons may be guilty of an affray, but it requires three or more to constitute a riot.

3. *An unlawful assembly*.—Any meeting whatsoever of great numbers of people, with such circumstances of terror as cannot but endanger the public peace, and raise fears amongst the Queen's subjects, is an unlawful assembly. The Constabulary should, as far as possible identify, or ascertain and take down the names of the persons taking a prominent part in an unlawful assembly, in order that they may be prosecuted should it be decided to proceed against them.

4. *A rout* is an unlawful assembly which has made a motion towards the execution of the common purpose of the persons assembled.

5. A riot is a tumultuous disturbance of the peace by three persons or more, assembling together of their own authority, with an intent mutually to assist one another, against anyone who shall oppose them, in the execution of some enterprise of a private nature; and afterwards actually executing the same in a violent and turbulent manner to the terror of the people, whether the act intended were of itself lawful or unlawful.

6. *Illustration.*—A, B, and C met at A's house for the purpose of beating D, who lives a mile off. They then go together to D, and there beat him. At A's house the meeting is an unlawful assembly, on the road it is a rout, and when the attack is made upon D it is a riot.

7. The law defines that three persons in a state of quarrel constitute a "riot," and they, or any of them, may be indicted accordingly, upon the evidence of one or more credible witnesses, although the rioters themselves may not lodge informations against or prosecute each other. It is therefore the duty of the Constabulary not only to suppress all riots, but to indentify and lodge informations against rioters, in order to vindicate the law, and to neutralize any arrangement or compromise which might be entered into by such rioters. In cases of riots which the Constabulary shall not be witnesses of, it is their duty to make diligent inquiry respecting such riots, and to summon such persons as they may consider competent witnesses on prosecutions respecting them before the next ensuing Petty Sessions of the district.

8. *Suppression of riots by common law.*—By the common law the Sheriff, Under-Sheriff, Constable, and other peace officers, may and ought to do all that in them lies towards the suppression of a riot, and may command all other persons to assist them; and by the common law any private person may also lawfully endeavour to appease such disturbances by staying the persons engaged from executing their purpose, and also by stopping others coming to join them. It has been held also that private persons may arm themselves in order

to suppress a riot, from whence it follows that they may use arms in suppressing it if there be necessity. However, it may be very hazardous for private persons to proceed to these extremities; but if a felony be about to be committed, the interference of private persons will be justifiable, for a private person may do anything to prevent the perpetration of a felony.

9. *Suppression of riots by statute.*—The Riot Act may be read by a Magistrate, Sheriff, Sub-Sheriff, or Mayor, when *twelve* or more persons are riotously assembled to the disturbance of the public peace (which constitutes a tumultuous assembly); and if, after the reading of that proclamation, such persons riotously continue for the space of one hour, they are guilty of a serious felony. When the proclamation has been more than once read, the hour will be counted from the first reading. But the civil power is not required to wait one hour, or *one moment*, to put down disturbance; they are bound to maintain the peace, and in doing so can repel force by force. In a riot, any Magistrate present, or called upon, is bound to interfere.

10. Whenever a police force is assembled upon any occasion for the preservation of the public peace, the Officer, Head Constable, or Sergeant in charge thereof, should invariably have in possession a copy of the following extract from the 27 Geo. III., cap. 15, section 3 (Ir.), commonly called the "Riot Act," to be read, should it be necessary so to do, by the magistrate in attendance:—

"And the Justice, Sheriffs, Sub-Sheriffs, Mayors, or head officer of any city or town, or other person authorized by this Act to make the said proclamation, shall, amongst the said rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be kept whilst proclamation is making, and after that shall openly and with a loud voice make, or cause to be made, proclamation in these words, or like in effect: *Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the*

twenty-seventh year of King George the Third to prevent tumultuous risings and assemblies; and every such magistrate as aforesaid, within the limits of his jurisdiction, is hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous rising or assembly as aforesaid, to resort to the place where the same shall be, and there to make, or cause to be made, proclamation in manner aforesaid."—(*Code, s. 1656.*)

11. *Closing public-houses in a riot.*—When a riot has commenced *one* magistrate may order all public-houses to be closed for such a length of time as he thinks fit; or if a riot be apprehended, *two* magistrates can issue this order. Publicans refusing are liable to a fine of £2. (3 & 4 Wm. IV., c. 68, s. 21).

12. *Prize fights.*—Prize fights and faction fights are serious breaches of the peace which the Constabulary are bound to do all in their power to prevent. An assembly of persons to witness a prize fight is an unlawful assembly, and every one present and countenancing the fight is guilty of a misdemeanour. If death ensues it is manslaughter; seconds and others who encourage and remain during the fight are equally guilty of manslaughter. When the Constabulary have information of a fight, they should secure the combatants beforehand and take them before a magistrate.

CHAPTER IX.

LEGAL PRINCIPLES, DEFINITIONS, &c.

1. The law of England is divided into two kinds. (1) The common law, and (2) the statute law.

2. The *common law* includes the general customs, or the common law properly so called, which is the same both in England and Ireland; also the particular customs of certain parts of the kingdom, and those particular laws that are by custom observed only in certain courts and jurisdiction.

The *statute law* is made by Act of Parliament.

3. An *information* is a charge on oath laid before a magistrate. An *information* in writing and on oath must first be made before a warrant to arrest, or to search, can be obtained.

4. An *information*, when in writing, should contain a simple but full statement and history of all the facts to which the witness can depose. It should be taken as nearly as possible in the witness's own words and in the first person. The use of technical terms and descriptions should be avoided. Where several persons are charged the separate acts done by each should be distinctly set forth. The Christian name and surname of the informant and of all persons named in his *information* should be stated in full, also the time and place of the offence.

5. A *deposition* is an *information* in writing taken in the presence and hearing of the accused, which fact should be therein set forth. Should the person who swears the deposition die before the trial, upon proof of his death, and that such deposition had been taken (according to form A b, of the schedule to 14 and 15 Vic. c. 93) in the presence and hearing of the accused, and that he or his counsel or attorney had an opportunity of cross-examining such witness, the deposition can be read as evidence at the trial.

In having a deposition taken, it is most important that every fact relevant to the case which the deponent knows should be elicited by examination and *carefully recorded*. The deposition should therefore be as full as possible. It sometimes happens that, to shorten the deposition, important facts are omitted upon the ground that they can be brought out in examination at the trial. This is a fatal mistake, and frequently leads to serious results, as when important facts are elicited from a witness on examination at the trial which do not appear in the deposition, his evidence is thereby seriously weakened, and the effect is most injurious to the case. Accordingly, the police officer conducting the case before the magistrates should insist that every important fact

declared by deponent is carefully set forth in the deposition before the accused is committed for trial.

6. An *indictment* is a written accusation of one or more persons of a crime preferred to, and presented on oath by, a grand jury. The accusation is called a *bill* when presented to, and an *indictment* when found by, the grand jury. Twelve grand jurors must find for a bill.

7. An *infant* in law is a person under the age of twenty-one. Under the age of seven years an infant cannot be guilty of felony; above seven and under fourteen, if it appear to the Court and jury that an infant could discern between good and evil, he may be convicted; after fourteen an infant is accountable.

8. Ignorance of the law is no excuse for breaking it, as every person is supposed to know the law.

9. A sane man is conclusively presumed to contemplate the natural and probable consequences of his own acts, and therefore the intent to kill is conclusively inferred from the deliberate violent use of a deadly weapon.

10. All cases of homicide are presumed by law to be malicious and amounting to murder until the contrary appears.

11. The possession of stolen property *recently* after the commission of a theft is *prima facie* evidence that the possessor was either the thief or the receiver, according to the other circumstances. A like inference is raised in the cases of murder accompanied by robbery, arson, burglary, &c.

12. A *recognizance* at common law is an obligation duly acknowledged, to do a certain thing stipulated. When persons under a rule of bail to keep the peace or be of good behaviour commit a breach of such conditions, the recognizance can be "estreated."

13. *Accomplices*.—An accomplice may become a witness or Queen's evidence against his fellows. In practice the unsupported evidence of an accomplice is not sufficient to convict the prisoner.

14. An *accessory* is he who is not the chief actor in the offence, nor present at its performance, but is

some way concerned therein either *before* or *after* the fact committed.

15. *An accessory before the fact* is one who, being absent at the time of the crime committed, yet procures, counsels, commands, or abets another to commit a crime.

16. *An accessory after the fact* is one who, knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon.

17. *Accessories* are in felonies only, in treason and misdemeanours all persons, if guilty at all, are principals.

18. *Coercion of wife by husband in crime*.—In treason, murder, manslaughter and the like no presumption of her husband's coercion shall excuse his wife's guilt. But if a woman commit theft, burglary, or other like offence in the company or by the coercion of her husband, she is not considered guilty of any crime, as it is presumed she acted by compulsion and not of her own free-will; but this presumption is rebuttable by proof that she acted voluntarily. In misdemeanours there is one exception to this rule—a wife may be indicted *with* her husband for keeping a brothel.

19. In criminal cases the accused person and his or her wife or husband, and every person, and the wife or husband of every person jointly indicted with him, is incompetent to testify. Provided that in any criminal proceeding against a husband or wife for any bodily injury or violence inflicted upon his or her wife or husband, such wife or husband is competent and compellable to testify.

20. At common law no person charged with an offence is competent or can be compelled to give evidence for or against himself, nor can any person be compelled to answer any question tending to criminate himself. Under some penal statutes recently passed the defendant may be examined as a witness, but he cannot be compelled to give evidence.

21. Persons who are incapable of comprehending the nature of an oath, or giving a moderately rational answer to a sensible question—whether the person be

an idiot, a lunatic, a drunkard, or a child—cannot, so long as the defect exists, be examined as a witness. The testimony of children of eight or nine years, or even less, is received when they appear to possess sufficient understanding.

22. *Cases which can be heard by magistrates out of Petty Sessions.*—One magistrate can hear and decide cases of drunkenness, vagrancy, fraud in the sale of goods, and disputes as to sales in fairs or markets (the value of the article not being greater than £5). Two magistrates, when they shall see fit, may hear and determine any cases of summary jurisdiction out of Petty Sessions, when the offender shall be unable to give bail for his appearance at Petty Sessions (14 & 15 Vic., c. 93, s. 8.) No judicial act can be performed on a Sunday.

23. *Where offences committed on the boundaries of counties may be dealt with.*—All offences committed on the boundary or boundaries of two or more counties, or within 500 yards of any such boundary, or begun in one county and completed in another, may be dealt with in any of the said counties as if they had been actually committed therein; or when committed in or upon any coach or carriage employed in any journey, or on board any vessel employed on any voyage on river, canal, &c., it may be dealt with, &c., in any county through any part of which such carriage or vessel passed.

24. *Where offences committed on the high seas may be tried.*—An English ship upon the high seas is to be considered as part of the territory of England, and where any person being a British subject charged with any offence on board a British ship on the high seas, or in any foreign port, or if any person, not being a British subject, charged with having committed any offence on board any British ship on the high seas, is found within the jurisdiction of any court of justice in Her Majesty's dominions, such courts shall hear and try the case as if committed within the limits of its ordinary jurisdiction (18 & 19 Vic., c. 91, sec. 21).

25. *Demeanour of witnesses when giving evidence.*—“While simplicity, minuteness, and ease are the natural

accompaniments of truth, the language of witnesses coming to impose upon the jury is usually laboured, cautious, and indistinct. So when we find a witness over-zealous on behalf of his party; exaggerating circumstances; answering without waiting to hear the question; forgetting facts wherein he would be open to contradiction; minutely remembering others, which he knows cannot be disputed; reluctant in giving adverse testimony; replying evasively or flippantly; pretending not to hear the question, for the purpose of gaining time to consider the effect of his answer; affecting indifference; or, often vowing to God, and protesting his honesty; we have indications more or less conclusive of insincerity and falsehood. On the other hand, in the testimony of witnesses of truth, there is a calmness and simplicity, a naturalness of manner, an unaffected readiness and copiousness of detail, as well in one part of the narrative as another, and an evident disregard of either the facility or difficulty of vindication or detection."—(*Taylor on Evidence.*)

26. Members of the Constabulary when examined as witnesses should endeavour to give their evidence with perfect impartiality, not showing any desire to convict the prisoner, or eagerness to declare anything to his disadvantage, otherwise they may lay themselves open to the remark sometimes made by eminent lawyers, that—"Policemen regard all men as guilty till they are proved to be innocent." From indiscreet zeal and unconcealed hostility towards the prisoner, the evidence of Constabulary witnesses proves often injurious to the prosecution, and helps to defeat the ends of justice. A Constabulary witness who gives his evidence calmly without any exhibition of professional zeal, *by simply answering the questions put to him*, will always make a favourable impression on the court and jury.

27. *Informers.*—Witnesses for the Crown *will not*, in giving their evidence, *be permitted to disclose* either the names of their employers, or the nature of the connexion between them, or the names of the persons

from whom they received information, or the names of those to whom they gave information, whether such last-mentioned persons were magistrates, or actually concerned in the executive administration, or were only the channel through which the communication was made to Government. Neither can the witness be asked whether he himself was the informer.

28. *Privileged Documents*.—"The official transactions between the heads of the departments of Government and their subordinate officers are in general regarded as confidential and privileged matters which the interests of the State will not permit to be revealed."—(*Taylor on Evidence*). When, therefore, demand is made of a member of the Constabulary to produce in a court of justice official reports, documents, and books, he should respectfully decline to show them, stating that they are privileged, &c., after which objection, should the Judge order their production, his direction must be complied with. In a Petty Sessions Court, or an inquiry before magistrates, official documents are not produced in evidence without the sanction of the Inspector-General.

29. *Signing informations, &c.*—Members of the Force should never sign a deposition, information, or statement without first reading or hearing it read over carefully, to see that every circumstance connected with the case, to which they depose, is fully and correctly stated.

30. *Acquittal*.—A person who has once been tried by a jury for any indictable offence and acquitted of the charge, cannot, under any circumstances, be again tried for it, notwithstanding that additoinal evidence may subsequently be obtained. This is not the case, however, with prisoners discharged by magistrates who can be re-apprehended if any new facts are brought to light.

EXAMINATION OF WITNESSES.

To ascertain what witnesses can prove before producing them in court.—In a case of any importance, the District Inspector, Head Constable, or Sergeant

conducting the case, should, where practicable, previously examine the witnesses (including members of the force) he intends producing, and take a note of the evidence of each, otherwise he may at the hearing be completely taken by surprise in finding that the evidence given by his own witnesses is contrary to what he had expected.

Examination of witnesses out of the hearing of each other.—If the Court deems it essential to the discovery of truth, that the witnesses should be *examined out of the hearing of each other*, it will order them all on both sides to withdraw, excepting the one under examination; and this order, upon the motion of either party at any period of the trial, is rarely withheld, though it cannot be demanded of strict right. Should a witness remain in court after such order, although he is liable to punishment for the contempt, yet the Court *has no right to reject the witness* on this ground. To render the practice duly efficient, it is not enough to order the witnesses simply to withdraw out of hearing, but means should be afforded for keeping them in some separate room until they are called for, so that they might lose the opportunity, not only of listening to the examination of those who preceded them, but, what is of equal importance, of conversing with them afterwards.

Direct Examination.—The examination of a witness by the party who produces him is called his *direct examination*, or his *examination in chief*. In the direct examination two things are principally to be attended to:—1st. That the questions be pertinent to the matter immediately in issue, and that no question be asked the probable answer to which cannot have a tendency to prove the offence or defence, or other matter to be tried. 2nd. In the direct examination leading questions on material points are not allowed to be put. Leading questions are those which suggest to the witness the answer desired, or embody the answer, or in general that can be answered by "yes" or "no." A party may lead his own witness in the following

cases:—On all matters which are merely introductory, and form no part of the substance of the inquiry; for the purpose of identifying persons or things; when a witness is called to contradict another as to expressions which he denies having used; where the witness appears hostile, by permission of the Court; where witness's memory is defective, or the matter of question complicated. A witness will be allowed to refresh his memory from any entry in a book, or memoranda, made by himself, or by some person in his presence, at the time of or shortly after the occurrence of the fact to which it relates, if he can afterwards swear to the fact from his recollection. The writing referred to must be produced and shown to the adverse party if he requires it; and such party may, if he pleases, cross-examine the witness thereupon. [This is important to remember when noting admissions made by a suspected person, or of a prisoner.] Witnesses must in general speak to facts within their own knowledge; and they will not be permitted, with certain exceptions, to express their own belief or opinion. A party producing a witness will not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall in the opinion of the Court prove adverse (that is "hostile" as contradistinguished from being merely "unfavourable"), contradict him by other evidence, or by leave of the Court, prove that he has made at other times a statement inconsistent with his present testimony; but, before such last-mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness and he must be asked whether or not he has made such statement.

Cross-examination.—When the direct examination is finished, the witness may then be cross-examined by the opposite party. In giving his evidence a witness tells the truth, wholly or partially, or tells a falsehood. If he tell the whole truth, a cross-examination has the effect of rendering his story more circumstantial, and impresses the jury with a stronger opinion

of its truth. In cross-examining a witness leading questions may be asked—that is, the examiner may lead the witness so as to bring him directly to the point in which he requires an answer. The questions must be either relevant and pertinent to the issue, or calculated to elicit the witness's title to credit; great latitude, however, is always allowed in cross-examining. Questions respecting facts irrelevant to the issue may be put to a witness on cross-examination for the purpose of impeaching his character or testing his credit, but the answer of the witness will be conclusive, and cannot be contradicted by independent evidence. (Proof of witness's previous conviction of felony or misdemeanor may, however, be given.) If the questions put relate to relevant facts, the answers may be contradicted by independent evidence. Some questions a witness cannot be compelled to answer, as where the answers would have a tendency to expose the witness, or as it seems the husband or wife of the witness, to any kind of criminal charge, or to a penalty; also where the direct and immediate effect of answering might be to degrade his character; but where the transaction about which the witness is interrogated forms any material part of the issue, he will be obliged to give evidence, however strongly it may reflect on his conduct.

Re-examination.—After a witness has been cross-examined, the party who called him has a right to re-examine him upon any new fact which has arisen out of the cross-examination, and to ask all questions which may be proper to draw forth an explanation of the meaning of the expressions used by the witness on the cross-examination, if they be in themselves doubtful; and also of the motive or provocation which induced the witness to use those expressions; but he has no right to go further and to introduce matter new in itself, and not suited to the purpose of explaining either the expressions or the motives of the witness.

The Court has always a discretionary power of recalling witnesses at any stage of the trial, and of

putting such legal questions to them as the exigencies of justice require. If a question has been omitted in the examination in chief, and cannot, in strictness, be asked on re-examination, as not arising out of the cross-examination, it is usual to request the Court to make the inquiry, and such a request is generally granted.—(*Taylor on Evidence*).

CHAPTER X.

AIDS IN CASES OF INJURY OR SUDDEN ILLNESS.

The following instructions, taken principally from Dr. Shepherd's "*Handbook describing Aids for Cases of Injuries or Sudden Illness*" (an excellent little work, to be had* *post free* for 1s. 1d.), will be found useful to policemen.

1. *Constable's duty in cases of accidents.*—Give air, and prevent people crowding in; loosen the collar; raise the head; reassure the sufferer, speaking quietly, and not annoying by idle questions. If there is extensive bleeding, tie a handkerchief as tightly as possible three inches above the wound, and another over the wound itself; if the blood is black and running freely (not spurting) from a wound in the leg or a varicose vein, the limb should be raised, and a handkerchief be tied tightly below the bleeding point. Move the sufferer as carefully as possible; a stretcher is the only safe means of conveyance for cases of fracture; unskilful handling may cause either serious mischief or even loss of life. Prevent any broken limb from hanging down. The name and address of the sufferer, and the person causing the accident, should be obtained, and the name of the constable present at the occurrence, or immediately afterwards, furnished to both parties, if desired.

The points to which a constable should attend in cases of accidents are:—(1) The welfare of the sufferer; (2) the name and address of the person causing the accident; (3) if in a thoroughfare, the regulation of

* From the Secretary, St. John's Ambulance Association, St. John's Gate, Clerkenwell, London, E.C.

the traffic; (4) watchfulness that advantage is not taken of the confusion to pick the pockets of bystanders; (5) to see that the sufferer does not lose property.

2. *Insensibility*.—Insensibility is the suspension of the functions of animal life, except those of respiration and circulation. The *chief causes of insensibility* are: (1) Injuries to brain, compression from fracture; (2) Diseases of brain, apoplexy, epilepsy, &c.; (3) Poisoning by narcotics—opium, morphia, chloroform; (4) Blood poisoning from kidney disease.

The above forms of insensibility are liable to be mistaken for drunkenness, and it ought to be remembered that these conditions may be complicated with each other and with the effects of drink, and that no single sign can be relied on in forming a conclusion on the condition of the patient.

3. *Examination of person found insensible*.—(1) Note the position of the body and its surroundings; (2) obtain all information possible as to the cause; (3) place the body on the back, with the head inclined to one side, the arms by the sides, and extend the legs; (4) in examining the head, pass the fingers gently over the surface and search for wounds, bruises, swellings, or depressions; (5) observe the state of the respiration, whether easy or difficult, the presence or absence of snoring, and the odour of the breath; (6) notice the condition of the pulse, whether strong or weak; (7) observe the general appearance and position of the limbs; (8) note the state of the ribs and collar bones.

4. *Intoxication*.—*Symptoms*: Odour of liquor in breath; insensibility usually not complete; patient can usually be roused; no stertorous breathing (loud snoring); pupils of eyes of equal size and usually dilated (large); pulse soft and frequent. *Treatment*: Emetics; cold water applied to head, warmth to surface of body and extremities; a desert spoonful of vinegar in water.

5. *Apoplexy*.—*Cause*: Effusion of blood, producing pressure on the brain. *Symptoms*: Patient becomes suddenly insensible; face flushed or very pale; pulse

full ; breathing stertorous ; convulsions ; paralysis. *Treatment* : Place the body in lying down position with the head raised ; undo clothing around neck ; apply iced or cold water to head ; not to give the patient anything by mouth.

6. *Epilepsy*.—*Cause* : Disease or disorder of the brain. *Symptoms* : Convulsions ; foaming at mouth ; biting tongue ; partial insensibility ; breathing laboured, pulse normal, face livid. *Treatment* : bring patient into fresh air ; lay him flat on back ; bare the neck and chest ; raise the head ; prevent him injuring himself ; and place cork or soft stick between teeth to prevent him biting his tongue.

7. *Fainting*.—*Cause* : Debility or mental shock. *Symptoms* : Insensibility ; face and lips pallid ; pulse almost imperceptible ; cold sweat over skin. *Treatment* : place the patient on his back with the head low ; loosen clothes about neck and chest ; cold douche to head and face ; a little weak stimulant.

8. *Shock or Collapse*.—*Cause* : Injuries to nervous system by blows, fright, grief, lightning ; death may be instantaneous ; recovery may be slow or rapid. *Symptoms* : Face pale and pinched ; eyes dull ; pulse almost imperceptible ; breathing very feeble ; the functions of respiration and circulation are reduced to a minimum. *Treatment* : Place the patient in horizontal position ; restore circulation and respiration ; remove tight-fitting clothing from neck ; apply warmth to surface of body and extremities ; stimulants may be given cautiously in small quantities.

9. *Concussion of Brain*.—*Causes* : Blows or falls on head. *Symptoms* : External bruises, &c. ; in *slight cases* patient lies motionless and insensible ; if roused, answers hastily and then relapses ; after a time becomes restless, and vomits, and recovers ; in *severe cases*, patient is profoundly insensible ; surface pale and cold ; pulse feeble ; breathing slow and sighing. *Treatment* : Place patient on his back, with head slightly raised, in a dark quiet room ; apply warmth to surface of body and extremities (blankets, hot bottles) ; when recovered give a little warm tea, *but no alcohol*.

10. DROWNING.—Send immediately for medical assistance, blankets, and dry clothing, but proceed to treat the patient *instantly*, securing as much fresh air as possible. The points to be aimed at are, first, and immediately, the *restoration of breathing*; and secondly, after breathing is restored, the *promotion of warmth and circulation*. The efforts to restore life must be persevered in until the arrival of medical assistance, or until the pulse and breathing have ceased for at least an hour.

Treatment to restore Natural Breathing.

(1.) *To maintain a free entrance of air into the wind-pipe.*—Cleanse the mouth and nostrils; open the mouth; draw forward the patient's tongue, and keep it forward; an elastic band over the tongue and under the chin will answer this purpose; remove all tight clothing from about the neck and chest.

(2.) *To adjust the patient's position.*—Place the patient on his back on a flat surface, inclined a little from the feet upwards; raise and support the head and shoulders on a small firm cushion or folded article of dress placed under the shoulder-blades.

(3.) *To imitate the movements of breathing.*—Grasp the patient's arm just above the elbow, and draw the arms gently and steadily upwards until they meet above the head (this is for the purpose of drawing air into the lungs), and keep the arms in that position for two seconds; then turn down the patient's arms, and press them gently and firmly for two seconds against the sides of the chest (this is with the object of pressing air out of the lungs, pressure on the breast bone will aid this).

Repeat these measures alternately, deliberately, and perseveringly, fifteen times in a minute, until a spontaneous effort to respire is perceived, immediately upon which cease to imitate the movements of breathing and proceed to *induce circulation and warmth*.

Should a warm bath be procurable, the body may be placed in it up to the neck, continuing to imitate

the movements of breathing ; raise the body for twenty seconds in a sitting position, dash cold water against the chest and face, and pass ammonia under the nose. The patient should not be kept in the warm bath longer than five or six minutes.

(4.) *To excite inspiration.*—During the employment of the above method excite the nostrils with snuff or smelling salts, or tickle the throat with a feather ; rub the chest and face briskly, and dash cold and hot water alternately on them.

The means of resuscitation should be continued for at least three or four hours, even though no signs of life show themselves.

Treatment after Natural Breathing has been restored.

(5.) *To induce circulation and warmth.*—Wrap the patient in dry blankets, and commence rubbing the limbs upwards firmly and energetically. The friction must be continued under the blankets or over the dry clothing.

Promote the warmth of the body by the application of hot flannels, bottles or bladders of hot water, heated bricks, &c., to the pit of the stomach, the armpits, between the thighs, and to the soles of the feet. Warm clothing may generally be obtained from bystanders.

On the restoration of life, when the power of swallowing has returned, a teaspoonful of warm water, small quantities of wine, warm brandy and water, or coffee, should be given. The patient should be kept in bed, and a disposition to sleep encouraged. During reaction large mustard plasters to the chest and below the shoulders will greatly relieve the distressed breathing.

11. *Hanging.*—Remove all constrictions from neck and chest, and employ artificial respiration, as for drowning.

12. *Suffocation by gases.*—Remove the patient into fresh air, undo clothing, and employ artificial respiration as in drowning ; dash cold water upon the face.

13. *Sunstroke.*—Cold should be applied to the head, which should be kept well raised ; tight clothing should

be removed from the neck and chest. Stimulants should be avoided.

14. *Wounds*.—The bleeding should be first stopped by compression on the nearest artery; the parts should be washed carefully with cold water, and strips of adhesive plaster put on; if internal organs protrude they should be returned, and the sufferer not moved until the arrival of medical aid; replace parts of the wound in their natural position; place patient in an easy position, so as to avoid straining the parts.

15. *Burns and Scalds*.—The burnt clothes having been removed, the patient should be laid upon a blanket and the burnt parts well covered with the finest flour by means of a dredger; or, apply a mixture of oil and lime-water, olive oil, or castor oil, and wrap up the part in cotton wool, wool, or flannel.

16. *Frostbite* is the result of exposure to severe cold. The vitality of the part is reduced to a very low point, the part loses its natural colour, and becomes blue or purple. *Treatment*:—Bring about reaction gradually by friction; place the patient in a room without a fire, and avoid heat; rub the part with snow, cold water, or other cold application; as reaction comes on, envelop in flannel or woollens; administer warm brandy (or whiskey) and water carefully in small quantities.

17. *Bites of rabid animals*.—If possible, immediately apply a ligature on the side nearest the heart; bathe the wound with warm water, so as to encourage bleeding; scarify around it to the depth of a quarter of an inch; use caustics, such as nitrate of silver or carbolic acid. The internal use of brandy and ammonia is necessary. The saliva of a mad dog is poisonous.

18. *Stimulants for patients* in ordinary use are, *internally*, tea, beef tea, brandy, and coffee; *externally*, friction, smelling salts to nostrils, mustard to extremities, cold affusion (application of a stream of cold water from a height), and slapping the face with a wet towel.

19. *Sore feet* from marching should be bathed at night in tepid water, having a few lumps of alum dissolved in it; if there are blisters they should be

pricked with a needle or sharp knife, but the skin must not be torn off. Previous to beginning the next day's march, the tender places should have soft soap applied to them, or if it is not to be had, any sort of grease. Whiskey or rum and water, or plenty of grease, applied to the feet, is the best preventive against blisters.

POISONS.

20. Poisons are substances capable of destroying life. They are divided into classes, according to their action on the body : (a.) *irritants* destroy the tissues and produce nervous shock ; (b.) *narcotics* produce insensibility by their action on the brain ; (c.) *narcotico-irritants* combine the action of narcotics and irritants.

Symptoms are the sudden attack of vomiting, purging, cramps, pain in the stomach, delirium, or unconsciousness soon after partaking of food or drink.

Treatment.—The points to be kept in view in poisoning are :—(1) to get rid of the poison by encouraging vomiting ; (2) to counteract the effects of the poisons by antidotes, which will mechanically or chemically render the poison harmless ; (3) to remedy the effects produced, and obviate the tendency to death by stimulants, artificial respiration, and exciting the excretory organs.

Emetics are used for the purpose of causing vomiting. The safest and readiest are, irritating back of throat with the finger or a feather ; large draughts of tepid water combined with a tablespoonful of salt or mustard ; one or two tablespoonfuls of ipecacuanha wine in water ; or twenty grains of sulphate of zinc in water.

Acids and alkalies form antidotes to each other. The acids suitable for the purpose are vinegar, lime juice, and orange juice mixed with water. The alkalies are soda, potash, lime, and magnesia diluted with water.

Albumen and oils will protect the gullet and walls of the stomach in poisoning by irritants. White of egg, milk, flour and water, salad oil, and castor oil may be used.

The stomach pump cannot be used except by a surgeon, but a very good substitute can be found in a piece of gutta-percha tubing, provided the patient is not in an insensible condition. Take three yards of elastic gutta-percha tubing, about half an inch in diameter; make the patient swallow about twenty to twenty-five inches of it; raise the free end above his head and pour down a pint of water, or as much as the stomach will receive; then lower the free end, and it will empty itself: repeat the filling and emptying as often as is thought necessary. The swallowing of the tube can be done with the greatest facility, without assistance and without danger.

POISONS.

Arsenic and its preparations.

Antimony (butter of antimony and tartar emetic).

Mineral acids (oil of vitriol, aquafortis, spirit of salt).

Oxalic acid,

Carbolic acid,

Alkalies (caustic potash, soda, or lime).

Phosphorus (rat poison). .

Mercury salts (corrosive sublimate, calomel).

Salts of lead (sugar of lead, paint).

Nitrate of silver, caustics. .

Irritant gases (chloroform, .

Prussic acid,

Strychnia,

Narcotics (opium, morphia)

Alcohol,

ANTIDOTES.

Emetics; milk; peroxide of iron; raw eggs; castor oil; salad oil.

Encourage vomiting. Milk; tea; tannic acid.

Encourage vomiting. Alkalies—solutions of soda; potash; lime; magnesia; whiting; wall plaster.

Ditto.

Ditto, and oil.

Acids—vinegar and water; lime juice; orange juice in water; emetics; salad oils.

Encourage vomiting by large draughts of water.

Large doses of magnesia in water. Avoid oils.

Encourage vomiting; white of eggs flour and water; milk.

Emetics and Epsom salts.

Common salt and water.

Fresh air; loosen dress; artificial respiration; dash cold water about face and neck.

Cold douche; smelling salts to nostrils; artificial respiration; brandy and ammonia.

Emetics; chloroform to relieve spasms; cold affusion; artificial respiration; brandy and ammonia.

Emetics; strong coffee; cold affusion; forced walking about; artificial respiration.

Emetics; cold affusion; warmth to surface of body; a dessertspoonful of vinegar in water.

21. *Disinfection*.—The terms *infectious* and *contagious* (catching) applied to a disease, signify that it is communicable from the sick to the healthy. The

following are the principal infectious diseases:—eruptive fevers,—measles, small pox, and scarlet fever; continued fevers—typhus, typhoid, relapsing, and yellow fevers; diphtheria, erysipelas, whooping-cough, and cholera.

Disinfectants are materials used for the purpose of purifying the air, water, soil, &c., by removing or rendering inert noxious substances. The most common patent disinfectants are:—Condy's Fluid, Barnett's Fluid, Ledoyen's Fluid, Dougall's Powders, Sirel's Compounds.

Rules for disinfecting an unoccupied room.

(1.) Close every door and window, and stop up every opening or crevice with old rags or tow.

(2.) Fumigate by any of the following methods:—

By *chlorine*.—Place a few saucers in different parts of the room, containing a mixture of one part of common salt, one part of black oxide of manganese, and two parts of oil of vitriol.

By *iodine*.—Place two drachms of iodine in a metal cup or vessel, and place a lamp or burning candle underneath it till it evaporates.

By *sulphurous acid*.—Burn sulphur in saucers.

By *nitrous acid fumes*.—Place several cups into saucers or basins containing hot water, and inside the cups put two ounces of nitrate of potash, and one ounce of sulphuric acid.

By *carbolic acid*.—Place some pure carbolic acid in shallow vessels around the room.

(3.) Furniture and floors to be well washed or scrubbed with a solution of chloride of lime; the latter may be sprinkled with the powdered chloride of lime, or Dougall's powder.

(4.) Papers to be stripped from the walls, and the walls and ceilings to be whitewashed.

(5.) All clothing to be disinfected by washing, boiling, baking in an oven, or exposure to the sun, or before a fire, if a disinfecting establishment is not available.

(6.) Curtains and carpets are best disinfected by exposure to a heat of from 200 to 400 deg.

(7.) In extreme cases destroy by fire all clothing, bedding, carpets, &c.

Rules for disinfecting an occupied room.

(1.) Maintain a proper state of ventilation by doors, windows, and outer openings.

(2.) Keep up a good fire in the room.

(3.) Use Condy's Fluid, Burnett's Fluid, or solutions of chloride of lime, for utensils in room, closets, &c.

(4.) Place soiled clothes and linen in a disinfectant solution before they are taken from the room.

(5.) Fumigate room cautiously with either chlorinated lime, or carbolic acid, placed in saucers in different parts of the room.

Be careful not to use gases or vapours too freely, as they are liable to cause inconvenience to the patient by irritation of his lungs or air passages.

22. *Signs of death.*—The most obvious signs of death are :—Cessation of breathing ; no movement of chest ; no moist breath to dim a looking glass placed before mouth ; cessation of heart's action ; no impulse against side or pulse beating in arteries ; eyelids half closed ; eyes dim and glassy, pupils dilated ; jaws clenched ; tongue appearing between teeth ; frothing mucons about nose and mouth ; fingers half closed, and after a time body rigid and surface cold.

PART II.

ABSTRACT OF STATUTES WHICH THE CONSTABULARY HAVE TO ENFORCE, &c.

Arsenic, Sale of (14 & 15 Vic., c. 13).—Arsenic can only be sold by chemists, druggists, or pharmacists, registered under the Pharmacy Act. Persons selling arsenic are obliged to keep a book, and enter therein the day of sale, and the name and place of abode of

purchaser, the quantity sold, and the purpose for which the arsenic is required. Arsenic cannot be sold to persons under age (twenty-one years).

Betting Acts, (16 & 17 Vic., c. 119, s. 1).—A common betting house is a house, office, room, or other place (including a temporary stand), kept or used for the purpose of betting, between persons resorting thereto, or for receipt by the owner, or occupier, or any guest, or other person, of any money, or valuable thing, on any event, contingency, of or relating to any race, fight, game, sport or exercise. By sec. 2, every house or place so used shall be deemed a common gaming house within 8 & 9 Vic., c. 109. The Act 37 & 38 Vic. (which is to be construed as one with 16 & 17 Vic., c. 119), prohibits the carrying on of betting or wagering by letter, circular, telegram, placard, handbill, card, or advertisement.

Billeting of Soldiers, (44 & 45 Vic., c. 58, s. 103).—Every Constable at any place in the United Kingdom mentioned in the route issued to the commanding officer of any portion of Her Majesty's regular forces, shall, on the demand of such commanding officer, or of any officer or soldier authorized by him, and on production of such route, billet on the occupiers of victualling houses and other premises specified in this Act as victualling houses, in that place such number of officers, soldiers, and horses entitled to be billeted, as are mentioned in the route and stated to require quarters.

S. 104. Soldiers may be billeted in inns, hotels, livery stables, or ale houses, also houses of sellers of wine by retail to be drunk on the premises, and all houses of persons selling brandy, spirits, strong waters, cider, or methylene, by retail. Provided that an officer or soldier shall *not be billeted in any private house*, nor in the house of any distiller, nor in the house of any shopkeeper whose principal dealing is more in other goods than in brandy and strong waters, and where no tippling is permitted, nor in a house

licensed for the sale of beer or cider not to be consumed on premises.

S. 105. All officers and soldiers of Her Majesty's regular forces, all horses belonging to such forces, and all horses belonging to the officers of such forces, for which forage is allowed, are entitled to be billeted.

S. 106. The keeper of a victualling house upon whom any officer, soldier, or horse is billeted, shall furnish in his house the accommodation following, that is to say, lodging and attendance for the officer and lodging, attendance, and food for the soldier, and stable room and forage for the horse. Such keeper may be relieved from his liability of receiving the billet by providing in the immediate neighbourhood such good and sufficient accommodation as is approved of by the Constable issuing the billets.

S. 108. No more billets shall at any time be ordered than there are effective officers, soldiers, and horses present to be billeted. All billets when made out by the Constable shall be delivered into the hands of the Commanding Officer or Non-commissioned Officer who demanded the billets, or of some officer authorized by such Commanding Officer. If a keeper of a victualling house feels aggrieved by having an undue proportion of billets, he may apply to a Justice of the Peace, who may order some of them to be provided for elsewhere.

S. 109. *Offences by Constables.*—If a Constable commits any of the offences following; that is to say (1.) Billets any officer, soldier, or horse, on any person not liable to billets without the consent of such person; or (2.) Receives, demands, or agrees for any money or reward to excuse or relieve a person from his liability to billets. (3.) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or (4.) Neglects or refuses, after sufficient notice is given, to give billets demanded for any officer, soldier, or horse entitled to be billeted; he shall on summary conviction be liable to a fine of not less than forty shillings, and not exceeding £10.

Note.—Officers and soldiers are to be billeted in a fair proportion on hotelkeepers, publicans, and sellers of wine by retail, due regard being paid to the accommodation each house can afford. The men's names need not be inserted in their billets. Local Militia when called out to annual exercise, and when not embodied, are entitled to billets. Billeting in private houses is now illegal.

Children's dangerous Performance Act (42 and 43 Vic., c. 34).—Any person causing any child under fourteen to take part in any public exhibition or performance, which is dangerous to its life or limbs, is liable to a penalty of £10, as well as the parent or guardian aiding and abetting the same. The defendant is to prove that the child is not of the age alleged, if the Court is of opinion that the child is apparently so.

Chimney Sweepers Acts, 1840, 1864, 1875.—The Act, 1840, makes it criminal for any person to compel or knowingly allow any person under the age of twenty-one, to ascend or descend a chimney or enter a flue, for the purpose of sweeping, &c.; also prohibits any child under sixteen being apprenticed to a chimney sweeper. The Act, 1864, prohibits a chimney sweeper employing a child under ten to assist in his work elsewhere than in the chimney sweeper's house. The Act, 1875, requires every chimney sweeper *who employs any journeyman, assistant, or apprentice*, to take out a certificate. The certificate is issued by the District Inspector of the district (fee 2s. 6d.), and expires on the 31st December of each year. The chimney sweeper is bound to produce his certificate on demand to a Constable. A chimney sweeper not employing any journeymen, assistant, or apprentice does not require a certificate.

Compensation for malicious injury under the Grand Jury Act.—Any person applying for compensation for malicious injury should, within three days after the commission of the injury, unless prevented by illness

or other sufficient cause, swear an information before a Magistrate of the County where the injury has been committed, in which information he should state *whether he knows the party who did the injury*, and if so he should be bound by recognizance to prosecute—(6 and 7 Wm. IV., c. 116, s. 135).

Conspiracy, and Protection of Property Act, 1875.
38 and 39 Vic., c. 86).

S. 7. *Intimidation or annoyance by violence or otherwise.*—Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

1. Uses violence to or intimidates such other person or his wife, or children, or injures his property; or,
2. Persistently follows such other person about from place to place; or,
3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or,
4. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or,
5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road;

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or be imprisoned for a term not exceeding three months, with or without hard labour.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

S. 9. The accused may declare that he objects to be tried for such offence by a court of summary jurisdiction, and thereupon the court may deal with the case as if the accused were charged with an indictable offence.

The Contagious Diseases (Animals) Acts, 1878 to 1890.

1. *The duties and powers of the Constabulary in respect to the Contagious Diseases (Animals) Acts, 1878 to 1890* :—(1). The Constabulary are required to enforce the Acts, and every Order in Council issued thereunder and to aid in carrying into effect all regulations relating to foreign animals.

(2). Where a person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against the Acts, a Constable may, without warrant, stop and detain him; and if his name and address are not known to the Constable, and he fails to give them to the satisfaction of the Constable, the Constable may, without warrant, apprehend him; and the Constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

* (1) *Cattle* means bulls, cows, oxen, heifers, and calves. (2) *Animals* means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals and swine; and for the purposes of sections 29, 31, 32, 50, 51, 52 and 53 of the Act of 1878, horses, asses, and mules are included under "animals." Dogs are also "animals" for the purposes of sections 31, 32, 50, and 51 of the Act of 1878, and sections 6 and 8 of the Act of 1886, and all other sections consequent thereon. (3) *Disease* means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in the Acts called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, sheep-scab, glanders, farcy, swine-fever, anthrax, and rabies (section 5 of Act of 1878, section 8 of Act of 1886, Articles 34 and 40 of Animals (Ireland) Order of 1880, Article 5 of the Anthrax (Ireland) Order, 1886, and Article 5 of the Rabies (Ireland) Order, 1886).

(3.) If any person obstructs or impedes a Constable in the execution of the Acts, or of an Order of Council, or of a regulation of a local authority (Board of Guardians),* or assists in any such obstructing or impeding, the Constable may, without warrant, apprehend the offender.

(4.) A person apprehended under these provisions shall be taken with all practicable speed before a Justice and shall not be detained without a warrant longer than is necessary for that purpose.

(5.) The foregoing provisions respecting a Constable extend and apply to any person called by a Constable to his assistance.

(6.) A Constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under these provisions.

(See sections 50 and 85 of Act of 1878, Section 1 of Act of 1886, and Article 121 of Animals Order).

2. *What the law requires of every person having in his possession or under his charge an animal affected with disease.*—That he shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected, to a Constable of the police district or place wherein the animal so affected is.

3. *What a Constable's duty is on receiving notice of the fact of an animal being affected with cattle plague or pleuro-pneumonia.*—He shall immediately transmit the information by telegraph, or other rapid means, to the Clerk of Privy Council, Veterinary Department, Dublin Castle. He shall also forthwith give information of the receipt by him of the notice to an Inspector of the Local Authority, and to the Local Authority.

4. *Movement out of place where Cattle-plague exists.*—No animal, horse, ass, or mule, and no dog shall be moved alive out of a building or inclosed place in

* Section 79 of the Act of 1878 enacts that in Ireland "the local authorities" shall be the Boards of Guardians of the several Poor Law Unions.

which cattle-plague exists, or has within ten days existed.

5. *Movement out of place infected with Cattle-plague.*—Pending the arrival of an Inspector or other officer of the Privy Council—

(a.) No animal shall be moved alive out of a cow-shed, field, or other place which has become a place infected with cattle-plague; and

(b.) No carcase, and no dung of animals, horses, asses, or mules, and no litter, manure, or fodder shall be removed thereout.

6. *Duty of Local Authority and Police in Cattle-Plague.*—(1.) Where, by virtue of the declaration of an Inspector of a Local Authority (under section ten of the Act of 1878), a cow-shed, field, or other place has become a place infected with cattle-plague, the Local Authority shall take all necessary and proper measures, pending the arrival of an Inspector or other officer of the Privy Council, to enforce the observance of the law relating to cattle-plague, including the placing of constables or other proper officers at the entrance of that cow-shed, field, or other place.

(2.) After the arrival of the Inspector or other officer of the Privy Council, the Local Authority and all constables and police officers shall assist him to carry into effect and enforce the law relating to cattle-plague, and shall do or cause to be done all things from time to time necessary for the effectual execution of the same.

7. *Other cases of Contagious (Animal) Diseases which a Constable should report.*—A Constable to whom notice is given of a horse, ass, or mule being affected with glanders or farcy, or with disease supposed to be glanders or farcy, or of an animal being affected with foot-and-mouth disease, sheep-pox, or sheep-scab, or with disease supposed to be pleuro-pneumonia, &c., or of swine being affected with swine-fever, or with disease supposed to be swine-fever, or of an animal being affected with anthrax, or with disease supposed to be anthrax, or of a dog or an animal, or of a horse, ass, or mule being affected with rabies, or with disease supposed to be rabies, shall forthwith give in-

formation thereof to the Local Authority, to their Inspector, and to the Chairman or Secretary of the District Committee. He should also report on the proper form to the Clerk of the Privy Council after such Inspector has visited the place, or at the expiration of three days after notice to the Local Authority. He should also furnish to the Clerk of the Council a weekly report on the prescribed form relative to each place declared infected with any of these diseases (except sheep-scab), and continue such reports until the infected place shall have been declared free from disease.

8. *Where the Local Authority does not supply a form for the purpose, what the notice or report of such information should contain.*—Information should be given as to the description of the locality, the name of the owner, the supposed nature of the disease, and the number of animals affected, so as to enable the necessary action to be taken in the matter by the Local Authority and their officers.

9. *Instructions issued to a Constable along with the official certificate of the Local Authority, declaring a place within his sub-district to be infected with pleuro-pneumonia.*—(1.) To have a copy of the certificate served upon the occupier of the infected place.

(2.) To direct his particular attention to the provisions of the Act and Orders in Council indorsed thereon.

(3.) To watch carefully the movement of cattle into or out of the infected place.

(4.) To enforce the provisions of the Act and Orders in Council, and prosecute any parties infringing same.

10. *Duty of a Sergeant in charge of a station in reference to the slaughter of cattle suffering from pleuro-pneumonia.**—The Sergeant, on receiving notice of the time and place at which any animal, suffering from pleuro-pneumonia, is to be slaughtered, shall send a man to witness the slaughter, and on his return

* By the Act, 1890, the Lord Lieutenant and Privy Council can order the slaughter of cattle affected with pleuro-pneumonia, and also of cattle in contact with those affected.

this witness shall make and sign an entry in the prescribed form.

11. *The Law as regards the Exportation of Animals to Great Britain.*—It shall not be lawful to move from any port or place of embarkation in Ireland, any animal for exportation to Great Britain, unless such animal shall have been previously inspected by an Inspector at such port or place, and unless such Inspector shall be satisfied that, as far as he can ascertain by the exercise of reasonable diligence, such animal is free from disease, and shall, upon application made, have given a certificate to that effect, and a licence for such movement, either alone or with other animals; and such certificate and licence, whenever required, shall be produced by the person in charge of any animal to any person lawfully authorized to demand the same. The Inspector may require each animal, on being inspected and found free from disease, to be branded, and such branding is not to be removed or counterfeited.

12. *How a Constable should treat animals detained by him.*—A Constable detaining any animal, horse, ass, or mule, under the Acts or any Order in Council, shall cause it to be supplied with food and water during its detention; and the expenses incurred by him in respect thereof may be recovered from the person having charge of the animal, horse, ass, or mule, or from its owner.

13. *Symptoms of contagious diseases in animals which may be readily detected by the unpractised eye.**

(Horses).—*Glanders.*—A yellowish white discharge of a sticky tenacious character, comes from the nostril, usually from one only, and most frequently the left; a hard swelling between the jaws, on the side of the discharge, about the size of a walnut; there is a cough and general unhealthy appearance. On looking into the nostril small holes or ulcers may generally be seen.

* From notes by Mr. H. Oliver, F.R.C.V.S., President of the British National Veterinary Association.

The discharge from the nostrils in glanders does *not* smell badly, as is generally supposed.

Farcy.—Several small enlargements may be seen up the legs, in a nearly straight line, or along the hollow of the neck, or about the breast. These enlargements burst; they discharge a little blood-coloured matter, and look red. They increase in number, and are always in a line with each other. They are known as farcy buds. The animal has a general unhealthy appearance, and staring coat. The disease is sometimes accompanied with a discharge from the nose, &c., as in glanders.

(*Cattle*).—*Cattle Plague*.—This disease is of a virulent character, and cannot be decided on by an unqualified person. There are no special symptoms which would enable an ordinary observer to distinguish it from other diseases.

Pleuro-Pneumonia.—An animal suffering from this disease usually separates itself from the rest of the herd, early in the morning or at night, when the air is cold or foggy, returning to the herd in apparent health in the middle of the day; subsequently the breathing quickens, and the animal becomes feverish and shows signs of pain, with frequent coughing.

Foot-and-Mouth disease.—A discharge of saliva (slobber) from the mouth with a peculiar smack of the lips, is almost sufficient to detect this disease. The animal frequently kicks out one heel as if trying to get rid of some offensive matter. On examining the mouth large white spots may be seen on the lips and tongue.

(*Sheep*).—*Small Pox*.—Sheep attacked with this disease are feverish, sore, and apparently in pain. On examining the inside of the thighs and forelegs where there is no wool, red patches and pustules will be found, similar to small pox in man.

Scab in Sheep.—Sheep affected with this disease, if watched when grazing, will be seen to continually turn round and bite at the sides or back, and rub against any post or rail. A closer inspection shows the wool to be loose and torn, while portions of wool will

probably be found entangled in the sheep's teeth, and the skin would be scabby, dry, and unhealthy. If you rub the affected part, the animal gives evident signs of pleasure.

Foot-and-Mouth disease.—This disease does not often materially affect the mouth of sheep, but they are exceedingly lame; the feet become hot and painful, breaking out between the claws and on the coronet, running a thin liquid, and soon degenerating into a bad form of ordinary foot rot, with which disease this is easily confounded.

(Pigs).—*Swine Fever.*—This disease, commonly called the "Purples," "Red Soldier," &c., is distinguishable by the red or purple appearance of the skin, apparent just before, and still more so, after death. These appearances are more particularly noticeable on the belly, and those parts of the body where the skin is thin, especially the ears. In dark coloured pigs the change of colour is not seen, but eruptions are usually found on the inside of the thighs; there will be loss of appetite, a general tucked-up appearance, either constipation or diarrhœa, and a cough.

Foot-and-Mouth disease affects pigs very much in the same way as sheep; they become very lame.

CRIMINAL LAW AMENDMENT ACT, 1885.

(48 & 49 VICT., CHAP. 69.)

PART I.

Protection of Women and Girls.

S. 2. *Procuration.*—Any person who—(1.) Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connexion with any other person or persons; or (2.) Procures or attempts to procure any woman or

girl to become a common prostitute ; or (3.) Procures or attempts to procure any woman or girl to leave the United Kingdom, with intent that she may become an inmate of a brothel elsewhere ; or (4.) Procures or attempts to procure any woman or girl to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of a brothel, shall be guilty of a misdemeanour.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

S. 3. *Procuring defilement of women by threats or fraud, &c.*—Any person who—(1.) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connexion, or (2.) By false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connexion ; or (3.) Applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connexion with such woman or girl, shall be guilty of a misdemeanour.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

S. 4. *Defilement of girl under thirteen years of age.*—Any person who unlawfully and carnally knows any girl under the age of thirteen years shall be guilty of felony.

Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanour.

Where, upon the hearing of a charge under this section, the girl in respect of whom the offence is charged to have been committed, or any other child

of tender years who is tendered as a witness, does not, in the opinion of the court or justices, understand the nature of an oath, the evidence of such girl or other child of tender years may be received, though not given upon oath; but such evidence must be corroborated by some other material evidence.

Whereas doubts have been entertained whether a man who induces a married woman to permit him to have connexion with her by personating her husband is or is not guilty of rape, it is hereby enacted and declared that every such offender shall be deemed to be guilty of rape.

S. 5. *Defilement of girl between thirteen and sixteen years of age.*—Any person who—(1.) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of sixteen years; or (2.) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile shall be guilty of a misdemeanour.

Provided that it shall be a sufficient defence to any charge under sub-section one of this section if it shall be made to appear that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Provided also, that no prosecution shall be commenced for an offence under sub-section one of this section more than three months after the commission of the offence.

S. 6. *Householder, &c., permitting defilement of young girl on his premises.*—Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such

carnal knowledge is intended to be with any particular man or generally—

(1.) Shall, if such girl is under the age of thirteen years, be guilty of felony.

(2.) If such girl is of or above the age of thirteen and under the age of sixteen years, shall be guilty of a misdemeanour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

S. 7. *Abduction of girl under eighteen with intent to have carnal knowledge.*—Any person who with intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally takes or causes to be taken such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear that the person so charged had reasonable cause to believe that the girl was of or above the age of eighteen years.

S. 8. *Unlawful detention with intent to have carnal knowledge.*—Any person who detains any woman or girl against her will—(1.) In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally, or (2.) In any brothel, shall be guilty of a misdemeanour.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connexion, or is in any brothel, a person shall be deemed to detain such woman or girl if, with intent to compel or induce her to remain, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been

lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

S. 10. *Power of search.*—If it appears to any justice of the peace, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the justice, is *bona fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such justice, such justice may issue a warrant authorizing any person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a justice of the peace; and the justice of the peace before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

The justice of the peace issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and—

- (a) Either is under the age of sixteen years; or
- (b) If of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of

any other person having the lawful care or charge of her; or

(e) If of or above the age of eighteen years is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom.

Provided always, that every warrant issued under this section shall be addressed to and executed by some officer of police, who shall be accompanied by the parent, relative, or guardian or other person making the information, if such person so desire, unless the justice shall otherwise direct.

S. 11. *Outrages on decency.*—Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour.

PART II.

Suppression of Brothels.

S. 13. *Summary proceeding against brothel keeper, &c.*
—Any person who—

1. Keeps or manages or acts or assists in the management of a brothel, or

2. Being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or

3. Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel, shall on summary conviction in manner provided by the Summary Jurisdiction Acts be liable to a penalty not exceeding £20 or three months imprisonment.

S. 20. *Person charged and his wife to be competent witnesses.*—Every person charged with an offence under this Act, and the husband or wife of the person so charged, shall be competent but not compellable witnesses on every hearing at every stage of such charge, except an inquiry before a grand jury.

Cruelty to animals, prevention of (12 and 13 Vic., c. 92.)—S. 2. Any person who shall "cruelly beat, ill treat, over-drive, abuse or torture, or cause or procure to be cruelly beaten, ill treated, over-driven, &c., any animal" is liable to a penalty of £5. S. 29. The word "animal" shall mean any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal; and the word "over-drive" shall also signify over-ride. This provision embraces *all* domestic animals, and therefore prosecutions can be maintained for cruelty to cocks, hens, ducks, &c. A Constable may arrest the offender upon view of the offence, or upon the complaint of any other person who shall declare his or her name and place of abode. However where the offender is known the Constable should not arrest, but proceed by summons.

In every case the Constable should carefully observe and note in writing, the exact nature of the cruelty, the condition of the animal and the character of its wounds. If lameness is the source of complaint it should be particularly ascertained whether or not there is suffering or inflammation in the injured part, as lameness is not always an indication of pain. If over-loading, it is indispensable to show painful distress of the animal—such as trembling, falling, unusual perspiration, or exhaustion—or to show violence on the part of the driver. It is important for the exact words of the accused when stopped to be remembered, as they frequently amount to an admission of guilt. In every case (if possible) obtain the name and address of a respectable witness willing to give supporting evidence.

1 **Customs Consolidation Act, 1876** (39 and 40 Vic., c. 36.)—Members of the Constabulary have all the powers possessed by any Officer of Customs under any Act relating to the Customs, so far as it relates to any seizure, detention, or prosecution (20 and 21 Vic., c. 40, s. 5).

2. *Contraband goods* are—all foreign goods upon which the duties of the Customs have not been paid, which are unshipped, or in the course of removal.

3. *Forfeiture of Smuggled Goods*.—All goods upon which the duties of Customs have not been paid, or the importation of which is prohibited or restricted and which are unshipped, or in the course of removal, are liable to forfeiture, together with any goods found packed with, or used in concealing them. (39 and 40 Vic., c. 36, s. 177.)

4. *Authority to search Persons, &c.*—Under s. 12 of 44 & 45 Vic., c. 12 (substituted for s. 184 of Act, 1876), a Constable may search any person on board any ship or boat within the limits of any port,* or any person who shall have landed from any ship or boat, provided such Constable shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person. A person shall be guilty of an offence (1) If he staves, breaks, or destroys any goods, to prevent the seizure thereof by a Constable; (2) If he rescues, or staves, breaks, or destroys, to prevent the securing thereof, any goods seized by a Constable; (3) If he rescues any person apprehended for any offence punishable by fine or imprisonment under the Customs Act; (4) If he prevents the apprehension of any such person; (5) If he assaults or obstructs any Constable going, remaining, or returning from on board a ship or boat within the limits of any port, or in searching such ship or boat, or in searching a person who has landed from any such ship or boat, or in seizing any goods

* The Commissioners of the Treasury by warrant appoint ports and declare their limits and appoint places within the same for the lading and unlading of goods (39 & 40 Vic., c. 36, ss. 11 to 16)

liable to forfeiture under the Customs Acts, or otherwise acting in the execution of his duty; (6) If he attempts or endeavours to commit, or aids, abets, or assists in the commission of any of the offences mentioned in this section. Penalty not exceeding £100, and may either be detained or proceeded against by information.

5. Persons before being searched may require to be taken before a magistrate, or before Collector of Customs. A female may not be searched by any other than a female. (S. 185.)

6. *Detention of Offenders.*—Every person who shall illegally import, unship, remove from any quay or wharf or warehouse; or shall knowingly harbour, keep, or conceal upon his or her premises or person, any dutiable or prohibited goods which shall have been illegally unshipped or removed from any warehouse without payment of duty; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud Her Majesty of the duties, or shall attempt to evade the duties of Customs, is liable to the penalty of treble the value of the goods, or one hundred pounds, and may be detained or proceeded against by summons. The Constabulary must use great discretion in exercising the power of detention, only resorting to it in the event of the offender being likely to abscond; and any person who may be detained must be taken as soon as possible before a Justice of the Peace to be dealt with according to law. (S. 186.)

7. *Seizure and Forfeiture of Ships, Boats, and Conveyances.*—Ships, boats, carriages, or other conveyances, together with horses or other animals made use of in the importation, landing, removal, or conveyance of uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts, shall be forfeited, and the same, together with all persons liable to be detained under the Customs or any other Acts, may be detained in any place either upon land or water by any Constable; and all such ships, boats, goods, or

other conveyances, together with all horses and other animals and things so seized, shall forthwith be delivered into the care of the Collector or other officer of Customs, at the Custom House nearest to the place of detention. (S. 202.)

8. Any member of the Constabulary may, upon reasonable suspicion, stop and examine any cart, waggon, or other conveyance for the purpose of ascertaining whether any smuggled goods are contained therein; and any person driving or conducting such cart, &c., refusing to stop, or to allow such examination when required so to do in the Queen's name, is liable to a penalty. If possible, the name and address of any person on the cart, &c., and also that of the driver, should be taken, and a report of the facts should be made.

9. *Searching for Smuggled Goods.*—If any Constable has good reason to believe that there are smuggled goods in any house, shop, cellar, warehouse, or other place, he should at once communicate (through the District Inspector if time will permit) with the nearest Officer of Customs, and act under his instructions. The Constable should meanwhile keep a watch on the place to prevent the removal of the goods. In a case of urgency the Constable can go before a magistrate and make information on oath, when it shall be lawful for the magistrate to grant a warrant to authorize the Constable (as a Custom House Officer) to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods found therein. In case of resistance the Constable acting under such warrant, may break open any door, and remove any other impediment to enable him to make entry and search. (S. 205.)

10. *Before proceeding with a prosecution*, a full and detailed report of the case should be forthwith made by the officer, head, or other Constable making the seizure, &c., to the nearest principal Officer of Customs or Chief Officer of Coastguards, in order to obtain the direction of the Commissioners of Customs for the prosecution of the offenders. A report of the case

should also be made to the County Inspector for the information of the Inspector-General. The penalties under the Customs Acts go to the Customs.

11. *A Magistrate may deal summarily with the offender charged with smuggling* when the goods shall not consist of spirits or tobacco, or being spirits or tobacco shall not exceed five gallons of spirits or twenty pounds weight of tobacco. In other cases the justice may admit the party to bail, or order such person to be detained a reasonable time for the purpose of obtaining the directions of the Commissioners of Customs for the prosecution, &c.

Desertions from the Army or Royal Marines, 44 & 45 Vic., c. 58, s. 154.—Upon reasonable suspicion that a person is a deserter, it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any officer or soldier or other person, to apprehend such suspected person, and forthwith bring him before any Justice of the Peace; who, if satisfied either by evidence on oath or by the confession of such person that he is a deserter, shall forthwith cause him either to be delivered into military custody, or until he can be so delivered to be committed to prison. (Rewards are given for the apprehension of deserters. Application on forms signed by the Justice should be made to the War Office at the time the deserter is committed.)

Desertion from the Navy, 10 & 11 Vic., c. 62, s. 9.—It shall be lawful for a Constable to arrest any person reasonably suspected to belong to Her Majesty's Navy, and to be a deserter, or improperly absent from his duty, and to bring him before any Justice of the Peace, who shall examine such suspected person, and if by his confession, or the testimony of one or more witnesses upon oath, or by the knowledge of such Justice, it shall appear that such person belongs to Her Majesty's Navy, and is improperly absent from his duty, the Justice shall commit him to prison, and shall report to the Secretary of the Admiralty; or if such person

shall be arrested in the vicinity of any one of Her Majesty's ships, then such justice shall order him to be taken on board such ship.

Dogs Regulation (Ireland) Act, 1865, 28 & 29 Vic., c. 50, s. 6.—Any person having in his possession or custody any dog or dogs shall on or before the 31st March in each year take out a licence for such dog or dogs in the Petty Sessions district in which he shall reside (s. 7).—The occupier of any house or premises where any dog or dogs are kept or permitted to live or remain shall be liable to pay the license duty for such dog or dogs.

The Constabulary should summon any person having in his possession any dog not licensed; and persons having dogs are bound to produce their licences to the Constabulary. Dogs pupped after the 31st March, need not be licensed till the 31st March, following.

Dogs Act, 1871, 34 & 35 Vic., c. 56. S. 1.—Any Police Officer or Constable may take possession of any dog that he has reason to suppose to be *savage or dangerous*, straying in any highway and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all expenses by reason of such detention. The Act provides for the disposal of the dog. S. 2.—Justices may make an order directing a dangerous dog to be kept under proper control or destroyed. S. 3.—The local authority (Corporation, Town Council, or Justices in or out of Petty Sessions), may, if a mad dog or a dog suspected of being mad is found within their jurisdiction, make, and when made, vary or revoke an order placing such restrictions as they think expedient on all dogs not being under the control of any person during the period prescribed in such order throughout the whole of their jurisdiction, or such part thereof as may be prescribed in such order.

The Constabulary should at once bring under the notice of the local authority, and report to the Inspector-General, also to the Resident Magistrate

of the district, the occurrence of any case of real or suspected rabies, or of hydrophobia, and should use their most strenuous exertions in tracing and destroying any rabid dog, and in enforcing the orders made by the local authority. It is not necessary that an order under the Act should be made in Petty Sessions.

Explosives Act, 1875, 38 Vic., c. 17.—Abstract of Principal Provisions and Orders in Council.—1. The term "*explosive*" in this Act means (1) gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury, or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and (2) includes fog signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined (s. 3).

2. The "local authority" shall be (1) in cities and towns corporate, the Mayor, Aldermen, and Burgesses, acting by Town Council; in towns, the population of which exceeds six thousand, having commissioners appointed by 9 Geo. IV., c. 82, 3 and 4 Vic., c. 108, or 17 and 18 Vic., c. 103, the Town Commissioners; (2) in any harbour within the jurisdiction of a harbour authority, the harbour authority, to the exclusion of any other local authority; (3) in any place where there is no local authority as before defined, the justices in petty sessions assembled (s. 116). The local authority are required to appoint competent officers to carry out the Act within their jurisdiction (s. 69).

3. The expression "*police district*" means:—(1) The Police District of Dublin metropolis, and (2) the town of Belfast, and (3) elsewhere in Ireland, any district whether city, town, or part of a county over which is appointed a District Inspector of R.I.C.

The expression "*Chief Officer of Police*" means:—(1) In the Police District of Dublin metropolis, the Chief Commissioner of Police, and (2) in the town of Belfast, the Town Inspector, and in his absence the

District Inspector of R.I.C., acting for him; and (3) elsewhere in Ireland, the District Inspector of R.I.C., and in his absence the Head-Constable acting for him (s. 120).

4. *Classification of Explosives.*—For the purposes of this Act the various explosives are divided into seven classes as follows:—Class 1, gunpowder; Class 2, nitrate mixture (pyrolithe, pudrolithe, &c.); Class 3, nitro compound (nitro-glycerine, dynamite, guncotton, gun-sawdust, &c.); Class 4, chlorate mixture (Horsley's blasting powder, Brain's blasting powder, &c.); Class 5, fulminate (chemical compounds or mixtures suitable for employment in percussion caps or any other appliances for detonation); Class 6, ammunition (cartridges or charges for small arms, cannon, or any other weapon, percussion caps, fuzes, fogsignals, shells, &c.); Class 7, fireworks (including firework composition and manufactured fireworks) (s. 106 and O.C. No. 1).

5. *Manufacture of Explosives.*—The Act prohibits the manufacture of any explosive or any process of such manufacture except at a "factory" authorized by the Secretary of State, and at a "small firework factory" authorized by a licence from the local authority, with the following exceptions:—(1) Filling for private use and not for sale of any "safety cartridges" for small arms, to an amount not more than 150 lbs.; (2) making of a small quantity of explosive for chemical experiment and not for practical use or for sale; (3) occupier of magazine, store, or registered premises filling cartridges for small arms subject to regulations specified in sec. 46; (4) occupier of magazine or store preparing explosive for use in his mine or quarry, or in some excavation or work, subject to certain regulations specified in sec. 47.—(*Guide Book*, p. 9.)

6. *Keeping of Explosives.*—Explosives other than percussion caps, safety fuzes for blasting, or fog signals, kept by any railway company for use on the railway of such company, may not be kept at any place except as follows:—(1.) For private use and not for sale.

(2.) In premises registered under the Act for keeping such explosives. (3.) In a store licensed under Act for the keeping of such explosive. (4.) In a magazine licensed for keeping of such explosive. (5.) In a factory licensed for the manufacture and keeping of such explosive (ss. 5, 39, and 50).

7. *Certificate of Chief Officer of Police.*—Certain explosives are prohibited from being kept, whether in stores, on registered premises, or for private use, except in pursuance of a certificate from the Chief Officer of Police (as above defined) or some person authorized by him in writing, that the person named therein is a fit and proper person to keep such explosive. The certificate (which is given without charge) continues in force for one year from the date thereof and may be revoked at any time by the same authority which granted it.

8. *Keeping of explosives in stores and registered premises.*—(1.) There shall not be kept in any store licensed or premises registered for mixed explosives any explosive which is not authorized to be manufactured for general sale, or to be imported for general sale, or which is an authorized explosive of the fifth (fulminate) class. (2.) There shall not be kept in such store or registered premises any explosive (other than gunpowder, safety cartridges made with gunpowder, cartridges or charges for cannon or blasting made with gunpowder, and not containing within themselves their own means of ignition, percussion caps, safety fuzes, or fireworks) except in pursuance of an annual certificate of Chief Officer of Police. Such certificate is not required for stores licensed, or for premises registered, for gunpowder only. [O. C. No. 6 (a) and No. 7 (a).]

9. *Keeping of explosives for private use.*—Under the Act, and Order in Council, No. 12, there may be kept for private use and not for sale, *without a certificate*, the following, viz. :—

(1.) Gunpowder not exceeding 30 lbs.

(2.) Safety cartridges made with gunpowder, and containing in all not more than 150 lbs. of gunpowder.

(3.) Percussion caps and safety fuzes for blasting, unlimited.

(4.) Railway fog signals, when kept by a railway company for use on their railway, unlimited.

It is also permitted to keep for private use and not for sale, in reduction of the amount of the gunpowder or (in the case of cartridges for small arms) of the amount of gunpowder contained in safety cartridges, the following :—

(a.) *Without a certificate—*

(5.) Cartridges (non-safety) for small arms made with gunpowder, containing in all not more than 5 lbs. of gunpowder.

(6.) Cartridges for cannon or blasting made with gunpowder and not containing their own means of ignition, and containing in all an amount of gunpowder not exceeding what may be kept for private use (30 lbs.)

(7.) Fireworks, not exceeding in all 5 lbs. gross weight, or to an unlimited extent, if obtained for immediate use and kept for a period not exceeding fourteen days in a safe place, and with due precautions for safety. (It is to be noted this does not apply to any quantity of fireworks however small intended for sale.)

(b.) *In pursuance of a certificate as mentioned above,—*

Any explosive named in such certificate (being an authorized explosive, and not being one of the fulminate class), to an amount not exceeding ten pounds, and in the case of detonators, not exceeding one hundred in number.

10. *Sale of gunpowder.*—Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare or public place (s. 30); and shall not be sold to any child apparently under the age of 13 years (s. 31). All gunpowder exceeding one pound in weight when publicly exposed for sale, or sold, shall be in a substantial case, bag, canister, or other receptacle, made and closed, so as to prevent the gunpowder from escaping; and the outmost receptacle

containing such gunpowder shall have affixed the word "gunpowder" by means of a brand, label, or other mark (s. 32).

11. *Carriage of explosives.*—Explosives shall not be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity be less than five pounds, and all due precautions be taken for the prevention of accidents by fire or explosion. Certain named explosives are in no case to be conveyed by such carriage or boat (O. C. 4).

12. *Search for explosives.*—Where any Constable authorized either by a warrant of a justice, or in case of emergency, by written order from an officer of police, has reasonable cause to believe that an offence has been, or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place, in contravention of this Act, or that the provisions of this Act are not duly observed in such place, such Constable may on producing, if demanded, his authority, enter at any time, and if needs be by force, the said place, and search for explosives therein, and take samples of any explosive and ingredients of an explosive therein (s. 73).

13. *Seizure of explosives.*—Where any Constable has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until Court of Summary Jurisdiction has determined whether the same is or is not so liable to be forfeited; and may when the matter is urgent, and that he is authorized by an order from a justice or officer of police, cause the same to be destroyed; but before destroying same shall take a sample thereof, and shall if required give a portion of the sample to the owner (s. 74).

14. *Inspection of wharf, carriage, boat.*—Any chief officer of police may enter, inspect, and examine at any time the wharf, carriage, ship, or boat of any carrier, &c., on or in which he has reasonable cause to suppose an explosive to be, for the purpose of conveyance; and

such officer, if he finds any offence being committed under this Act, may seize and detain the carriage, &c., or explosive. In case of emergency he may stop, and enter, inspect and examine such carriage or boat, and by detention or removal thereof, &c., take such precautions as may be necessary for removing danger (s. 75).

Explosive Substances Act, 1883, 46 Vic., c. 3.

1. *Causing Explosion.*—Any person who unlawfully and maliciously causes, by any explosive substance, an explosion of a nature likely to endanger life, or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of a felony (s. 2).

2. *Attempt to cause Explosion.*—Any person who unlawfully and maliciously—(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion of a nature likely to endanger life, or to cause serious injury to property; or (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, shall, whether any explosion does or not take place, and whether any injury to person or property has been actually caused or not, be guilty of felony (s. 3).

3. *Making or possession of Explosive.*—Any person who makes, or knowingly has in his possession or under his control, any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it, or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be guilty of felony (s. 4).

4. *Accessories.*—Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever procures, counsels, aids, abets, or is accessory to the

commission of any crime under this Act, shall be guilty of felony (s. 5).

5. Sections 73, 74, 75, 89, and 96 of the Explosives Act, 1875, shall apply in like manner as if a crime or forfeiture under this Act were an offence or forfeiture under the Explosives Act, 1875 (s. 8).

6. In this Act the expression "*explosive substance*" shall be deemed to include any materials for making any explosive substance ; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance ; also any part of any such apparatus, machine, or implement (s. 9).

7. *Instructions.*—The Constabulary should exercise special and vigilant observation with a view to preventing the acquisition by persons for unlawful objects not only of explosives adapted for such purposes, but of the materials with which, if possessed of a little technical knowledge, they would be able to manufacture explosives. In a circular issued by the Secretary of State for the Home Department, dated 18th April, 1883, the local authority have been requested to bring this subject under the notice of all pharmaceutical chemists, chemists and druggists, drysalter, oil and colourmen, and manufacturers of or dealers in chemicals within their jurisdiction, in order that any suspicious cases of purchase or possession may be promptly brought under the notice of the police. It is to be observed that section 73 of Act, 1875, gives power to search for *ingredients* of an explosive as well as for the explosive itself, while the Act, 1883, which incorporates the same powers, extends them to search for and seizure of an apparatus for firing explosive. (See definition of the term "*explosive*" above.) In such circular it is announced that a reward of £100 will be given to any person (other than a person belonging to a police force in the United Kingdom) who furnishes information which may lead to the discovery and conviction of any person who may be engaged in the illegal manufacture of explosives, in any case in which it is

shown to the satisfaction of the Secretary of State that such illegal manufacture constituted a serious infraction of the law, and was being carried on for a criminal purpose.

Extradition of Criminals.

The Extradition Act relating to the colonies is the Fugitive Offenders Act, 1881, 44 & 45 Vic., c. 69. A provisional warrant may be granted by any magistrate. In Ireland, on arrest, the accused must be brought before one of the Police Magistrates of the Dublin Metropolitan District, who alone can hear the case and commit the fugitive (ss. 4, 5, and 30).

Extradition treaties for the surrender of fugitive criminals in foreign countries are made under the Extradition Act, 1870 (33 & 34 Vic., c. 52), amended by 36 & 37 Vic., c. 60. These treaties set forth the crimes for which in this country extradition is allowed. Such treaties have been made between the British Government and the following countries :—Austria, Belgium, Brazil, Columbia, Denmark, Ecuador, France, Germany, Guatemala, Hayti, Italy, Luxemburg, Mexico, Netherlands, Russia, Salvador, Spain, Sweden and Norway, Switzerland, Tonga, United States of America, and Uruguay. On the apprehension in the United Kingdom of any person under the Extradition Acts and the treaty with any country, he has to be brought before a Magistrate of the Bow-street Police Station, London, even though the warrant may have been issued by a Justice of the Peace in some other part of the United Kingdom. All demands whether by telegram or otherwise for the arrest of offenders fled, must be made to the Secretary of State for the Home Department. Every extradition treaty is published in the *London Gazette*.

The treaties with the United States include the following offences :—Under Treaty, 9th August, 1842 (6 & 7 Vic., c. 76, and 8 & 9 Vic., c. 120), Murder, assault with intent to commit murder, piracy, arson, robbery (that is larceny from the person by violence or menaces), and forgery or utterance of forged paper. Under Treaty 12th July, 1889, manslaughter, when

voluntary ; counterfeiting or altering money ; uttering or bringing such into circulation ; embezzlement ; larceny ; receiving money or other property knowing the same to have been embezzled, stolen, or fraudulently obtained ; fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any company ; perjury or subornation of perjury ; rape ; abduction ; child stealing ; kidnapping ; burglary ; housebreaking or shop-breaking ; piracy by the law of nations ; revolt on board ship on high seas against authority of master ; wrongfully sinking or destroying a vessel at sea, or attempting to do so ; assaults on board ship on the high seas with intent to do grievous bodily harm ; crimes, &c., against the laws for suppression of slavery and slave trade.

Fishery Laws.

1. *Duty of the Constabulary in enforcing the Fishery Laws* :—Their duty is confined to the protection of the public interests, and they are never to interfere in protecting private rights. They should enforce the observance of the annual and weekly close time ; the free passage of fish in the Queen's gap ; the preservation of the fry and spawn of salmon, trout, and eels, and the prevention of all modes of fishing except rod and line in the works or watercourses of mills or factories. They are also to prevent the wilful taking or exposing for sale, or having possession of foul salmon or trout. In enforcing the Fishery Laws they have the same powers as water bailiffs.

2. *In what cases the Constabulary should act*.—In all cases of offences committed in their presence or immediate neighbourhood, provided their police duty does not interfere ; and they should pay particular attention to cases of offences at night, and of having or using between sunset and sunrise any light or fire, spear, gaff, stroke-haul, or other such instrument, with intent to take salmon in or on the banks of any river or lake, or chasing, injuring, or disturbing spawning fish, or fish on the spawning beds, or attempting to catch fish in such places (except with rod and flies).

3. *The close seasons*—

(1.) The annual close season for salmon and trout, which comprises not fewer than 168 days, and varies in different districts.* For angling with rod and line, it is generally between the 1st November and the 1st February. The annual close season for oysters is from 1st May to 1st September, with a few exceptions.

(2.) The weekly close season, between 6 A.M. on Saturday and 6 A.M. on the Monday following, when salmon and trout are not to be fished for except by rod and line.

4. *What the Constabulary should attend to in the close seasons*.—They are empowered to seize all fish taken in the annual close season; and in the annual and weekly close seasons they should see that all nets, &c., are removed, so that the fish may have free passage. Person taking or fishing for, or aiding or assisting in taking or fishing for salmon or trout during the close season is liable to a penalty and the forfeiture of the fish and engine.

5. *Fry*.—If any person wilfully take, sell, purchase, or have in his possession the spawn, smolts, or fry of salmon or trout, or of eels, or wilfully obstructs the passage of such smolts, &c., or injure or disturb any such spawn or fry, or any spawning bed, he is liable to a penalty.

6. *Mills and Factories*.—No person is at any time of the year to take fish in any mill-pool or mill-dam, or in works connected with mills, or in any watercourse leading the water to or from mills, by any means save rod and line. Draining, or turning, or emptying any river or mill-race for the purpose of taking or destroying any salmon or trout, or the fry thereof, is an offence. Millowner is liable if real offender not known. Sluices which admit water to the wheels of mills and factories are required to be kept shut for twenty-four consecutive hours, between 6 P.M. on Saturday and 6 A.M. on Monday.

7. *Spears, &c.*—It is not lawful in any fresh water river or lake, at any season of the year, to use for the

* See Schedule of close seasons in the different districts in Ireland given in Code, p. 481.

purpose of taking fish any otter, lyster, spear, stroke-haul or gaff (except when gaff is used in angling or in removing fish from any legal weir, &c.)

8. *Unclean fish*.—It is an offence for any person, at any time, wilfully to take, kill, destroy, expose to sale, or have in his possession, any red, black, foul, unclean or unseasonable salmon or trout; but such unclean fish cannot be seized during the open season.

9. *Poisonous matter*.—It is an offence for any person to throw, empty, or cause to run or flow into any river or lake, any dyestuff or other deleterious or poisonous liquid, or shall throw into such river or lake any lime, spurge, or other deleterious or poisonous matter, or shall steep in such river or lake any flax or hemp.

10. *Offenders* may be apprehended who refuse to tel their names, or who continue the offence, when they should be brought without delay before a justice. Generally it will be desirable to proceed by summons; but where parties are caught in the commission of the offence during the close season, it will be advisable to seize the illegal instrument used, or the legal instruments used illegally for fishing.

Fisheries (Dynamite) Act, 1877, 40 & 41 Vic., c. 65.—Any person who uses dynamite or other explosive substances to catch or destroy fish in a public fishery, or on the sea-coast, or at sea within one marine league of the coast, is liable to a penalty or imprisonment.

Gaming Houses, 8 & 9 Vic., c. 109, s. 1 (also 17 & 18 Vic., c. 80).—A common gaming house is one kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusive of the others, or that the chances of the game played therein are not alike favourable to all the players. S. 3.—A justice may grant a Constable a warrant to enter such house, and to arrest, search, and bring before a justice all persons found therein. S. 4.—The owner, keeper, or manager, &c., of any common gaming house, is liable, on conviction, to a penalty of £100.

Dice, ace of hearts, pharoah, basset, hazard, passage, or any game played with dice, or with any instrument,

engine or device in the nature of dice having one or more figures or numbers thereon (backgammon and other games played on backgammon tables excepted) and roulette, or rolypoly, are all unlawful games. Badger baiting, dog fighting, cock fighting, and all such like games are unlawful. Quoits, tennis, and all other games of skill, are lawful.

Gun License Act, 1870, 33 & 34 Vic., c. 57, s. 2.

—1. In this Act the term "*gun*" includes a fire-arm of any description, and an air gun or any other kind of gun from which any shot, bullet, or other missile can be discharged. For every license, to be taken out yearly, by every person who shall use or carry a gun the sum of 10s. is paid. The license is granted by the Excise.

2. Every person who shall use or carry a gun elsewhere than in a dwelling-house, or the curtilage* thereof, without having in force a license duly granted under the Act, shall forfeit the sum of £10.

3. *Duty of a Constable in enforcing this Act.*—When a Constable meets a person carrying a gun who, he has reason to suspect, has not a gun license for the current year (commencing the 1st of August), the Constable should demand the production of the gun license; and unless the person produces such license or a game license, the Constable should require of him his Christian name, surname, and place of residence. If the person declares the same, the Constable will report, in writing, the matter to his officer, for the information of the Secretary of Inland Revenue, giving the above particulars regarding such person; and should a prosecution be instituted the Constable should serve the summons (if requested), and attend the trial as a witness. Should such person *refuse* to declare his name, &c., the Constable should arrest him and convey him before a magistrate. Any fine received by the Constable on such summary conviction is to be paid to his District Inspector for the

* *Curtilage* is a courtyard, backside, or piece of ground lying near and belonging to a dwelling-house—enclosed in a common wall or fence.

Supervisor. In no case should the Constable demand a game certificate where a gun license is produced. The Constabulary should make themselves acquainted with the names of persons residing in their districts having gun or game licenses.

4. A Constable who sees a person carrying a gun is authorized to enter upon any lands to demand the production of the gun license.

5. *Exemptions.*—Certain persons are exempted from the penalty, namely:—(1.) Persons in naval, military, or volunteer service, or in the police, using or carrying any gun in performance of duty, or when engaged in target practice. (2.) Persons having a certificate to kill game. (3.) Persons carrying a gun for another, who has a game certificate or a gun license; if the person carrying the gun, shall, upon request of Excise officer, or Constable, or owner, or occupier of the land where used, give his true name and address, and also the true name and address of employer. (4.) Occupier of any lands (or person by order of occupier having a game or gun license) using or carrying a gun for the purpose only of scaring birds or killing vermin on such lands. (5.) Gun-smith or his servant carrying or using a gun in the course of his trade, or by way of testing its strength. (6.) Common carriers. (7.) Water-bailiffs duly appointed by warrant.*

Hawking Spirits, 43 & 44 Vic., c. 24, s. 146.—If any person sells, or exposes to sale, any spirits, otherwise than in premises for which he is licensed to sell spirits, he shall incur a fine of £100, and the spirits shall be forfeited. The sum to which the fine may be mitigated shall not be less than £6. In default of payment of fine, on summary conviction the offender shall be imprisoned with or without hard labour, for not less than two, nor more than three months. *Any person* may arrest a person found committing an offence against this section. [The offender when arrested should without delay be brought before a justice.]

Hawkers Act, 1888, 51 & 52 Vic., c. 23.—S. 2.

* This last exception is not under the Statute.

In the Act "hawker" means any person who travels with a horse or other beast bearing or drawing burden, and goes from place to place or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or exposing samples or patterns of any goods, wares or merchandise to be afterwards delivered, and includes any person who travels by any means of locomotion to any place in which he does not usually reside or carry on business, and there sells or exposes for sale any goods, wares, or merchandise in or at any house, shop, room, stall, or other place whatever, hired or used by him for that purpose. S. 3. Hawker to pay annual duty of £2 for license, which expires on 31st March. Not necessary for license to be taken out—(a) by any person selling or seeking orders for goods, &c., to or from persons who are dealers; (b) by the real worker or maker of any goods, &c., selling or seeking orders for goods, &c., made by him; (c) by person selling fish, fruit, victuals, or coal; (d) by any person selling or exposing for sale goods, &c., in any public market or fair. S. 5. Hawker shall keep his name and words "licensed hawker" written, painted, or printed upon box or vehicle used for carriage of goods, and upon every shop or handbill. S. 6. If any person does any act for which a license is required (a) without having a proper license; or (b) without immediately producing, upon demand by any person, a proper license, p. £10. Any officer of inland revenue or officer of the peace may arrest a person found committing an offence against this section and convey him before a Justice, and in default of payment on conviction of fine, the offender shall be imprisoned for not exceeding one month with or without hard labour.

Illicit Distillation Act, 1831.—Revenue Duty.

(1 & 2 Wm. IV., c. 55.)

1. All officers, Head and other Constables of Constabulary "shall have, use, and exercise all the powers and authorities, and have and possess all the privileges granted to officers of Excise, in relation to any offence committed or to be committed, or suspected to be com-

mitted, under or contrary to "the 1 & 2 Wm. IV., c. 55, (20 & 21 Vic., c. 40, ss. 5 & 8). The Constabulary are for the purposes of this Act, Revenue Police.

2. Chemists or other persons are not to use stills without license (1 & 2 Wm. IV., ch. 55, s. 9).

3. No person shall send or convey any still, still-head, or worm to any person, or from any one part of *Ireland* to any other part thereof, unless a permit granted by an officer of Excise shall have been obtained. And every still, still-head, or worm which shall be found conveyed without such permit shall be forfeited and may be seized by a Constable (s. 14).

4. Persons, other than licensed distillers, brewers, or vinegar makers, who shall brew, make, or have in possession any worts or wash; or who shall distil or have in their possession any low wines or singlings; or who shall have or keep any still, still-head or worm of a still without license, are liable to a penalty (s. 16).

5. *A Justice may grant a special warrant to break open suspected place and seize private still, &c.*—If any Constable shall know, or have cause to suspect that any private still, or any vat, cooler, or other vessel used in illicit distillation, or any spirits, worts, or wash, or other materials preparing or prepared for distillation are set up or kept in any house or place; and shall make oath thereof before a justice, setting forth the grounds of such suspicion; the justice, by special warrant, may authorize such Constable, by day or by night, to break open the doors, or any part of such house or place, and to enter and seize all stills, vats, and other vessels, and all spirits, worts, or wash, and other materials preparing or prepared for distillation. The proprietor or occupier of the house where such seizure is made is liable to a penalty; and any person who shall obstruct or molest the Constable in such search is liable to a penalty (s. 17). See Code, s. 1925.

6. Constables are fully empowered to enter by *day* or *night* all suspected houses or places without a warrant—to search for any private or concealed still, or vessels used in illicit distillation, or any spirits or other materials preparing or prepared for distillation—but

this power should not be exercised unless the suspicion or information will justify the act ; for it is the actual *finding* that will be a *full justification* in the event of the proceedings being called in question. The more prudent and advisable course in all doubtful cases is to obtain a magistrate's warrant, as directed in the preceding section (s. 18).

7. *Persons found in still-house may be arrested.*—When any Constable shall discover any private still, or any vessel for making or preparing or keeping any worts, wash, pot ale, low wines, or singlings, or other materials preparing or prepared for private distillation, the process of distilling or of making or preparing worts, wash, pot ale, singlings, or spirits being then proceeding, and shall at the same time find any person in the room or place where such private distillation, &c., is carrying on, every such person so discovered is liable to a penalty, and may be arrested—when he should be conveyed before a justice (s. 19).

8. Constables are empowered to spill and destroy all spirits, &c., found in private distilleries (s. 20).

9. Persons having in possession spirits for which duty has not been paid, or having any quantity exceeding a gallon without permit, are liable to a penalty (s. 23).

10. A Constable may stop and detain any person found removing or carrying any still, still-head, or worm, or any spirits of any kind whatsoever, and examine same, and may demand production of permit accompanying such still, or such spirits (if exceeding one gallon), and every person found removing still, &c., or such spirits, without a lawful permit—or removing illicit spirits, is liable to a penalty, and should be arrested and brought before a magistrate (s. 25).

11. *Definitions.*—"Wash" is the fermented liquor before distillation ; "pot ale" the refuse after distillation ; "grains" is the refuse after mashing.

12. *Spirits in transitu.*—A Constable has authority to demand from any person having in his custody or possession any spirits in greater quantity than one gallon, which he finds *in transitu*, or in process of being removed from one place to another, a *permit*, or

trader's certificate accompanying the same (which is usually attached to the jar or vessel containing the spirits); and if the *permit* shall be produced, the Constable is to endorse the same with his name, and the place, date, and time of his examination; and if such removal shall be attempted without a permit, or without a trader's certificate, or with one of which the limitation has expired, the spirits are to be seized, together with the vessel containing the same and the horse, cart, &c., used in the removal thereof, and the person in whose possession or custody the same shall be found may be arrested by any Constable, and, when arrested, should be conveyed as soon as conveniently may be, before a justice, to be dealt with according to law. The object of the law is solely to check the manufacture and sale of illicit spirits; this power conferred on a Constable should be exercised in a manner which shall interfere as little as possible with the legitimate trade of the country (17 & 18 Vic., c. 89, s. 6).

13. In case of a conviction for carrying spirits without a legal permit, the articles seized (including the horse and car), should be handed over to the nearest officer of Inland Revenue.

14. *Shebeen-houses* are to be suppressed by the Constabulary, and their attention should also be directed to the hawking of spirits, &c., at fairs, markets, races, &c. For the offence of hawking spirits, the offender is to be arrested by the Constabulary, and taken before a magistrate. On conviction, the spirits (which should be seized in the first instance) become forfeited, and are to be destroyed (43 & 44 Vic., c. 24, s. 146).

Indecent Advertisements Act, 1889.

(52 & 53 Vic., Chap. 18.)

An Act to suppress Indecent Advertisements.

S. 1. *Short Title.*—This Act may be cited as the Indecent Advertisements Act, 1889.

S. 2. This Act shall come into operation on the first day of January, 1890.

S. 3. *Summary proceedings against persons affixing, &c., indecent or obscene pictures or printed or written matter.*—Whoever affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes to or inscribes on any public urinal, or delivers or attempts to deliver, or exhibits, to any inhabitant or to any person being in or passing along any street, public highway, or footpath, or throws down the area of any house, or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature,* shall, on summary conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding forty shillings, or in the discretion of the Court, to imprisonment for any term not exceeding one month, with or without hard labour.

S. 4. *Summary proceedings against persons sending others to do the acts punishable under s. 3.*—Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in section three of this Act, with the intent that the same, or some one or more thereof, should be affixed, inscribed, delivered, or exhibited as therein mentioned, shall, on conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding five pounds, or, in the discretion of the Court, to imprisonment for any term not exceeding three months, with or without hard labour.

S. 5. *Certain advertisements declared indecent.*—Any advertisement relating to syphilis, gonorrhœa, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent nature within the meaning of section three of this Act, if such advertisement is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar,

* This is the correct general definition of "an indecent advertisement."

post, board, tree, or other thing whatsoever, so as to be visible to a person being in or passing along any street, public highway, or footpath, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in or passing along any street, public highway or footpath.

S. 6. *Constable may arrest on view of Offence.*—Any constable or other peace officer may arrest without warrant any person whom he shall find committing any offence against this Act.

S. 7. *Interpretation.*—In this Act the expression "Summary Jurisdiction Acts"—

In Ireland means within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vic., c. 93), and any Act amending the same.

Industrial Schools Acts, 31 Vic., c. 25, and 43 & 44 Vic., c. 15.—Any person may bring before two justices in Petty Sessions any child apparently under fourteen years of age, found begging, or being in any public place for the purpose of begging, or wandering and not having any home or guardianship, or found destitute, or residing with prostitutes, or in a house resided in or frequented by prostitutes, or frequenting the company of thieves or prostitutes; and the justices may order the child to be sent to a Certified Industrial School.

Infant Life Protection Act, 1872, 35 & 36 Vic., c. 38.—Not more than one child under the age of one year, or twins, can be maintained apart from his or her parents for more than twenty-four hours, except in a house registered for the purpose by the Local Authority, under a penalty. Proprietors of registered houses have to keep a record of the infants received, and to produce it when required; and in case of a death occurring, to give notice to the coroner. The Act does not affect the receiving of children over twelve months of age.

Infectious Disease (Notification) Act, 1889.

(52 & 53 Vic., c. 72.)

An Act to provide for the Notification of Infectious Disease to Local Authorities.

S. 2.—This Act shall extend to any urban, rural, or port sanitary district after the adoption thereof. S. 3. (1.)—Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is an hospital in which persons suffering from infectious diseases are received, the following provisions shall have effect, that is to say:—(a.) The head of the family, and in his default the nearest relatives present in building, and in default of relatives, person in charge of patient, and in default of such person, the occupier of the building, shall as soon as he becomes aware that the patient is suffering from an infectious disease send notice thereof to the medical officer of health of district. (b.) Every medical practitioner attending on patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease send to the medical officer of health for the district a certificate stating name of patient, situation of building, infectious disease from which in opinion of medical practitioner patient is suffering. (2.) Every person required by this section to give a notice or certificate who fails to give the same shall be liable on summary conviction to a fine of 40s. S. 5. (1.)—The local authority may adopt this Act by a resolution passed at a meeting of such authority. (2.) A resolution adopting Act shall be published in local newspaper, and by handbills, &c., and shall come into operation at such time not less than one month after first publication. S. 6.—In this Act the expression "infectious disease to which this Act applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, scarlatina, and the fevers—typhus, typhoid, enteric, relapsing, continued, or puerperal. S. 13.—Provisions of Act shall apply to ships, vessels, tents, &c. S. 18.—In Ireland

"Local Authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878.

[The Constabulary are not required to enforce this Act in any district where it is in operation; but the summary of its provisions is supplied for information.]

Inoculation with Small-pox Matter, 31 & 32 Vic., c. 87, s. 4.—It is the duty of the Constabulary to enforce this provision of this Act, and bring to justice persons guilty of the secret and pernicious practice of inoculating children with small-pox matter, and thus producing contagion. In case of death from small-pox, caused by inoculation, efforts should be made to hold an inquest, whereby evidence might be forthcoming which might lead to conviction for manslaughter, or for an offence against this Act.

Licensing Acts.

1. The Licensing Acts, 1872-1874 (35 & 36 Vic., c. 94, and 37 & 38 Vic., c. 59), regulate the sale of intoxicating liquor. The Constabulary are required to enforce the provisions of these Acts.

2. *Illicit sales.*—These offences are:—Any person selling or exposing for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not authorized by his license to sell the same. Beer retailers and spirit grocers allowing purchasers to drink on or near their premises, or allowing liquor to be taken from their premises for the purpose of sale on their account and consumption elsewhere. Publican or beer retailer selling *spirits* to children under sixteen for consumption on premises; or who knowingly sells, or allows any person to sell any description of intoxicating liquors to any person under the age of thirteen years for consumption on the premises.* Selling intoxicating liquor over half a pint (which is not in cask or bottle) in measures not stamped. Publican, beer retailer, or spirit grocer allowing to be made or used any internal communication between his licensed premises and any unlicensed

* 49 & 50 Vic., c. 56.

premises used for public entertainment. Publican or beer retailer storing liquor on licensed premises the sale of which is not authorized by his license. Publican or beer retailer not having painted over his licensed premises his name and the word "licensed," with description of license.

3. *Offences against public order.*—(1) Drunkenness in a public place or on the premises of a publican or beer retailer, (2) drunkenness in any public place, and guilty of riotous or disorderly behaviour, (3) drunkenness in a public place while in charge of any carriage, horse, cattle, or steam engine; (4) drunkenness in any place when in possession of any loaded firearms.

4. Publican or beer retailer permitting drunkenness or riotous conduct on his licensed premises, or selling liquor to drunken persons. Publican or beer retailer knowingly permitting prostitutes habitually to frequent his premises, or to remain thereon longer than is necessary for obtaining reasonable refreshment. Publican or beer retailer permitting his premises to be a brothel. Publican or beer retailer knowingly harbouring, or suffering to remain on his premises, any Constable on duty; supplying liquor or refreshment, by gift or sale, to any Constable on duty, unless by authority of his officer; bribing or attempting to bribe any Constable. Publican or beer retailer suffering any gaming or any unlawful game to be carried on on his premises, or using his premises as a betting house. Persons drunk, violent, quarrelsome, or disorderly, &c., refusing to quit the premises of a publican or beer retailer on request of him, his servant, or a constable, who may expel such person by force, if requested so to do by the publican, his agent, or servant.

5. *Closing hours for the sale of intoxicating liquors in Ireland*—public-houses, beer retailers, and spirit grocers' house:—

ON SUNDAY: Within the Metropolitan Police district of Dublin metropolis, and within the cities of Belfast, Cork, Limerick, and Waterford, to be closed except between 2 P.M. and 7 P.M. In every other place to be closed for the whole day.

ON CHRISTMAS DAY, GOOD FRIDAY, OR ANY DAY APPOINTED FOR A PUBLIC FAST OR THANKSGIVING : In cities and towns where the population is over 5,000 to be closed except between 2 P.M. and 9 P.M. ; and elsewhere between 2 P.M. and 7 P.M.

ON OTHER WEEK-DAYS : In cities and towns where the population is over 5,000 to be closed except between 7 A.M. and 11 P.M.—elsewhere between 7 A.M. and 10 P.M.

6. *Drunkenness in a public place.*—Any person found drunk at any hour of the day or night in any public place may be arrested by a Constable, and when he becomes sober should be forthwith conveyed before a magistrate. A Constable can detain a person found drunk in any public place, whether a building or not, if incapable of taking care of himself, until he can with safety be discharged, when the Constable may let him go and proceed against him by summons, or may convey him before a magistrate to be summarily dealt with. If the offender is unknown to the Constabulary the latter course should be followed. If a drunken person is in the care of others who are able to take charge of him, and is causing no disturbance or obstruction, the Constable should not interfere. The Constable has no authority to discharge a person who is arrested for being drunk and disorderly, or drunk while in charge of any carriage, &c., or drunk when in possession of loaded arms ; such offender, when he becomes sober, must be taken before a magistrate. When persons in charge of horses with or without vehicles, are arrested, the horses, &c., are to be sent to livery.

7. *Constable authorized to enter public-houses, &c.*—A Constable may, for the purpose of preventing or detecting any offences against the Licensing Acts, 1872 and 1874, which it is his duty to enforce, at all times enter the premises of a publican, beer retailer, spirit grocer, or holder of an occasional license. He may enter the premises of a wine retailer, or of a wholesale beer dealer, during the hours they are kept open.

8. A person found on the premises of a publican, beer retailer, or spirit grocer, during closing hours, is liable to a penalty unless he can satisfy the court that he was an inmate, servant, lodger, *bona fide* traveller, or private guest. A Constable may demand the name and address of a person so found, and may arrest him if such person does not comply with the demand. It is lawful for any trader during closing hours to entertain his friends, and supply them with liquor *at his own expense*.

9. There are four classes of persons who may be lawfully served by publicans at any hour upon Sunday and week-day and during day and night:—(1) *bona fide* travellers; (2) lodgers; (3) private friends; and (4) railway travellers arriving at or departing from a station (confined to sales at such station).

10. A person must have travelled *three* miles, measured from the place where he slept the previous night, and the object of his journey may be either business or pleasure, but must not be for the purpose of obtaining drink—to make him a *bona fide* traveller, so as to entitle him to obtain intoxicating liquor in a public-house during closing hours.

11. *Search warrant for detection of liquor sold or kept contrary to law.*—Any justice, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale at any place within his jurisdiction, whether a building or not, in which such liquor is not authorized to be sold by retail, may grant a warrant authorizing any Constable named in the warrant, at any time or times within one month from its date, to enter, and if need be, by force, the place named in the warrant, and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor. Upon conviction of owner or occupier of such premises the liquor and vessels so seized are forfeited. When a Constable has made such seizure, any person found at

the time on the premises shall be deemed to have been there for the purpose of dealing in (selling, &c.) such intoxicating liquor. The Constable may demand the name and address of any person found on premises where such seizure has been made, who may be arrested should he refuse to give the same, or to answer satisfactorily the questions put to him by the Constable as to the correctness of such name or address. (Act, 1874, s. 24.)

Licenses for the Sale of Intoxicating Liquors.—In the United Kingdom no intoxicating liquors can be sold without a license granted by the Commissioners of Inland Revenue. Each license is in force for one year only. In Ireland there are two kinds of licenses for the sale by retail of intoxicating liquors—one which the Commissioners may grant of their own authority, the other which they cannot grant without the production of the magistrates' certificate. The licenses which are granted without the magistrate's certificate are—

1. *The spirit dealer's license* for the sale of spirits in not less quantity than two gallons at a time (6 Geo. IV., c. 81, ss. 2, 16, and 26; 43 & 44 Vic., c. 24, s. 102.)

2. *The wine dealer's foreign wine license* for sale of wine in any quantity (6 Geo. IV., c. 81, ss. 2, 16, 26; L. Act, 1872, s. 73).

3. *The shopkeeper's retail foreign wine license*—for sale of foreign wine in reputed quart or pint bottles only, in any less quantity than two gallons, or in less than one dozen reputed quart bottles at one time (23 & 24 Vic., c. 107, ss. 3 and 4).

4. *The spirit dealer's retail foreign liqueur license*—for sale of foreign liqueur in any quantity not less than a reputed quart bottle, or in the bottles in which imported (11 & 12 Vic., c. 121, s. 10).

5. *The sweets dealer's license*, for sale of sweets (home-made wines)*, mead, or metheglin, in quantities of or exceeding two gallons, or one dozen reputed quart bottles, at one time (6 Geo. IV., c. 81, s. 2; 23 & 24 Vic., c. 113, ss. 1 and 21).

* Made by fermentation from fruit and sugar, or from fruit or sugar mixed with any other material.

All the foregoing authorize sale for consumption *off* the premises only.

6. *The methylated spirits license*—for sale of spirits of wine which has been rendered unfit for use as a beverage, by being mixed with wood naphtha, in quantities of not more than one gallon at a time; used in arts and manufactures. Sale prohibited between 10 P.M. on Saturday and 8 A.M. on Monday; license not granted to retailers of beer, spirits, wine, or sweets for consumption on premises (43 & 44 Vic., c. 24, s. 126; 52 & 53 Vic., c. 42).

The following authorize sale for consumption *on* the premises :—

7. *The theatre license*—for sale of intoxicating liquors at theatres (5 & 6 Wm. IV., c. 37, s. 7; Act, 1874, s. 7).

8. *The packet-boat license*—granted for the sale of exciseable liquors and tobacco to *passengers* on board any packet-boat or other vessel conveying persons from one part of the United Kingdom to another, to the master or commander of such vessel or to a person nominated by the owner or directors upon a certificate or declaration from him or them affirming such nomination; which licenses may be transferred by endorsement by the holders to other masters, &c., of the same vessel (9 Geo. IV., c. 47; 4 & 5 Wm. IV., c. 75, s. 10; 43 & 44 Vic., c. 20, s. 45).

9. *The refreshment-house wine license*—for the sale of foreign and home-made wine (sweets, &c.), in unlimited quantity for consumption *on* or *off* the premises, which may be taken out by a person licensed to keep a refreshment house. This license cannot be granted until after notice has been served upon the Clerk of Petty Sessions, when, if the magistrates do not object within thirty days after the service of such notice, the license is granted (23 & 24 Vic., c. 107; 26 & 27 Vic., c. 33, s. 18).

The licenses which cannot be granted without the magistrates' certificate are :—

1. *The public-house license* (whether ordinary or seven-day, six-day, early closing, or six-day and early

closing); for sale in unlimited quantity of beer and other intoxicating liquors included in the license, for consumption *on or off* the premises (3 & 4 Wm. IV., c. 68; Act, 1872, s. 49; Act, 1874, ss. 2, 3).

2. *The occasional license*—for sale elsewhere than on the licensed premises, granted to publicans, or to keepers of refreshment-houses holding a wine license (25 & 26 Vic., c. 22, s. 13; 26 & 27 Vic., c. 33; 27 Vic., c. 18, s. 5, and Act, 1874, s. 4).

And the following for consumption off the premises:—

3. *The spirit-grocer's license*—granted to traders selling tea, cocoa nuts, chocolate, or pepper, for the sale of spirits in any quantity not exceeding* two quarts at one time (6 Geo. IV., c. 81, s. 4; 8 & 9 Vic., c. 64, s. 2; Act, 1872, ss. 81, 82).

4. *The beer retailer's license*, for the sale of beer (which includes ale and porter), in any quantity less than four and a half gallons, or than two dozen reputed quart bottles at one time (27 & 28 Vic., c. 35).

5. *The wholesale beer dealer's license*—for the sale of beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles at one time for consumption *off* the premises (Act, 1874, s. 8).

Marine Stores. 17 & 18 Vic., c. 104, s. 480.—Every person buying and selling anchors, cables, sails, old iron, or marine stores of any description is required to have his name together with the words "dealer in marine stores" distinctly, in letters of not less than six inches in length, on his warehouse, &c. Also to keep a book and enter therein an account of all marine stores he may become possessed of, stating date at which and person from whom each article is purchased or received, and description of such person's business and place of abode. Such dealer cannot purchase marine stores from any person apparently under the age of sixteen, under a penalty.

* In the previous editions of this Manual the words "less than" instead of "not exceeding," appear. It is requested that this error may be corrected in them with a pen.

Merchandise Marks Act, 1887, 50 & 51 Vic., c. 28.

S. 2.—(1.) Every person who forges any trade mark ; or falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive ; or makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging a trade mark ; or applies any false trade description to goods ; or disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade mark ; or causes any of the things above in this section mentioned to be done, shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Act.

(2.) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive, is falsely applied, as the case may be, shall, unless he proves—(a) that having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, or trade description ; and (b) that on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or (c) that otherwise he had acted innocently, be guilty of an offence against this Act.

(3.) Penalties on conviction on indictment and on summary conviction.

(4.) Court may order any forfeited articles to be destroyed or otherwise disposed of.

S. 3.—Definitions of "trade mark," "trade description," &c.

S. 4.—A person shall be deemed to forge a trade mark who either—(a) without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be

calculated to deceive ; or (b) falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise ; and any trade mark or mark so made or falsified is in this Act referred to as a forged trade mark. Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietors shall lie on the defendant.

S. 12.—Justice may issue warrants authorizing a constable to enter premises by day, and to search and seize goods by means of which such offence has been committed.

Passenger Steamships, Overcrowding, 17 & 18 Vic., c. 104, s. 319.—If the owner or master or other person in charge of any passenger steamer receives on board thereof, &c., or if such ship has on board thereof, &c. ; any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number of passengers allowed by the certificate, the owner or master shall incur a penalty of £20, &c.

The Constabulary at seaports are required to enforce the provisions of this section. The certificate furnished to each home trade passenger steamship, or a duplicate, is required to be put up in a conspicuous part of the ship, such certificate sets forth the number of passengers which the passenger steamship is authorized to carry with certain stipulations. Should the Constabulary detect any breach of this law, it is required that a report thereof be made immediately but that no prosecution be instituted without authority.

Pawnbrokers, 28 Geo. III., c. 49, s. 20.*—No pawns are to be taken in on Sundays, or on weekdays before 10 A.M., or after 4 P.M., between the 29th September and 25th March ; or before 10 A.M., or after 7 P.M., between the 25th March and 29th September. Pawns may be given out on any day and at any hour.

* It has been recently decided that this section applies to Ireland generally.—(*Seddall, App., Wilson, Resp., Q.B.D.*)

Peace Preservation (Ireland) Act, 1881. (44 Vic., c. 5, amended by 49 Vic., c. 24; continued by C. L. P. Act, 1887, for five years).—**Abstract of Provisions and Orders in Council.**

1. *Definitions.*—The expression "*arms*" includes any cannon, gun, revolver, pistol, and any description of fire-arms, also any sword, cutlass, pike, and bayonet, also any part of any arms as so defined.

2. The expression "*ammunition*" includes bullets, gunpowder, nitro-glycerine, dynamite, guncotton, and every other explosive substance, whether fitted for use with any arms or otherwise.

3. *Prohibition against having or carrying arms.*—In a proclaimed district a person shall not carry or have any arms or ammunition save as authorized.

Any person carrying or having, or reasonably suspected of carrying or having, any arms or ammunition may be arrested without warrant by any Constable, and as soon as reasonably can be, conveyed before a justice. In such case, however, if the person is known he should not be arrested, but should be summoned.

4. No justice of the peace, person in Her Majesty's naval or military service, or in the coastguard service, or in the service of the Revenue, or the Royal Irish Constabulary, or the Dublin Metropolitan Police, or special Constable, or person duly licensed to manufacture gunpowder, is required to obtain or have a license under Act to carry and have or have arms or ammunition in a proclaimed district.

5. The expression "*person in Her Majesty's military service*" (used in last clause) includes every officer in and member of the permanent staff of the militia, but does not include any soldier on furlough, or any non-commissioned officer or soldier of the militia, unless while actually serving for purposes of training or exercise, or with his regiment when embodied.

6. Every person who shall obtain and have a license in the prescribed form, called the prescribed license, may within the proclaimed district, carry and have, or have arms and ammunition, or either of them, as in the prescribed license mentioned.

7. *License may be revoked.*—Any prescribed license may be revoked at any time, by the Lord Lieutenant, by order, and which order shall be published in *Dublin Gazette*, when the license shall cease and determine.

8. The Inspector-General and Deputy Inspector-General of R.I.C., and the Resident Magistrate in the proclaimed district, are appointed to grant licenses to carry and have, or to have arms and ammunition, or either of them in the proclaimed district.

9. *Warrant to search for arms.*—The Lord Lieutenant may by warrant direct *any person* named in such warrant to search in a proclaimed district in houses, buildings, and places situated in any townland or municipal ward specified in the warrant, for any arms or ammunition suspected to be therein in contravention of this Act.

10. The person named in such warrant, with such Constables and other persons as he calls to his assistance, may *within ten days* next after the date of the warrant, at any time *between sunrise and sunset*, enter into any houses, buildings, or places in any townland or municipal ward specified in such warrant, and there execute the warrant; and in case admittance shall be refused to such persons or shall not be obtained by them within a reasonable time after it shall have been demanded, they may enter by force, in order to execute such warrant. The person named in such warrant shall, before executing the same, if so desired, produce the warrant.

11. *Forfeiture of arms.*—Any arms or ammunition, carried, had, or found under circumstances which contravene this Act shall be forfeited.

12. *Selling arms or ammunition.*—No person in the proclaimed district shall sell any arms or ammunition without having a license. Every such license shall specify the particular description of arms or ammunition for the sale of which the same is granted. Such license may be revoked by order of the Lord Lieutenant.

13. Every person having a license to sell arms or ammunition, shall keep a book, setting forth the stock of arms and ammunition, and shall on the first week

of every month, enter particulars of stock in such book and furnish a return of such stock to the District Inspector. Every such person shall also keep in the book of sales an account of all arms or ammunition sold or disposed of, &c. Any Resident Magistrate or any District Inspector may examine such books, or the stock of arms and ammunition of such person.

14. The Inspector-General and Deputy Inspector-General, and the Resident Magistrate in the proclaimed district, are appointed to grant licenses to sell arms or ammunition, or either of them in the proclaimed district.

15. *Importation of arms or ammunition.*—No arms or ammunition shall be imported into Ireland, except at the following places, that is to say:—Dublin, Drogheda, Dundalk, Greenore, Newry, Belfast, Carrickfergus, Larne, Londonderry, Sligo, Galway, Limerick, Cork, Waterford and Wexford.

16. *Consignment of Arms.*—No arms or ammunition shall be consigned to any person in a proclaimed district unless such person is licensed to sell the articles so consigned, or to have and carry the same, or is otherwise lawfully entitled to carry or have the arms and ammunition so consigned.

17. All arms and ammunition consigned to any person in Ireland shall be distinctly labelled with the name and address of the consignee, and also with the words "arms" or "ammunition," as the case may be, and a written notice shall, before the consignment thereof, be given to the Collector or other principal officer of Customs at the place of consignment of the intended consignment, and of the particulars of the arms or ammunition so to be consigned with the name and address of the intended consignee.

18. It shall be lawful for any officer of Customs or any District Inspector or Head Constable, Sergeant, or Acting Sergeant, of the R.I.C., or Superintendent, Inspector, Sergeant, or Detective Officer of the Dublin Metropolitan Police, to open and search any box or package containing or suspected to contain arms or ammunition. [This right of search seems only to apply where such box or package is imported into Ireland.]

INSTRUCTIONS.

19. A person duly licensed to carry and have arms is not bound always to have his license with him, and therefore cannot be legally arrested when carrying arms, because he is unable at the moment to produce it. In the event of a Constable finding a person carrying arms or ammunition in apparent violation of the Peace Preservation Act, if the person should allege that he is duly licensed under the Act, the Constable should take his name and address, and should not arrest him, or seize his arms, unless he should have good reason to believe that such person is not duly licensed, and that he is giving a false name and address, or is likely to abscond.

20. In case a Constable meets a person of good character carrying arms without license, and he has reason to believe that such person is not wilfully breaking the law, no proceedings should be taken against such person until the case is reported and instructions are received, but the arms should be retained.

21. The Constabulary should not interfere with any unlicensed person having or carrying a gun for repair, if satisfied that such person has or is conveying such gun for repair with sanction of the licensed owner.

22. The Constabulary should not seize arms *in transitu* at railway stations and other places belonging to persons going to certain places on lawful business or pleasure; but should ascertain from their owners &c., the place of their ultimate destination and inform them that they must upon their arrival obtain a license from the Resident Magistrate of the district with as little delay as possible. The Constabulary of the district to which such persons are proceeding should be apprised.

23. *Search Warrant.*—The first section of the Act authorizes search to be made under the Lord Lieutenant's warrant, within ten days next after the date of the warrant, for arms and ammunition, at any time between sunrise and sunset, in any

houses, buildings, or places situated in any town-land or municipal ward specified in such warrant; * this warrant is not to be executed except in the presence and under the direction of the person to whom the warrant is addressed, and the person executing the warrant should, if so desired, produce it. The Constabulary in enforcing this provision should take care that their search is clearly within the time limited for the purpose, namely, between sunrise and sunset, and should not enter a dwelling-house with the view of making such search at any hour when it might reasonably be supposed that the inmates were in bed. No force should be employed for admittance unless it should have been first demanded and refused, or not obtained within a reasonable time after demand.

24. The Licensing Officer (Inspector-General or Resident Magistrate), will not grant a license to carry arms under the Peace Preservation Act, unless the applicant has first obtained the ten shilling gun license and produced it. As a rule the Excise will not grant the gun license unless a P. P. Act license is produced.

Pedlars Act, 1871, 34 & 35 Vic., c. 96, amended by 44 & 45 Vic., c. 45.—1. The term "*pedlar*" means any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person, who, without any horse or other beast bearing or drawing burden, travels and trades on foot, and goes from town to town, or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft.

2. *A person may act as a pedlar* when he has obtained a certificate from the chief officer of police of a police district (who in Ireland, except in Dublin metropolis, is the District Inspector of the district).

3. *The conditions upon which the Certificate is granted are*—(1) The person applying must previous to application have resided one month in the police district;

* See sec. 8 of C. L. P. Act, 1887.

(2) must be above seventeen years of age; (3), must be a person of good character; (4), and must, in good faith, intend to carry on the trade of pedlar.

4. The certificate authorizes the person to whom it is granted to act as a pedlar within the United Kingdom.

5. *A pedlar is required to show his certificate to—*(1), Any justice; (2), any Constable or Police Officer; (3), any person to whom such pedlar offers his goods for sale; (4), or any person in whose private grounds or premises such pedlar is found.

6. *Who may inspect a pedlar's pack.*—Any Constable may at any time open and inspect any pack, box, bag, trunk, or case, in which a pedlar carries his goods, wares, and merchandise. The pedlar is liable to a penalty for refusing to allow such inspection.

7. *When a pedlar may be arrested.*—A pedlar, if he refuses to show his certificate or has no certificate, or refuses to allow, or prevents or attempts to prevent any opening or inspection of his pack, box, bag, trunk, or case, may be arrested, when he is forthwith to be conveyed before a magistrate.

8. *Persons who may sell without having a pedlar's certificate.*—(1) Commercial travellers or sellers of books; (2), sellers of vegetables, fish, fruit, or victuals; and (3), persons selling goods in any public market or fair.

[Duty of the Constabulary in regard to persons hawking goods conveyed by beasts of burden.—Unlicensed hawkers are to be arrested and taken before a magistrate. Hawkers receive their licenses from the Excise. They are distinguished from pedlars by using beasts of burden to convey their goods and carry on their trade. (See Hawkers Act, 1888, p. 122)].

Petroleum Act, 1871, 34 & 35 Vic., c. 105 (see also 42 & 43 Vic., c. 47).—1. This Act regulates the safe keeping, landing, labelling, storing, licensing, testing, and searching for, *petroleum* (as defined by Act). The term "*petroleum*" includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist,

shale peats, or other bituminous substance, and any other product of petroleum, or any of the above mentioned oils. The petroleum to which the Act applies means such petroleum as when tested gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer.

2. *Keeping of petroleum.*—The law requires that petroleum shall not be kept, except in pursuance of a license granted by the local authority (Town Council, Town Commissioners, or Justices in Petty Sessions); but it may be kept for private use, or for sale, provided the following conditions are complied with:—

(1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stoppered.

(2.) That the aggregate amount kept, supposing the whole contents of the vessel to be in bulk, does not exceed three gallons.

3. Warrant to search for, and seize petroleum illegally kept, may be granted by magistrates in Petty Sessions.

Poaching Prevention Act, (25 & 26 Vic., c. 114).

—1. The word "game" in Act includes any one or more hares, pheasants, partridges, eggs of pheasants and partridges, woodcocks, snipes, rabbits, grouse, black or moor game, and eggs of grouse, black or moor game.

2. *Duty of a Constable under Act.*—To search any person in any highway, street, or public place, whom the Constable may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of game, or any person aiding or abetting such person, and having in his possession any game unlawfully obtained, or any gun, part of gun, or nets, or engines used for killing game, and also to stop and search any cart, or other conveyance, in or upon which the Constable shall have good cause to suspect any such game, article, or thing, is being carried by such person; and if found, to seize the game, gun, net, or engine, and *summon* the person with whom found.

The Constable has no power to arrest the offender ; nor has he power to seize dogs or ferrets. It is not necessary in order to sustain a prosecution against a number of offenders found together, that a gun, net, game, &c., should be found on each of them. Nor is it necessary to prove the offender was poaching on any particular lands. The Constable should not inquire whether the person has a game license or not, as it is not his duty to make such inquiry.

Prevention of Crimes Act, 1871—Supervision of Convicts, &c.

(34 & 35 Vic., c. 112, amended by 42 & 43 Vic., c. 55).

1. A convict is a person found guilty of a crime and sentenced to penal servitude. By good conduct and industry he may shorten the period of his imprisonment and be *released on license*, and allowed his liberty so long as he conforms to certain conditions.

2. Any constable, if authorized so to do in writing by the District Inspector in charge of the district, may take into custody without warrant, any licensed convict whom he has reason to believe is getting a livelihood by dishonest means, and may bring him before two or more justices of the peace, or one stipendiary magistrate sitting in Petty Sessions, who, being satisfied that the grounds for such belief are reasonable, may commit him to gaol for transmission to the convict prison.

3. *Obligations of a convict on ticket of license or person subject to police supervision :—*

(1.) Within forty-eight hours of his arrival in a district he is to notify his place of residence by personally presenting himself and declaring his place of residence to the District Inspector of the district, or to the Sergeant or other person in charge of the police station at place of residence.

(2.) Whenever he changes his residence within the same district, he is to notify in like manner as the foregoing, such change to the District Inspector or the Sergeant.

(3.) Upon changing his residence from one district to another, he is to notify *personally* the change to the District Inspector or the Sergeant in charge of the police station he is leaving, and to the District Inspector or the Sergeant in charge of the police station of the place to which he goes to reside.

(4.) Every *male* convict on license or *male* person subject to police supervision during his residence in the district is required to report himself once every month, personally or by letter, at the option of the District Inspector, to the Sergeant of the sub-district in which his residence is situated.

4. Any member of the Constabulary has authority, without a warrant, to take into custody any convict on license whom he may reasonably suspect of having committed any offence, or of having broken any of the conditions of his license, and may detain him in custody until he can be taken before a magistrate and dealt with according to law (27 & 28 Vic., c. 47, s. 6).

5. *The conditions of a convict's license, and which are printed on the back thereof are :—*

(1.) The holder shall preserve his license and produce it when called upon to do so by a magistrate or police officer.

(2.) He shall abstain from any violation of the law.

(3.) He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

(4.) He shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

6. *The expression 'CRIME', as used in the Prevention of Crimes Act—*

Means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or the offence—found at night armed or having housebreaking implements with intent to commit burglary.

7. *Circumstances under which a person twice convicted of a CRIME (as above defined) shall be guilty of an offence against this Act:—*

Where any person is convicted on indictment of a *crime*, and a previous conviction of a *crime* is proved against him, he shall at any time within seven years immediately after the expiration of the sentence passed on him for the last of such *crimes* be guilty of an offence against this Act, under the following circumstances or any of them.

First.—If on his being charged by a Constable with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction,* it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means; or,

Secondly.—If on being charged with any offence punishable on indictment or summary conviction, and on being required by a court of summary jurisdiction to give his name and address, he refuses to do so, or gives a false name or a false address; or,

Thirdly.—If he is found in any place, whether public or private, under such circumstances as to satisfy the court before whom he is brought, that he was about to commit or to aid in the commission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction; or,

Fourthly.—If he is found in or upon any dwelling-house or any building, yard, or premises being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure-ground, or nursery-ground, or in any building or erection in any garden, orchard, pleasure-ground, or nursery-ground, without being able to account to the satisfaction of the

* Court of summary jurisdiction is to consist of a stipendiary magistrate sitting alone or with others, or of any two or more justices sitting in petty sessions. (Sec. 17 of Act.)

court before whom he is brought for his being found on such premises.*

8. *When such special offender may be arrested :—*

A constable without warrant, if authorized by the District Inspector of the district, may arrest a special offender for the offence first mentioned.

A constable without warrant may arrest a special offender for the offence thirdly mentioned.

A constable without warrant may arrest a special offender for the offence fourthly mentioned, or the owner or occupier of the property on which the special offender is found, or the servants of the owner or occupier, or any other person authorized by him, may detain the special offender until he can be delivered to a constable.

9. *When a special offender is subjected by law to police supervision :—*

Where any person is convicted on indictment of a crime (as above defined) and a previous conviction of a crime is proved against him, the court having cognizance of such indictment may, in addition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for a period of seven years, or such less period as the court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes. Every person subject to supervision of the police is required to notify his residence to the District Inspector of the district, and to report himself monthly to the Sergeant of the sub-district in which his residence is situated in the same manner as required of convicts holding licenses.

10. *How persons may be punished who harbour thieves, &c.*—The keeper of a lodging-house, or of a house where intoxicating liquors are sold or any place of public entertainment or resort, who knowingly lodges or harbours thieves, or reputed thieves, or knowingly permits them to meet therein, or allows the deposit of goods therein, having reasonable cause for believing

* These provisions are printed on the back of the convict's license.

them to be stolen, is liable to a fine not exceeding £10, and may be required to enter into recognizance with or without sureties for keeping the peace or being of good behaviour during twelve months; in default of sureties he may be imprisoned for three months. On the first conviction his license may be forfeited; on a second conviction his license shall be forfeited, and he is disqualified for a period of two years from receiving a license.

11. *When the premises become affected by this offence.*—Where two convictions take place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the court shall direct that for one year from date of last conviction no such license shall be granted to any person whatever for such premises.

12. *When a written authority to search for stolen property may be granted by the District Inspector of the district:—*

First. When the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves.

Second. When the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment.

It is not necessary for the District Inspector on giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

13. *Powers of a Constable under such written authority.*—He can enter the premises named therein in search of stolen property; and search, seize, and secure any property he may believe to have been stolen, in the same manner as he would be authorized to do if he had a magistrate's search-warrant, and the property seized, if any, corresponded to the property in such search warrant.

14. *In such search, if property be seized by the Constabulary—what should be done.*—The person on whose premises, or in whose possession the property is found, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned before a Court of Summary Jurisdiction to account for the possession, when the court will give orders for the disposal of the property.

15. *Restrictions upon dealers in old metals regarding the purchase of certain metals.*—Any dealer in old metals,* who either personally or by any servant or agent purchases, receives, or bargains for lead, copper, brass, tin, pewter, or German silver, or any composite, the principal ingredient of which is any of such metals, whether new or old, in any quantity at one time, of less weight than, in the case of lead—112 lbs., and in the case of copper, brass, tin, pewter, or German silver—56 lbs., is guilty of an offence against the Act (s. 13).

Prevention of Cruelty to, and Protection of, Children Act, 1889.

(52 & 53 Vict., Chap. 44).

S. 1. *Punishment for ill-treatment and neglect of children.*—Any person over sixteen years of age who, having the custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to its health, shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable, at the discretion of the court, to a fine not exceeding £100, or not

* For the purposes of this section the term 'dealer in old metals' shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second-hand goods or marine stores" (s. 13).

exceeding two years' imprisonment hard labour, and on conviction thereof by a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts, shall be liable, at the discretion of the court, to a fine not exceeding £25, &c.

S. 2. *Power to increase fine where offender interested in death of child.*—If it be proved that a person convicted on indictment as aforesaid was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed £200.

S. 3. *Restrictions on employment of children.*—Any person who—

- (a) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (b) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p.m. and five a.m.; or
- (c) causes or procures any child under the age of ten years to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall, on conviction thereof by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts, be liable, at the discretion of the court, to a fine not exceeding £25, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that any local authority may, if they think it necessary or desirable so to do, from time to time by bye-law extend or restrict the hours mentioned in sub-section (b) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein.

Provided also, that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of a petty sessional court, or in Scotland the school board, that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said court or school board, anything in this Act notwithstanding, to grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as it may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said court or school board is satisfied, to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to, or rescinded by the said court or school board upon sufficient cause being shown; and such licence shall be sufficient protection to all persons acting under or in accordance with the same.

S. 4. *Taking of offender into custody and protection of child.*—(1.) Any constable may take into custody without warrant any person who within view of such constable commits an offence under this Act, where the name and residence of such person are unknown

to such constable and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section one or sub-section (a) of section three of this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

(2.) Where a constable arrests any person without warrant in pursuance of this section the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

S. 5. *Disposal of child by order of court*—(1.) Where a person having the custody or control of a child, being a boy under the age of fourteen or a girl under the age of sixteen years, has been

- (a) convicted of committing in respect of such child an offence under section one of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child,

any person may bring such child before a petty sessional court and the court, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relation of the child, or some other fit person named by the

court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of his own motion or on the application of any person from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid, as if the child were detained under the Industrial Schools Acts, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in sub-section (1) (b) of this section, the court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person ; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(3.) . . . in Ireland the Lord Lieutenant of Ireland may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as . . . Lord Lieutenant approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

S. 6. *Power of search*—(1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is *bonâ fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, such magistrate or justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a court of summary jurisdiction ; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section four.

Provided always, that the powers hereinbefore conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency.

(2.) The magistrate or justices or justice, . . . issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorized by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Provided always, that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the magistrate, justices, or justice otherwise direct, and may also, if the magistrate, justices, or justice so direct, be accompanied by a registered medical practitioner.

S. 7. Evidence of accused person.—In any proceeding against any person for an offence under this Act, such person shall be competent but not compellable, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

S. 8. Evidence of child of tender years.—Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence

to justify the reception of the evidence, and understands the duty of speaking the truth. And the evidence of such child, though not given on oath or affirmation, but otherwise taken and reduced into writing, in accordance with the provisions of . . . section fourteen of the Petty Sessions (Ireland) Act, 1851 (14 and 15 Vic., c. 93), shall be deemed to be a deposition within the meaning of those sections :

Provided that—

- (a.) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence in support thereof implicating the accused ; and
- (b.) Any child whose evidence is received as aforesaid, and who shall wilfully give false evidence, shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, (41 and 42 Vic., c. 49), in the case of juvenile offenders.

S. 9. *Presumption of age of child.*—Where a person is charged with an offence under this Act in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

S. 10. *Appeal from summary conviction to general or quarter sessions.*—When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application to the court under section five of this Act, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such conviction, or order, or decision, in England and Ireland, to a court of general or quarter sessions.

S. 11. *Expenses of prosecution on Indictment—*

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S. 12. *Guardians may pay costs of proceedings.*—The guardians of any union or parish may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

S. 13. *Provision as to bye-laws.*—Every bye-law under this Act shall be subject—

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- (c.) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878 (41 and 42 Vic., c. 53), with the substitution of the Lord Lieutenant for the Local Government Board.

S. 14. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

S. 15. Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, so that no person be punished twice for the same offence.

S. 16. *Ss. 8, 11 not to apply to Scotland—*

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S. 17. *Definitions.*—In this Act—

The expression "Summary Jurisdiction Acts" means—

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- (c.) as regards Ireland, within the police district of Dublin metropolis, the Acts regulating the powers

and duties of justices of the peace for that district, or of the police for that district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851 (14 and 15 Vic., c. 93), and any Act amending the same;

The expression "court of summary jurisdiction"—

(c.) as regards Ireland, means any justice or justices of the peace, police magistrate, or officer, by whatever name called, to whom jurisdiction is given, by the Summary Jurisdiction Acts or any Acts therein referred to.

The expression "petty sessional court"—

(b.) as regards Ireland, has the same meaning as the expression court of summary jurisdiction as above defined.

The expression "street" includes any highway or other public place, whether a thoroughfare or not;

The expression "place of safety" includes a work-house and any place certified by the local authority by bye-law under this Act for the purposes of this Act;

The expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child;

The expression "committed for trial" means, as regards Ireland, committed to prison or admitted to bail in manner provided in the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vic., c. 93.)

The expression "Industrial Schools Acts" means—

(b.) as regards Ireland, the Industrial Schools Act (Ireland), 1868 (31 & 32 Vic., c. 35), and the Acts amending the same.

The expression "local authority" means
as regards Ireland the sanitary authority within
the meaning of the Public Health (Ireland) Act,
1878 (41 & 42 Vic., c. 52.)

The expression "Lord Lieutenant" includes Lords
Justices or other Chief Governor or Governors of
Ireland for the time being.

S. 18. *Repeal of 31 & 32 Vic., c. 122, s. 37—*

S. 19. *Short Title.*—This Act may be cited as the
Prevention of Cruelty to, and Protection of, Children
Act, 1889.

Public Health (Ireland) Act, 1878.

(41 & 42 Vic., c. 52, ss. 141, 142).

1. *Removal to Hospital of a person suffering from infectious disorder.*—When a magistrate addresses an order to a Constable, directing the removal to hospital of a person suffering from a dangerous infectious disorder, it is his duty to carry it out. The Constable in such case should request the Sanitary Authority (Town Council, Town Commissioners, or Poor Law Guardians) to supply a suitable conveyance, and should not act on the order until such conveyance is supplied.

2. *Duty of the Constabulary as regards Wakes.*—A Constable hearing that it is intended to wake in any house the body of a person who has died of a dangerous infectious disorder, should at once warn the occupiers of such house of the illegality of such wake, and of the penalty to which a person permitting it is liable. If, notwithstanding this warning, the wake is held, the Constable should at once notify the fact to the Clerk of the Sanitary Authority of the district, in order that such authority may take proceedings to enforce the penalty for such offence.

3. *Exposure of persons with infectious disease in any public place, &c.*—A person commits an offence against the Act who—

(1.) While suffering from any dangerous infectious disorder, wilfully exposes himself without proper precautions against spreading the disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously noticing conductor or driver that he is so suffering; or—

(2.) Being in charge of any person so suffering, so exposes such sufferer; or—

(3.) Gives, lends, sells, transmits or sends, without previous disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder; or—

(4.) Exposes or conveys without proper precautions the body of any person who has died of any dangerous infectious disorder.

The Constable should at once notify to the Clerk of the Sanitary Authority any such offence that comes under his notice.

Reformatory Schools Act, 1863 (31 & 32 Vic., c. 59).

—A person under sixteen years of age convicted of any offence punishable with penal servitude or imprisonment, can, by order of a magistrate, after fourteen days' imprisonment, be sent to a reformatory for a period of not less than two years, and not exceeding five years. In such case the parent or guardian, if able, must contribute to his maintenance a sum not exceeding 5s. a week.

Sale of Poisons (Ireland) Act (33 & 34 Vic., c. 26).

—It is an offence to sell any poison either by wholesale or by retail, unless the box, bottle, vessel, wrapper, or cover, in which such poison is contained, is distinctly labelled with the name of the article, and the word "poison," and with the name and address of the seller of the poison. It is an offence to sell any of the poisons named in the Act to any person unknown to the seller, unless such person is introduced by some person known to the seller. On every sale of poison,

the seller must, before delivery, enter in a book (1), the date of sale; (2), the name and address of the purchaser; (3), the name and quantity of the article sold; (4), the purpose for which required. And to the entry must be affixed the signature of the purchaser, and of the person (if any), who introduced him.

**Summary Jurisdiction Act (14 & 15 Vic., c. 92,
ss. 10 to 14).**

Offences against Act committed on any public road or street in city or town which should be noted on patrol, beat, &c.

Turning loose any horse or cattle, setting on or urging any dog or other animal to attack or worry any person, horse, or other animal, or by negligence or ill-usage in driving cattle, causing mischief to be done by such cattle.

Flying kites or playing at games, or making or using slides upon ice or snow.

Casting or throwing any fireworks or discharging any firearms on or within 60 feet of centre of public road or street.

Leaving on public road a plough, harrow, cart, or other carriage without horse, &c., unless accidentally broken down there.

Slaughtering any beast, or leaving any dead beast or skin on or within 30 feet of centre of public road.

Laying any stones, timber, dirt, dung, turf, straw, rubbish, or scourings of any ditches or drains, or other object, on or within 30 feet of centre of public road so as to cause danger or mischief to passengers.

Hooping, scalding, or firing any casks, or binding any car or cart wheels, or beating any flax, or threshing or winnowing any corn, on or within 30 feet of centre of public road or street.

Keeping or suffering to be at large any dog without muzzle or log, within 50 yards of public road.

Drying any flax, or burning any bricks or lime, or any weeds or vegetables, or making or assisting in making any bonfires, or any other kind of fire, upon or within 60 feet of centre of public road.

Leading or driving any car or carriage with timber, boards, or iron laid across projecting more than two feet beyond the wheels or sides.

Exposing any horse or other animal for show, hire, or sale, except in any fair or market or lawfully appointed place.

Allowing any swine or other beast to wander: in case owner shall not be known animal may be impounded.

Owner of any cart, car, dray, or carriage, using or allowing the same to be used without having his name and residence painted on right or off side.

Acting as driver or having sole charge of more than one such cart, &c., unless attached together by a sufficient rein.

Driver of any such cart, &c., riding upon same, or upon horse drawing same, unless when holding reins.

Driver of any cart, &c., being negligently or wilfully at such distance from his cart, &c., as that he cannot direct his horse, or leaving cart, &c., so as to obstruct passage.

Driver of cart, &c., not having owner's name thereon, refusing to tell the true Christian and surname and residence of owner.

Person driving any carriage whatsoever or riding any horse or other animal, when meeting any other carriage, or horse or other animal not keeping his carriage, &c., on the left or near side of the road; or when passing any other carriage, or horse, going in the same direction, not passing to right or off side when practicable.

Person riding any horse and leading any other horse not keeping such led horse on the side farthest away from any carriage or person passing him.

Person wilfully or negligently preventing or interrupting the free passage of any person or carriage.

Person riding any horse or animal, or driving any sort of carriage,* who shall ride or drive the same furiously, so as to endanger any passenger or person;

* A bicycle is a carriage within the meaning of this section (Molloy's J. P., 591).

or shall by carelessness or wilful misbehaviour cause any injury to any person or property.

No cart, dray, waggon, or other such carriage, and no car or carriage let on hire shall be driven by any person who shall not be of the full age of 13 years.

2. *Modes of proceeding as to any of such offences committed upon public roads or streets.*—The Constabulary are required by law to take cognizance of all such offences, and in every case where the name and residence of any such offender is known or can be ascertained, to summon him : where the name and residence of such offender shall be unknown and cannot be ascertained, he may with or without any warrant be arrested by a Constable : and the Constable may take charge of such horse, animal, cart, or carriage, and deposit the same in some place of safe custody, as a security for payment of penalty (s. 14 of Act). But if the offender can be made amenable by summons an arrest should not be made.

**Summary Jurisdiction over Children (Ireland) Act,
1884 (47 & 48 Vic., ch. 19).**

1. *Definitions.*—In this Act the expression "*child*" means a person who, in the opinion of the court before whom he is brought, is under the age of twelve years : the expression "*young person*" means a person who, in the opinion of the court before whom he is brought, is of the age of twelve years and under the age of sixteen years : the expression "*guardian*" includes any person who, in the opinion of the court, has for the time being the charge of or control over such child or young person : the expression "*court of summary jurisdiction*" means a court constituted of one or more justices sitting in petty sessions. (S. 9.)

2. *Trial of children for indictable offences.*—Where a child is charged before a court of summary jurisdiction with any indictable offence other than homicide, the Court, if they think it expedient so to do, and if the parent or guardian of the child so charged does not object to the child being dealt summarily with,

may deal with the offence. If found guilty, imprisonment not to exceed one month: fine not to exceed forty shillings. When the child is a male the Court may, instead of any other punishment, adjudge the child to be as soon as practicable, privately whipped with not more than six strokes of a birch rod, by a Constable in the presence of an officer of police of higher rank than a Constable, and also in the presence, if he desires to be present, of the parent or guardian of the child. (S. 4.)

3. *Summary trial with consent of young persons.*—When a young person is charged before a court of summary jurisdiction with an indictable offence, specified in the schedule to this Act, the court, if they think it expedient so to do, and if the young person charged consents to be dealt with summarily, may deal summarily with the offence. If found guilty, fine not exceeding ten pounds, or imprisonment not exceeding three months: and if the young person is a male, and in the opinion of the court, under the age of fourteen years, the court may adjudge such young person to be as soon as practicable privately whipped with not more than twelve strokes of a birch rod by a Constable in the presence of an officer of police of higher rank than a Constable, and also in the presence of the parent or guardian of such young person. (S. 5.)

4. A child on summary conviction for an offence punishable on summary conviction under any Act, shall not be imprisoned for a longer period than one month, nor fined a larger sum than forty shillings. (S. 6.)

5. If upon the hearing of a charge against children and young persons, the court (1) may dismiss the information, and may order the person charged to pay damages not exceeding forty shillings and reasonable costs; or (2) may discharge him conditionally on his giving security to appear for sentence when called upon or to be of good behaviour. (S. 7.)

6. *Schedule.*—Indictable offences which can be dealt with summarily where young persons consent, are:—Larceny, embezzlement, receiving stolen goods,

aiding, abetting, &c., the commission of larceny, attempt to commit larceny, maliciously putting upon or across any railway any wood, stone, &c., or taking up or removing any rail, &c., or showing or hiding any signal or light, or doing any other thing with intent to endanger the safety of any person travelling, &c. Maliciously throwing at any engine, carriage, &c., upon any railway any wood, stone, &c., with intent to endanger the safety of any person travelling, &c. Maliciously to put, &c., upon any railway any wood, stone, &c., or taking up, &c., any rail, &c., or showing or hiding any signal or lights, with intent to obstruct or injure any engine or carriage, &c. Any indictable offence against the Post Office laws.

7. Instructions for carrying out the order to whip children.—Upon receiving a warrant ordering the infliction of such punishment, the District Inspector or Head Constable to whom it is addressed will direct a Constable to perform the duty, and have a Head Constable, Sergeant, or Acting Sergeant present. The Justices are to provide some suitable place where the punishment can be inflicted. It is not to be inflicted in any part of a Constabulary station, nor have the Justices any authority to direct its being done there. The Justices are to cause the birch rod to be supplied to the Constable.

Telegraph Wires, Insulators, &c.—1. The attention of the Constabulary should be given to the practice of causing wilful damage to telegraph wires, insulators, and poles by stone-throwing, in order that they may use special efforts to check it. They should, when on patrol or other duty, not only keep a sharp look-out for stone-throwers, but should, from time to time, direct their attention to the condition of the insulators, &c., noticing, as can easily be done, whether they are intact or broken, in order that if breakages of recent date are observable, inquiry may be promptly made on the spot. Any injuries discovered should be reported to the local postmaster.

2. Offences of this class can be prosecuted under the "Malicious Injury Act," 24 and 25 Vic., cap. 97, secs. 37, 38, and 61.

Section 38 is very valuable in practice, as it includes the act of throwing, and it is not necessary to prove actual striking or special damage.

Section 61 enables a Constable to apprehend the offender on the spot, if he (for example) have reason to think that such offender will give a false address to evade summons. When there is no reason to believe that such an evasion will take place the process should be by summons.

3. All cases of detection should be at once reported direct to

The Solicitor,
General Post Office,
Dublin.

The report to the Solicitor should state the names of the offenders and the date and place of the next Petty Sessions for the District where the case may be heard.

Towns Improvement (Ireland) Act, 1854,
17 & 18 Vic., c. 103, s. 72.

Offences committed in towns under the Towns Improvement (Ireland) Act, 1854, which should be noted on beat duty.—Offences similar to those provided for in 14 & 15 Vic., c. 92, as described, at page 163, are also provided for in the Towns Improvement (Ireland) Act, 1854. In addition to those the following offences committed in towns under the latter Act are provided for in it.

Leaving any furniture, goods, &c., using any standing place or stall, &c., on any footway, or placing any shade, &c., over any such footway, unless 8 feet in height from ground.

Exposing to sale any goods, wares, or thing, so that the same projects into or over any footway, as to obstruct or incommode passengers.

Placing any line, cord, or pole across any street, or hanging clothes thereon.

Common prostitute or night walker loitering and importuning passengers for the purpose of prostitution, or being otherwise offensive.

Wilfully and indecently exposing the person, or committing any act contrary to public decency.

Publicly offering for sale or distribution, or exhibiting to public view, any profane, indecent, or obscene book, paper, print, drawing, or representation, or singing any profane or obscene song or ballad.

Wilfully and wantonly disturbing any inhabitant by pulling or ringing any door bell, or knocking at any door, or wilfully and unlawfully extinguishing the light of any lamp.

Throwing or laying down any stones, coals, slate, shella, lime, bricks, timber, iron, or other materials (except building materials, so enclosed as to prevent mischief to passengers).

Beating or shaking any carpet, rug, or mat (except rugs or mats beaten, &c., before 9 A.M.)

Fixing or placing any flower pot or box, or other heavy article in any upper window without guarding the same against being blown down.

Throwing from the roof or any part of any house, &c., any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger.

Leaving open any vault or cellar, &c., without sufficient fence or hand-rail; or not fencing any area, pit, or sewer, left open; or leaving open area, pit, or sewer without light after sunset.

Throwing or laying any dirt, dung, night soil, &c., or rubbish on any street, sea beach or strand; or causing offensive matter to run from manufactory, brewery, &c., butcher's shop, or dunghill, into any street.

Keeping any pigsty to the front of street, not being shut out by wall or fence; or keeping any swine in or near any street so as to be a common nuisance.

Thimblers, loaded dice players, and other swindlers, &c., found in possession of implements, &c., for practising games of hazard, or exhibiting such to induce, or inducing persons to play at any game of

hazard, or by any fraudulent act or device cheating or attempting to cheat.

2. A Constable may arrest any person who within his view commits any of the above offences; but an arrest should not be made in any case where the offender can be made amenable by summons.

Vagrancy Acts,

10 & 11 Vic., c. 84.

1. *Desertion of wife or child.*—Every person who deserts or wilfully neglects to maintain his wife or any child whom he may be liable to maintain, so that such wife or child becomes destitute, and has to be relieved in or out of the workhouse, commits an offence against Act (s. 2).

2. *Begging or encouraging children to beg.*—Every person begging or placing himself in any public place, street, highway, or passage to beg, or causing, or procuring, or encouraging any child so to do, commits an offence (s. 3).

3. *Arrest of offender.*—Any person whatsoever may arrest any person whom he shall find offending against this Act and take the offender before a magistrate or deliver him to a constable, and it is the duty of the constable to take and convey such offender before a magistrate (s. 4).

5 Geo. IV., c. 83, s. 4,

Amended, and extended to Ireland by 34 and 35 Vic., c. 112, s. 15.

S. 4. Be it enacted that—(1) *Every person committing any of the offences hereinbefore mentioned after having been convicted as an idle and disorderly person*;* (2) every person pretending or professing to tell fortunes, or using any subtle

* Clauses 1 and 13 do not apply to Ireland. Clause 9 has been repealed by 51 and 52 Vic., c. 57.

craft, means, or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects; (3) every person wandering abroad and lodging in any barn or out-house, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself; (4) every person wilfully exposing to view in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition; (5) every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female; (6) every person wandering abroad and endeavouring, by the exposure of wounds or deformities, to obtain or gather alms; (7) every person going about as a gatherer or collector of alms or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence; (8) every person running away and leaving his wife, or his or her child or children chargeable, or whereby she or they or any of them shall become chargeable to any parish, township, or place; (9) *every person playing or betting in any street, road, highway, or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance*; (10) every person having in his or her custody or possession any picklock, key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; (11) every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any enclosed yard, garden, or area, for any unlawful purpose; (12) every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto or any place of public resort, or any avenue leading thereto, or any street, *highway, or any place adjacent to a street or highway*, with intent to commit a felony; shall be deemed a rogue and a vagabond within the true intent and meaning of this Act, imp. on conviction before one justice not exc. 3 months h. l.

Criminal Law and Procedure (Ireland) Act, 1887,
50 and 51 Vic., c. 20 *.

An Act to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto. [19th July, 1887.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY INQUIRY.

S. 1.—*Inquiry by order of Attorney-General.*—(1.)—Where a sworn information † has been made that any offence to which this section applies has been committed in a proclaimed district, the Attorney-General for Ireland may, if he thinks fit, by order in writing under his hand, direct a resident magistrate, of whose legal knowledge and legal experience the Lord Chancellor shall be satisfied, to hold an inquiry under this Section, and thereupon such resident magistrate may, if he so think fit, although no person may be charged before him with the commission of such crime, sit at a police court, when the offence has been committed in Dublin, or at the place where the petty sessions for the petty sessional district in which the said offence has been committed are usually held, and examine on oath concerning such offence any person whom he has reason to believe to be capable of giving material evidence concerning such offence, other than any person confessing himself or herself to be the offender or the husband or wife of such person, and shall take the deposition of such witness, and, if he see cause, may bind such witness by his own recognizance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognizance: Provided that no sitting of any inquiry under this section shall commence except between the hours of 10 A.M. and 6 P.M.: Provided also, that a shorthand writer shall be in attendance at such inquiries, and shall take down the questions of the magistrate, and the answers of each witness, and such questions and answers, when transcribed, shall be annexed to the deposition of the witness: Provided also,

* The provisions of Sections 1, 2, 5, 6, 7, 8, 11, 12, and the definitions for "writ of possession" and "intimidation" in section 19 of this Act, should be carefully studied.

† This information is made by the District Inspector in whose district the offence has been committed.

that upon any person being accused of a crime respecting which an inquiry under this section has been held, such accused person, on his being returned for trial, or his solicitor, shall forthwith be supplied with copies of all depositions taken at any inquiry under this section of any witness to be called against him.

(2.) The enactments contained in the Petty Sessions (Ireland) Act, 1851, section 13, relating to the compelling of the attendance of a witness before a justice and to a witness attending before a justice and required to give evidence concerning the matter of an information or complaint for an indictable offence or concerning the matter of an information or complaint in respect of an offence punishable upon summary conviction, as the case may be, shall apply for the purposes of this section as if they were re-enacted herein and in terms made applicable thereto: Provided, that in case a warrant shall be issued for the arrest of any witness in the first instance, and without any summons having previously been served and disobeyed, such witness shall, on demand, be entitled to receive from the resident magistrate holding the inquiry a copy of the information or complaint on which the warrant for his arrest was issued.

(3.) Where a witness, examined at an inquiry under this section, is under the age of twelve years, the parent or guardian of such witness, or the relative or friend with whom such witness usually resides, shall be entitled to attend at such inquiry.

(4.) A resident magistrate, holding an inquiry under this section, shall himself conduct such inquiry, and shall not permit any other person to question or examine any witness.

(5.) A witness examined under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself:

Provided that—

(a.) A witness who answers truly all questions which he is required to answer, shall be entitled to a certificate under the hand of the magistrate making such examination, stating that such witness has so answered, and such a certificate shall be a bar to all criminal proceedings against such witness in respect of any offence, not being a felony, as to which he has been examined in such inquiry; and

(b.) Any confession or answer by a person to a question put at such examination shall not, except in the case of any criminal proceeding for perjury committed at or after the holding of such inquiry, be, in any proceed-

ing, civil or criminal, admissible in evidence against such person, or the husband or wife of such person ;

- (c.) Provided that if any person has been charged with the commission of the crime which is the subject of the inquiry, no witness, while the said charge is pending, shall be compelled to answer who has been called to give evidence for the defence of such accused person.

(6.) Except with the consent of the witness under examination, no person other than the magistrate and other official person, shall be present at such inquiry.

Save as aforesaid, a witness examined under this section concerning an offence shall not be required to answer any question which he might lawfully refuse to answer on the ground of privilege, if he were being examined as a witness at the trial of a person charged with that offence.

(7.) A magistrate who conducts the examination under this section of a person concerning any offence shall not, if such offence is punishable on summary conviction, take part in the hearing and determination of a charge for that offence ; and shall not, if such offence is an indictable offence, take part in the taking depositions against or committing for trial any person for such offence.

(8.) In case any witness examined under this section shall not speak English, the interpreter employed shall not be a policeman.

(9.) The offences to which this section applies are any felony or misdemeanour and any offence punishable under this Act, committed in a proclaimed district, whether committed before or after the passing of this Act, provided that no inquiry shall be held under this section concerning any offence punishable under this Act committed in any district before the proclamation of such district, unless such offence would have been indictable if this Act had not passed, and unless such offence was committed since the expiry of the Prevention of Crime (Ireland) Act, 1882.

(10.) Every summons under this section shall be in the form in the schedule to this Act, or to the like effect.

Every warrant to commit a witness to prison for refusing to answer a question put to him on an examination held under this section shall set out the question which the witness refused to answer.

There shall be published quarterly in the *Dublin Gazette* a return showing the number of inquiries held during the preceding quarter, the hours during which such inquiries have been held, the number of days occupied, the number

of summonses issued, the number of witnesses examined, the names of, and the sentences on, the persons committed for contempt, and the result, if any, of each inquiry.

SUMMARY JURISDICTION.

S. 2.—*Extension of Summary Jurisdiction.*—Any person who shall commit an offence mentioned in subsection 3 (a) of this section anywhere in Ireland, or shall commit any of the following offences in a proclaimed district may be prosecuted before a court of summary jurisdiction under this Act—

- (1.) Any person who shall take part in any criminal conspiracy now punishable by law to compel or induce any person or persons either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation; or to interfere with the administration of the law.
- (2.) Any person who shall wrongfully and without legal authority use violence or intimidation—
 - (a.) to or towards any person or persons with a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or
 - (b.) to or towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing.
- (3.)—(a.) Any person who shall take part in any riot or unlawful assembly; or*

* It will be observed that the offences of riot and unlawful assembly committed in any part of Ireland, whether proclaimed or not, may be tried by a Court of Summary Jurisdiction. The conviction for riot should describe the offence in such words as will amount to what a riot is defined to be, viz., that to the number of (three or more) they did riotously and tumultuously assemble and in a violent and turbulent manner, to the terror of the people, &c. (describe what they did, and that the acts were accompanied with force and violence).

- (b.) within twelve months after the execution of any writ of possession of any house or land shall wrongfully take or hold forcible possession of such house or land or any part thereof; or
- (c.) shall assault, or wilfully and unlawfully resist or obstruct, any sheriff, constable, bailiff, process server, or other minister of the law, while in the execution of his duty, or shall assault him in consequence of such execution.

- (1.) Any person who shall incite any other person to commit any of the offences hereinbefore mentioned.

SPECIAL JURY AND REMOVAL OF TRIAL.

S. 3.—*Order for Special Jury.*—Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime, and the trial is to be by a jury before a court in Ireland other than a court of quarter sessions, the High Court shall on an application by or on behalf of the Attorney General for Ireland or a defendant make an order, as of course, that the trial of the defendant or the defendants if more than one shall be by a special jury.

S. 4.—*Change of place of trial.*—Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business, be it enacted :

Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime, and the trial is to be at a court of assize for any county in a proclaimed district, or at a court of quarter sessions for any county or borough in a proclaimed district, the High Court on an application by or on behalf of the Attorney-General for Ireland, and upon his certificate that he believes that a more fair and impartial trial can be had at a court of assize in some county to be named in the certificate, shall make an order as of course that the trial shall be had at a court of assize in the county named in the certificate.

The defendant or any defendant, if more than one, may in the prescribed manner and within the prescribed time

apply to the High Court to discharge or vary any such order for the removal of a trial, upon the ground that the trial can be more fairly and impartially had in a county other than the county named in the order of removal, and thereupon the High Court may order that the trial shall be had in any county in which it shall appear that the trial can be most fairly and impartially had; if the court discharge or vary any such order for the removal of a trial, the court shall award that the reasonable costs incurred by the defendant in making the application shall be paid by the Crown.

Proclamation of Districts.

S. 5. *Proclamation of districts for the purposes of the preceding enactments of this Act.*—The Lord Lieutenant, by and with the advice of the Privy Council may from time to time, when it appears to him necessary for the prevention, detection, or punishment of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. Any such proclamation shall be deemed to have expired if an address is presented to Her Majesty by either House of Parliament, praying that such proclamation shall not continue in force.

This section shall not apply to the provisions of this Act relating to dangerous associations.

When any of the provisions of section two of this Act, relating to summary jurisdiction, are declared by proclamation to be in force in a district, such provisions shall apply to offences committed in the district after the passing of this Act, whether before or after the date of the proclamation.

When the provisions of section three or section four of this Act, relating to special juries or change of place of trial, are declared by proclamation to be in force in a district, such provisions shall apply to crimes committed in the district before or after the passing of this Act.

DANGEROUS ASSOCIATIONS.—ARMS.

S. 6. *Special proclamation putting into force the enactments of this Act relating to dangerous associations.*—If the Lord Lieutenant is satisfied that any association—

- (a.) formed for the commission of crimes; or
- (b.) carrying on operations for or by the commission of crimes; or
- (c.) encouraging or aiding persons to commit crimes; or
- (d.) promoting or inciting to acts of violence or intimidation; or
- (e.) interfering with the administration of the law or disturbing the maintenance of law and order,

exists in any part of Ireland, the Lord Lieutenant, by and with the advice of the Privy Council, may from time to time by proclamation declare to be dangerous any such association or associations named or described in such proclamation.

(1.) A proclamation under the authority conferred upon the Lord Lieutenant by this section is in this Act referred to as a special proclamation.

(2.) A copy of every special proclamation shall be laid before each House of Parliament within seven days after the making thereof, if Parliament is then sitting, and if not, then within seven days after the next meeting of Parliament.

(3.) If within a period of fourteen days after a special proclamation has been laid before Parliament an address is presented to Her Majesty by either House of Parliament praying that such special proclamation shall not continue in force as to an association or associations named or described therein, such special proclamation shall be deemed to have expired, so far as the same relates to such association or associations.

(4.) Whenever any special proclamation is issued under this Act, if Parliament be then separated by such adjournment or prorogation as will not expire within twenty days, such special proclamation shall be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within twenty days from the date of the summons.

(5.) When a special proclamation expires, or is revoked, the powers conferred by the seventh section of this Act shall

for the time being cease to be in force in respect of the association or associations as to which such special proclamation has expired or been revoked, and any order of the Lord Lieutenant made under such special proclamation shall also cease to be in force.

(6.) The expression "crime" in this section means any felony or misdemeanor, and any offence punishable under this Act.

S. 7. *Prohibition of dangerous Associations.*—From and after the date of such special proclamation and as long as the same continues unrevoked or unexpired, the Lord Lieutenant in Council may from time to time, by order to be published in the prescribed manner, prohibit or suppress in any district specified in the order, any association named or described in such special proclamation, or any association which appears to the Lord Lieutenant to be a dangerous association, and to have been, after the date of such special proclamation, formed or first employed for any of the purposes of any association named or described in such special proclamation. From and after the date of such order, and during the continuance thereof, every assembly or meeting of such association, or of the members of it as such members, in the specified district, shall be an unlawful assembly, and the association itself shall be an unlawful association; and every person calling together a meeting of such association in the specified district, or of any members thereof as such members, or knowingly taking part in any such meeting, or publishing with a view to promoting the objects of such association any notice of the calling together of any such meeting, or of the proceedings at such meeting, or contributing or receiving or soliciting in the specified district any contribution for the purposes of such association, or in any way taking part in the proceedings thereof in the specified district, or of any branch or meeting of it in such district, shall be guilty of an offence and may be prosecuted before a court of summary jurisdiction under this Act.

In this section, the term "association" includes any combination of persons, whether the same be known by any distinctive name or not.

The Lord Lieutenant in Council may from time to time wholly or in part revoke any order made under this section.

S. 8. *Continuance of 44 & 45 Vict., c. 5; 49 & 50 Vict., c. 24.*—(a.)—The Peace Preservation (Ireland) Act, 1881,

as amended by the Peace Preservation (Ireland) Continuance Act, 1886, shall continue in force for five years from the passing of this Act, and until the end of the then next session of Parliament.

(b.) A warrant under the said Act directing a search for arms or ammunition in houses, buildings, or places in a proclaimed district as defined by that Act shall be valid in law, notwithstanding that the houses, buildings, or places to be searched are not specified therein, further than as being houses, buildings, or places situated in a specified townland or municipal ward.

Provisions as to Special Jury, and Removal of Trial.

S. 9. *Special Jury to be sworn like ordinary Juries*, 39 & 40 Vict. c. 78.—Where under this Act a trial is had by a special jury, the special jurors shall be taken by ballot in the manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors upon the panel returned by the sheriff from the special jurors book.

S. 10. *Proceedings on an Order of Removal in Ireland*.—(1.) If an order for the removal of the trial of a crime to any county in Ireland has been made under this Act before the indictment is found, such crime may be inquired of by a grand jury of, and may be heard and determined in, the county named in the order of removal in like manner as if the crime had been committed in such county, and if the order is made after the indictment is found, such crime may be heard and determined as if the indictment had been found in the court to which the trial is removed.

(2) In either case the defendant may be convicted and sentenced as if the crime had been committed in the county named in the order of removal, but the sentence of the court shall be carried into effect as if he had been tried in the county in which he would have been tried if the order had not been made, and the defendant shall, if necessary, be removed accordingly in pursuance of an order of the court in which he has been tried made for the purpose.

Punishment, Procedure, and Definitions.

S. 11. *Procedure for offence against Act*.—(1.) A person prosecuted before a court of summary jurisdiction under this Act shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding six months, and shall have the same right of appeal as he would have under the Summary Jurisdiction Acts in the case of any other summary conviction.

(2.) If any person licensed under the Acts relating to intoxicating liquors, is convicted under this Act, such conviction shall be entered in the proper register of licenses and may be directed to be recorded on the license of the offender in the same manner, and when so recorded shall have the same effect, as if the conviction were a conviction for an offence against those Acts.

(3.) If an offence is prosecuted summarily under this Act the same shall be prosecuted before a court of summary jurisdiction in manner provided by the Petty Sessions (Ireland) Act, 1851, and subject to the provisions thereof, save so far as they are altered by the provisions of this section.

(4.) The proceedings for enforcing the appearance of the person charged, and the attendance of witnesses for the prosecution shall be the same as if the offence were an indictable offence.

(5.) Upon every proceeding before a court of summary jurisdiction for an offence under this Act, the evidence for the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence, and such depositions shall be admissible in evidence on any appeal.

(6.) The court of summary jurisdiction shall within the police district of Dublin metropolis, be a divisional justice of that district, and elsewhere be two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied, and the expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An Act to Consolidate the Laws relating to the Constabulary Force in Ireland." One resident magistrate may act alone in adjourning or postponing a court, or in doing any other thing antecedent to the hearing of a charge under this Act.*

(7.) In hearing and determining at any quarter sessions an appeal under this Act, the county court judge and chairman of quarter sessions, or the recorder shall sit and act as sole judge.

(8.) Subject to rules of the High Court any jurisdiction vested by this Act in the High Court shall be exercised by the Queen's Bench Division, and may be exercised by any judge thereof.

* One Resident Magistrate may take the informations and sign the summonses. The summonses must be signed by a Resident Magistrate.

S. 12. *Supplemental Provisions as to Proclamations and Orders.*—1.) Any order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(2.) Every proclamation and every special proclamation under this Act, shall provide for the manner of the promulgation thereof. Every proclamation and every special proclamation, and a notice of the promulgation thereof in the manner provided, shall be published in the *Dublin Gazette*.

(3.) The production of a printed copy of the *Dublin Gazette*, purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, special proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, special proclamation, order, or notice, and of the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and in the case of a proclamation or a special proclamation, that such proclamation or special proclamation has been duly promulgated, and in the case of an order that it has been duly made.

(4.) A copy of every proclamation, not being a special proclamation, shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not within fourteen days after the next meeting of Parliament.

S. 13. *Revocation of Proclamation, and of Special Proclamation and Order.*—The Lord Lieutenant, by and with the advice of the Privy Council, may from time to time by a further proclamation or order revoke any proclamation, or any special proclamation, or any order under this Act. A copy of each such further proclamation shall be laid before Parliament within fourteen days if Parliament is then sitting, and if not within fourteen days after the next meeting of Parliament.

S. 14. *Allowances to Witnesses and others.*—There shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court exercising jurisdiction under this Act, and such expenses of persons charged, counsel, and witnesses, payable in pursuance

of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time direct.

S. 15. *Rules for procedure and matters to be prescribed.*—The Lord Lieutenant may, from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to following matters:—

- (1.) In the case where a special jury is required, or where a trial is removed to any county in Ireland, in relation to the attendance, authority, and duty of sheriffs, gaolers, officers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of indictments, recognizances, and documents, and the expenses of witnesses and the carrying of sentences into effect; also, in the case where a special jury is required, the number of jurors to be returned on any panel; and
- (2.) In the case of the removal of a trial to a court of assize for a county in Ireland, in relation to due provision being made by the prescribed Crown Solicitor in the prescribed manner for the advance of money to defray the necessary costs of the defence, so far as they are occasioned by the removal of the trial, and for enabling the defendant or defendants and the witnesses required for the defence to attend the trial.
- (3.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and
- (4.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid, to be necessary for carrying into effect the provisions of this Act;

and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

S. 16.—*Power of Act to be cumulative.*—Any powers or jurisdiction conferred by this Act on any court or authority in relation to any trial, offence, or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting

at common law or by Act of Parliament in relation to such trial, offence, or matter:

Provided that no person shall be punished twice for the same offence.

S. 17.—*Saving for Proclamation.*—Save as provided by this Act, the expiration or revocation of any proclamation or special proclamation or order shall not affect the validity of anything previously done thereunder.

S. 18.—*Saving for Trade Unions*, 34 & 35 Vict. c. 31, 39 & 40 Vict. c. 22, 38 & 39 Vict. c. 86.—An agreement or combination which, under the Trade Union Acts, 1871 and 1876, or the Conspiracy and Protection of Property Act, 1875, is legal, shall not, nor shall any act done in pursuance of any such agreement or combination, be deemed to be an offence against the provisions of this Act respecting conspiracy, intimidation, and dangerous associations.

S. 19. *Definitions.*—In this Act, unless there is something in the context repugnant thereto:—

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

A defendant shall be deemed to be committed for trial who has entered into a recognizance conditioned to appear and plead to an indictment or to take his trial upon any criminal charge, or who has been committed to prison there to await his trial for any offence.

The expression "county" includes a county of a city and a county of a town.

The expression "court of assize" means a court created by a commission of assize, of oyer and terminer, and of gaol delivery, or any of such commissions.

The expression "Attorney General" means the Attorney General acting on behalf of the Crown, and includes, in the case of any vacancy in office or inability to act, the Solicitor General so acting.

The expression "the Summary Jurisdiction Acts" means in the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police in that district, and elsewhere in Ireland means "The Petty Sessions (Ireland) Act, 1851," and the Acts amending it.

The expression "prescribed" means prescribed by rule to be made under this Act

SCHEDULE OF OFFENCES, &c., AND STATUTES.

A statute begins to operate from the time when it receives the Royal Assent, unless some other time be fixed by the Act itself for the purpose.

Where a statute directs or prohibits the doing of any Act, and no other penalty or punishment is provided, any disobedience is punishable by indictment at common law. The law never speaks but to command, nor commands but where it can compel.

Where a statute directs the doing of a thing for the sake of justice or the public good the word *may* is the same as the word *shall*.

A *Penal Statute* is that which imposes a penalty or inflicts a punishment.

Remedial Statutes are made to supply defects in the common law, which is done by *enlarging or restraining* statutes.

An Affirmative statute does not take away the common law ; a Negative does so completely.

The law compels no man to do impossible things.

When a man commits an unlawful act, unaccompanied by any circumstances justifying its commission, it is a presumption of law that he has acted advisedly, and with an intent to produce the consequences which have ensued.

Whenever any expression of time occurs in any Act of Parliament, deed, or other legal instrument, the time referred to shall, unless it is otherwise specifically stated, be held in the case of Great Britain to be Greenwich mean time, and in the case of Ireland, Dublin mean time (43 & 44 Vic., c. 9).

INTERPRETATION ACT, 1889.

(52 & 53 Vic., c. 63.)

S. 1. In every Act passed after 1850, unless the contrary intention appears, (a) words importing the

masculine gender shall include females ; (b) words in the singular shall include the plural, and words in the plural shall include the singular.

S. 2. In Penal Acts, the expression "person" shall include a body corporate ; where any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate where that body is the party aggrieved.

S. 3. The expression "month" shall mean calendar month. The expression "land" shall include messuages, tenements, hereditaments, houses, and buildings of any tenure. The expression "oath" and "affidavit" shall, in the case of persons allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall in like case include affirm and declare.

S. 4. The expression "county" shall be construed as including a county of a city and a county of a town.

S. 11.—(1) Where an Act repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment ; (2) where an Act repeals wholly or partially any former enactment, and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

S. 15. Definitions of "municipal borough," "Parliamentary borough," and "borough."

S. 19. In every Act the expression "person" shall include any body of persons corporate or incorporate.

S. 26. Meaning of "service by post."

S. 27. Meaning of "committed for trial."

S. 33. Where an act or omission constitutes an offence under two or more Acts, or both under one Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts

or at common law, but shall not be liable to be punished twice for the same offence.

S. 34. In the measurement of any distance for the purposes of any Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

F. denotes Felony; M. Misdemeanour; O. Offence not indictable.

Abandoning any child under the age of two years, M. 24 & 25 Vic. c. 100, s. 27.

Abettors in misdemeanours indicted and punished as principals, 24 & 25 Vic. c. 94, s. 8.

Abduction of females, F. 24 & 25 Vic. c. 100, s. 53, &c.

Abominable crime with mankind or animal, F. 24 & 25 Vic. c. 100, s. 61. Assault with intent to commit same, M. s. 62.

Abortion, administering drugs or using instruments to procure, F. 24 & 25 Vic. c. 100, s. 58.

Accessories to felonies, F. 24 & 25 Vic. c. 94.

Accusing of crime with intent to extort, F. 24 & 25 Vic. c. 96, s. 46.

Adulteration of articles of food, O. 1 & 2 Vic. c. 28, s. 8; 14 & 15 Vic., c. 92, s. 7; 38 & 39 Vic. c. 63.

Adulteration of Seeds Act, 1869, 32 and 33 Vic., c. 112.

Affray, M. at common law.

Allegiance, maliciously seducing soldier or sailor from, F. 37 Geo. III. c. 40 (Ir.); 57 Geo. III. c. 7.

Ancient Monuments Protection Act, 1882, 45 & 46 Vic., c. 73.

Animals (horse, cow, sheep, &c.), larceny of, F. 24 & 25 Vic. c. 96, s. 10.

Appeal, general right of, in case of conviction by magistrate. 14 & 15 Vic. c. 92, s. 23; c. 93, s. 24.

Apprentice or servant, bad treatment of, starving, &c., M. 24 & 25 Vic. c. 100, s. 26.

Arms, carrying or having, in a proclaimed district, O. 44 Vic. c. 5.

Armed at night with intent to commit burglary, M. 24 & 25 Vic. c. 96, s. 58.

Army Act, 1881, 44 & 45 Vic. c. 58; continued annually by an Act.

Arsenic, regulating sale of, &c. 14 Vic. c. 13.

- Arson (maliciously setting fire to church, house, goods, &c.)
F. 24 & 25 Vic. c. 97, s. 1, &c.
- Art, destroying or damaging works of (monuments pictures, &c.), M. 24 & 25 Vic. c. 97, s. 39.
- Assault occasioning bodily harm, common assault, M. 24 & 25 Vic. c. 100, ss. 20 and 47.
- Assaults on men, women, or children, O. 24 & 25 Vic. c. 100, ss. 39 to 43. Indecent assault on females, M., s. 52.
- Assaulting a constable in the execution of his duty, M. 24 & 25 Vic. c. 100, s. 38. Offence triable by Magistrates, 34 & 35 Vic. c. 112, s. 12; 50 & 51 Vic., c. 20, s. 2.
- Assaults—indecent—on young persons under thirteen, M. 43 & 44 Vic. c. 45. (Males and females are included.)
- Assembly, unlawful, any person joining in, &c., M. at common law.
- Bail, indictable offences for which magistrates are forbidden, permitted, and required to receive, 14 & 15 Vic. c. 93, s. 16.
- Bailiff acting under decree of Court, or under colour of same, extorting money, &c., M. 24 & 25 Vic., c. 96, s. 3.
- Ballot Act, 1872 (Parliamentary Election), 35 & 36 Vic., c. 33; 36 & 37 Vic., cc. 21, 30; 38 & 39 Vic., c. 84; 41 & 42 Vic., c. 75.
- Bakehouse Regulation Act, regulating employment in bakehouses, 26 and 27 Vic. c. 40.
- Bank notes, forging, receiving or having forged notes, F. 24 and 25 Vic., c. 98, ss. 12, 13.
- Bankrupt Act, criminal offences under, 35 and 36 Vic. c. 57, ss. 11, 12, 13, and 14.
- Baptismal register, injuring; forging, &c., of entry therein, F. 24 and 25 Vic. c. 98, s. 36.
- Bathing in an indecent manner near a highway, M. common law.
- Bawdy house or gaming house keeping, M. common law. 7 Geo. IV. c. 9, s. 1.
- Beer houses, 27 and 28 Vic. c. 35; 34 and 35 Vic. c. 111. Licensing Acts, 1872-74; 40 Vic. c. 4.
- Betting Acts, 16 and 17 Vic. c. 119; 37 Vic. c. 15.
- Bigamy, F. 24 and 25 Vic. c. 100, s. 57.
- Birds Protection Acts, 43 and 44 Vic. c. 35; 44 and 45 Vic., c. 51.
- Births and Deaths Registration (Ireland) Act, 1880, 43 and 44 Vic. c. 13.
- Boiler Explosions Acts, 1882 and 1890, 45 & 46 Vic. c. 22; 53 & 54 Vic., c. 35.
- Bonfires, making or assisting in making upon any public road, O. 14 and 15 Vic. c. 92, s. 10.

- Boycotting, 38 and 39 Vic. c. 86, s. 7; 50 and 51 Vic. c. 20 s. 2.
- Bribing or attempting to bribe an officer of justice (constable, &c.), giver and receiver guilty of M. common law.
- Billeting of soldiers, 44 and 45 Vic. c. 58, ss. 102, &c.
- Bread and flour, regulating sale of bread, and providing for adulteration of bread, flour, and meal, 1 and 2 Vic. c. 28.
- Burglary, F. 24 and 25 Vic. c. 96, s. 52.
- Carnal knowledge of a girl under thirteen, F. 48 and 49 Vic. c. 69, s. 4; above thirteen and under the age of sixteen, M. s. 5; if an idiot or imbecile woman, M. s. 5.
- Cattle, unlawfully and maliciously killing, maiming, &c., F. 24 and 25 Vic. c. 97, s. 40.
- Challenging to fight a duel; sending, or provoking another to send, M. common law.
- Cheating, obtaining money, goods, &c., by false pretences, M. 24 and 25 Vic. c. 96, ss. 88, &c.
- Child under two, exposing, whereby life endangered, M. 24 and 25 Vic. c. 100 s. 27.
- Child under fourteen, stealing or detaining from parents or guardian, F. 24 and 25 Vic. c. 100, s. 56.
- Child under fourteen, employing in any public exhibition or performance to the danger of its life or limbs, O. 42 and 43 Vic. c. 34.
- Chimney-sweeps, 3 and 4 Vic. c. 85; 27 and 28 Vic. c. 37; 38 and 39 Vic. c. 70.
- Chloroform, administering, for a criminal purpose, F. 24 & 25 Vic. c. 100, s. 22.
- Choke, attempt to, in order to commit an indictable offence F. 24 & 25 Vic. c. 100, s. 21. Punished by flogging, 26 & 27 Vic. c. 44.
- Church, chapel, or churchyard—riotous, violent, or indecent behaviour in, O. 23 & 24 Vic. c. 32, s. 2.
- Clergymen on duty, assaulting, M. 24 & 25 Vic. c. 100, s. 36.
- Clerk of Petty Sessions: appointment and duties, 21 & 22 Vic. c. 100; 44 & 45 Vic. c. 18.
- Cock fighting, O. 11 and 12 Vic., c. 92, s. 2.
- Coin, offences relating to, 24 & 25 Vic. c. 99.
- Compensation by presentment to relatives of witnesses, magistrates, constables, murdered, and to such persons maimed, 50 Geo. III. c. 102, s. 6; 6 & 7 Wm. IV. c. 116, s. 106.
- Compounding offences (taking a reward not to prosecute), M. common law; in larceny, F. 24 & 25 Vic. c. 96, s. 101.
- Concealing birth, M. 24 & 25 Vic. c. 100, s. 60.
- Conspiracy and Protection of Property Act, 1875 (contains provision against *boycotting*), 38 & 39 Vic. c. 86.

Conspiracy or soliciting to murder, M. 24 & 25 Vic. c. 100, s. 4.

Constables—

Neglecting to obey and execute a warrant, O. 6 Wm. IV., c. 13, s. 19.

Dismissed, not delivering up arms, clothing, &c., O. s. 20.

Resigning or withdrawing without leave, O. s. 21.

Neglecting to pay over amount received under warrant, O. 14 & 15 Vic. c. 90, s. 8.

Wilful neglect in returning any unexecuted warrant, O. 14 & 15 Vic. c. 93, s. 19.

Assaults on, in execution of duty, M. 24 & 25 Vic. c. 100, s. 38; O. 34 & 35 Vic. c. 112, s. 12; 50 & 51 Vic. c. 20, s. 2.

Allowing prisoner to escape, M. at common law.

Constables, special:—

Appointment of, 2 and 3 Wm. IV. c. 108.

Constabulary Acts:—

Consolidation Act, 6 Wm. IV. c. 13.

Amending foregoing, 6 and 7 Wm. IV. c. 36.

Formation of Reserve and Depot, 2 & 3 Vic. c. 75.

Constabulary for public works, 8 & 9 Vic. c. 46.

Expenses of Force removed off counties, and Reserve increased, 9 & 10 Vic. c. 97.

Superannuation Act, 10 and 11 Vic. c. 100.

Expenses of Constabulary ordered to other counties, &c. 11 & 12 Vic. c. 72.

Paymasters abolished, expenses incurred in conveying prisoners, witnesses, &c., 14 & 15 Vic. c. 85.

Distribution of the force, 20 & 21 Vic. c. 17.

Appointment of one Deputy Inspector-General and Commandant, 22 & 23 Vic. c. 22.

Belfast force, 28 & 29 Vic. c. 70.

Regulating pay and pensions, 29 & 30 Vic. c. 103.

Londonderry City force, 33 & 34 Vic. c. 83.

Revision of salaries, . . . 36 & 37 Vic. c. 74.

New Superannuation provisions, 37 & 38 Vic. c. 80.

Continuance of revised salaries . . . 38 & 39 Vic. c. 44.

do. . . and reduction of the number of sub-inspectors, head constables, &c. . . 40 & 41 Vic. c. 20.

Regulating pay and pensions of officers, 45 & 46 Vic. c. 63.

Regulating pay and pensions of men, 46 Vic. c. 14.

Relating to the distribution of the Force, 48 Vic. c. 12.

Contagious Diseases (Animals) Acts, 1878 to 1890, 41 & 42 Vic. c. 74; 47 Vic. c. 13; 49 & 50 Vic. c. 32; 53 & 54 Vic. c. 14.

Convict and Penal Servitude Act, 27 & 28 Vic. c. 47.

Coroner—election, qualification, and removal of, 10 Geo. IV. c. 37.

Coroners' Acts, 9 & 10 Vic. c. 37; 44 & 45 Vic. c. 35.

Corrosive fluid, throwing at a person to do some bodily harm, F. 24 & 25 Vic. c. 100, s. 29.

Corrupt and Illegal Practices Prevention Act, 1883, 46 and 47 Vic. s. 51.

Counterfeit coin, 24 & 25 Vic. c. 99; making, F. s. 2; tendering, M. s. 10; possessing, M. s. 11.

Criminal Consolidation Statutes, 24 & 25 Vic. cc. 94 to 100.

Chapter 94 relates to principals in the second degree and accessories.

“ 95 repeals the old Acts.

“ 96 relates to larcenies and other similar offences.

“ 97 relates to malicious injuries.

“ 98 relates to forgery.

“ 99 refers to offences relating to the coin.

“ 100 relates to offences against the person.

Chapters 96, 97, 99 & 100 amended by 25 & 26 Vic. c. 50.

Criminal Justice Act, 1853, persons charged with larceny may be tried summarily, 18 & 19 Vic. c. 126.

Criminal Law Amendment Act, 1885, 48 and 49 Vic., c. 69.

Procuring any girl under twenty-one for unlawful carnal connexion, or any woman or girl to become a prostitute, or any woman or girl for prostitution to become an inmate of a brothel, M. s. 2.

By threats or intimidation procuring any female to have unlawful carnal connexion, or by false pretences or false representations procuring a female not being a prostitute to have unlawful carnal connexion, or administering to any female any drug, &c., with intent to stupefy for unlawful carnal connexion, M. s. 3.

Unlawfully and carnally knowing any girl under thirteen, F. s. 4.

Attempting to have unlawful carnal knowledge of any girl under thirteen, M. s. 4.

Unlawfully and carnally knowing or attempting to have unlawful carnal knowledge of any girl above thirteen and under sixteen, or unlawfully and carnally knowing or attempting to have unlawful carnal knowledge of any female idiot or imbecile female, not being a rape, M. s. 5.

Criminal Law Amendment Act, 1885—*continued*.

Owner or occupier of premises permitting defilement of girl under thirteen, F.; or if girl be between age of thirteen and sixteen, M. s. 6.

Abduction of girl under eighteen with intent to have carnal knowledge, M. s. 7.

Detaining any woman or girl with intent to have carnal knowledge, M. s. 8.

Warrant to search for woman or girl detained for immoral purposes, s. 10.

Male person committing act of gross indecency with any male person, &c., M. s. 11.

Keeping brothel, permitting premises to be used as such, letting premises for brothel, O. s. 13.

Criminal Law and Procedure (Ireland) Act, 1887, 50 and 51 Vic., c. 20.

Cruelty to animals, 12 & 13 Vic. c. 92; 17 & 18 Vic. c. 60.

Customs Consolidation Act, 1876, 39 & 40 Vic. c. 36, amended by 44 & 45 Vic. c. 12, and by 53 & 54 Vic. c. 56.

Dangerous goods, transmitting, without being specially marked, M. 29 & 30 Vic. c. 69, s. 3.

Dead bodies; disinterring, refusal or neglect to bury, obstructing the burial of, M. at common law.

Declaration made falsely, M. 5 & 6 Wm. IV. c. 62, s. 18.

Deer, stealing from enclosed ground, F.—from unenclosed ground, M. 24 and 25 Vic. c. 96, ss. 12, &c.

Demanding money, &c., with menaces or by force, with intent to steal, F. 24 and 25 Vic. c. 96, s. 45.

Detaining certificate of military pensioners, or of men belonging to the Army Reserve, O. 54 Vic. c. 5, s. 9.

Dog stealing—first offence tried by magistrates—second offence, M. 24 and 25 Vic. c. 96, s. 18.

Dogs Act, 1871, 34 and 35 Vic. c. 56.

Dogs Regulation Act, 1865, 28 Vic. c. 50.

Drilling illegally, M. 60 Geo. III. & I. Geo. IV. c. 1.

Drivers of cars, carts, and carriages, offences by, 14 and 15 Vic. c. 92, ss. 11 to 14.

Drug, administering, in order to commit an offence, F. 24 and 25 Vic. c. 100, s. 22.

Drunkenness, O. 6 and 7 Wm. IV. c. 38, ss. 6 to 12; 23 and 24 Vic. c. 107, s. 42; 35 and 36 Vic. c. 94, s. 12.

Duelling, when death ensues, is murder in principal and both seconds, common law.

Election, Parliamentary, 35 and 36 Vic. c. 33, 46 and 47 Vic. c. 51.

Election, Municipal, 35 and 36 Vic. c. 60.

Employers and Workmen Act, 1875, 38 and 39 Vic. c. 90.
Entry, forcible, *see* "Forcible entry."

Escape of prisoner, negligently permitting, M. Voluntarily permitting, same degree as prisoner's offence. Common law.

Embezzlement, F. 24 and 25 Vic. c. 96, s. 68, &c. By co-partners, F. 31 and 32 Vic. c. 116.

Embracery is any attempt corruptly to influence a jury, dissuading a witness from giving evidence against a person indicted, M. at common law.

Evidence, law of, 14 and 15 Vic. c. 99; 16 and 17 Vic. c. 113; 28 Vic. c. 18; 31 and 32 Vic. c. 37; 32 and 33 Vic. c. 68; 45 & 46 Vic. c. 9.

Evidence of documents by means of copies printed by the Government printers, 45 Vic. c. 9.

Excusable homicide, 24 and 25 Vic. c. 100, s. 7.

Executions to be within prisons, 31 and 32 Vic. c. 24.

Explosives Act, 1875, 38 Vic. c. 17.

Explosive Substances Act, 1883, 46 Vic. c. 3.

Extradition of fugitive criminals.

In Colonies, 44 and 45 Vic. c. 69.

In United States, 6 and 7 Vic. c. 76.

In other Foreign States, 33 and 34 Vic. c. 52; 36 and 37 Vic. c. 60.

Fairs and markets, disputes of sales at, 14 and 15 Vic. c. 92, s. 17.

Factory and Workshop Act, 1878, 41 Vic. c. 16.

False light or signal, showing, to endanger a ship, F. 24 and 25 Vic. c. 97, s. 47.

False pretences, obtaining money, &c., under, M. 24 and 25 Vic. c. 96, s. 88.

Falsification of Accounts Act, 1875, 38 & 39 Vic. c. 24, s. 1; clerk, officer, or servant falsifying accounts, &c., M.

Female, indecent assault upon any, M. 24 and 25 Vic. c. 100, s. 52.

Fire-arms, discharging, on roads, &c. O. 14 and 15 Vic. c. 92, s. 10.

Fireworks, throwing, in any public place, O. 23 and 24 Vic. c. 139, s. 9.

Fishery Acts, 5 and 6 Vic. c. 106; 7 and 8 Vic. c. 108; 8 and 9 Vic. c. 108; 11 and 12 Vic. c. 92; 13 and 14 Vic. c. 88; 26 Vic. c. 10; 26 and 27 Vic. c. 114; 29 and 30 Vic. c. 97; 32 and 33 Vic. cc. 9 and 92; 33 and 34 Vic. c. 33; 44 and 45 Vic. c. 66; 47 and 48 Vic. c. 48; 51 and 52 Vic. c. 30.

Fisheries (Dynamite) Act, 1877, 40 and 41 Vic. c. 65.

- Food and Drugs Act, see "Sale of Food and Drugs Act, 1875."
- Forcible entry—Entering or taking possession of lands or tenements, M. at common law; *forcibly* and without due process of law taking the possession of any house or land, or tenement, and *forcibly* and without due authority of law holding such possession so taken by force, F. 26 Geo. III., c. 24 (Ir.), s. 64; see also 50 & 51 Vic. c. 20, s. 2.
- Foreign Jurisdiction Act, 1890, 53 and 54 Vic. c. 37.
- Fraud in provisions, O. 14 and 15 Vic. c. 92, s. 7.
- Foreign Enlistment Act, 1870, 33 and 34 Vic. c. 90.
- Foreign service, enlisting in, without the Royal license, M. 33 and 34 Vic. c. 90, s. 4.
- Forgery, F. 24 and 25 Vic. c. 98.
- Friendly Societies Acts, 38 and 39 Vic. c. 60; 42 and 43 Vic. c. 9.
- Fugitive Offenders Act, 1881, 44 and 45 Vic. c. 69.
- Game Laws, 10 Wm. III. c. 8 (Ir.); 27 Geo. III. c. 35 (Ir.); 37 Geo. III. c. 21 (Ir.); 9 Geo. IV. c. 69; 1 and 2 Wm. IV. c. 32; 5 and 6 Vic. c. 81; 7 and 8 Vic. c. 29; 23 and 24 Vic. c. 90; 24 and 25 Vic. c. 96; 25 and 26 Vic. c. 114; 26 Vic. c. 19; 27 and 28 Vic. c. 67, c. 115; 28 and 29 Vic. c. 2, c. 54; 43 and 44 Vic. c. 47; 46 and 47 Vic. c. 10.
- Gaming house keeping, M. or trial by magistrates, 8 and 9 Vic. c. 109, s. 3; 17 and 18 Vic. c. 38.
- Girl, under sixteen, taking her out of possession of parent against his will, M. 24 and 25 Vic. c. 100, s. 55.
- Girl, under eighteen, taking her out of the possession, against the will, of parent or guardian, with carnal intent, M. 48 and 49 Vic. c. 69, s. 7.
- Glanders, bringing into a public place a horse diseased with, M. at common law.
- Gorse or furze, setting fire to—or setting fire to a stack of, F. 24 and 25 Vic. c. 97, s. 16.
- Grand Jury Act, 6 and 7 Wm. IV. c. 116 (19 and 20 Vic. c. 63).
- Gun License Act, 1870, 33 and 34 Vic. c. 57.
- Gunpowder, regulations for sale of, &c., 17 and 18 Vic. c. 103, s. 56; 38 Vic. c. 17, ss. 30-32.
- Habeas Corpus Act, 31 Ch. II. c. 2, enforced in Ireland by 21 and 22 Geo. III. c. 11 (Ir.) and 56 Geo. III. c. 100.
- Habitual Drunkards Act, 1879 (see "Inebriates Acts").
- Harbouring, knowingly, an escaped felon, F. 8 Geo. I. c. 9, s. 6; 31 Geo. III. c. 44.
- Harbouring, knowingly, any person guilty of felony (an accessory after the fact), F. 24 and 25 Vic. c. 94, s. 3.

- Hares Preservation (Ireland) Act, 1879, 42 and 43 Vic. c. 23.
 Hares or rabbits, unlawfully taking or killing at night, M. 24 and 25 Vic. c. 96, s. 17.
 Hares and rabbits, occupier's right to kill, "Ground Game Act," 43 and 44 Vic. c. 47.
 Hawkers Act, 1888, 51 and 52 Vic. c. 33.
 Hawking and selling spirits, O. 43 and 44 Vic. c. 24, s. 146.
 High seas, offences committed on, 14 and 15 Vic. c. 93, s. 10; 24 and 25 Vic. c. 95, s. 115; c. 97, s. 72; c. 98, s. 50; c. 99, s. 36; c. 100, ss. 10 and 68.
 High treason, 25 Edw. III. c. 3, and 35 Geo. III. c. 7.
 Highway, obstructing or injuring, M. at common law.
 Housebreaking implements, having at night, without lawful excuse, M. 24 and 25 Vic. c. 96, s. 58.
 House of worship, indecent behaviour in, &c., O. 23 and 24 Vic. c. 32.
 Illicit Distillation Acts, 1 and 2 Wm. IV. c. 55; 17 and 18 Vic. c. 89.
 Inciting or soliciting a person to commit an offence, M. at common law.
 Indecency of male person with male, M. 48 and 49 Vic. c. 69, s. 11.
 Indecency in public by exposing naked person is a misdemeanour at common law.
 Indecent Advertisements Act, 1889, 52 and 53 Vic. c. 18.
 Indecent assault, M. 24 and 25 Vic. c. 100; on female, s. 52; on male, s. 62.
 Indecent assault on a young person under thirteen—it is no defence to prove he or she consented. 43 and 44 Vic. c. 45.
 Industrial Schools Act, 31 Vic., c. 25; 43 and 44 Vic. c. 15.
 Inebriates Acts, 1879 and 1888, 42 and 43 Vic. c. 19, and 51 and 52 Vic. c. 19.
 Infant Life Protection Act, 1872, 35 and 36 Vic. c. 38.
 Infectious Disease (Notification) Act, 1889, 52 and 53 Vic. c. 72.
 Inquest held by magistrates, 9 and 10 Vic. c. 37, s. 44.
 Intoxicating Liquors (Sale to Children) Act, 1886, 49 and 50 Vic. c. 56.
 Juries Procedure (Ireland) Act, 1876, 39 and 40 Vic. c. 78.
 Juries (Ireland) Acts, 1871, 1872, 1876, 34 and 35 Vic. c. 65; 35 and 36 Vic. c. 25; 39 and 40 Vic. c. 21.
 Justices' Protection Act, 12 Vic. c. 16.
 Killing an animal with intent to steal amounts to the same offence as the stealing of the animal, F. 24 and 25 Vic. c. 96, s. 11.

- Knacker, to affix name over door, 12 and 13 Vic. c. 92, s. 7; horses or cattle to be killed within three days, s. 8; to enter description of cattle in a book, s. 10.
- Larceny, F. 14 and 15 Vic. c. 92, s. 6 (25 Vic. c. 18); 24 and 25 Vic. c. 96; 25 and 26 Vic. c. 50; 31 and 32 Vic. c. 116.
- Letters, opening, stealing, &c. F. 1 Vic. c. 36, ss. 25, 26, &c.
- Libel, maliciously publishing, M. at common law, and 6 and 7 Vic. c. 96, s. 4.
- Libel, charge of, triable by magistrates, 44 and 45 Vic. c. 60.
- Library, injuring works of arts, books, &c., 21 and 25 Vic. c. 97, s. 39.
- Licensing Acts, 1872, 1874, 35 and 36 Vic. c. 94; 37 and 38 Vic. c. 69; 47 and 48 Vic. c. 29.
- Licensing (Evidence) Act, 1884, 47 and 48 Vic. c. 29.
- Linen Acts, 5 and 6 Will. IV. c. 27; 3 and 4 Vic. c. 91; 7 and 8 Vic. c. 47.
- Loaded arms defined, 24 and 25 Vic. c. 100, s. 19.
- Loan Societies Acts, 6 and 7 Vic. c. 91; 7 and 8 Vic. c. 38.
- Lodger, stealing property let to him, F. 24 and 25 Vic. c. 96, s. 74.
- Lodgers Goods Protection Act, 34 and 35 Vic. c. 79.
- Lotteries are deemed public nuisances, 11 Anne, c. 6 (Ir.); for recovery of penalties see 46 Geo. III. c. 148, s. 59; 4 Geo. IV. c. 60, ss. 41-62. Some authorized by statute.
- Lunatics, 1 Vic. c. 27; 8 and 9 Vic. c. 107; 14 and 15 Vic. c. 68; 16 and 17 Vic. c. 96, s. 9; 30 and 31 Vic. c. 118.
- Malicious injuries to property, 24 and 25 Vic. c. 97; 25 and 26 Vic. c. 20.
- Malicious injury presentments, 6 and 7 Wm. IV. c. 116, s. 135, &c.
- Manslaughter, F. 24 and 25 Vic. c. 100, s. 5.
- Mantraps, spring guns, &c., setting, M. 24 and 25 Vic. c. 100, s. 31.
- Margarine Act, 1887, 50 and 51 Vic. c. 29.
- Marine stores, dealers in, 17 and 18 Vic. c. 104, s. 480.
- Markets; disputes in fairs and markets between buyer and seller (where value does not exceed £5), 14 and 15 Vic. c. 92, s. 17.
- Markets and Fairs (Weighing of Cattle) Act, 1887, 50 and 51 Vic. c. 27.

- Married woman, protecting property of, when deserted by husband, against husband or his creditors; a justice may make an order, 28 Vic. c. 43; if deserted by husband, magistrates can order maintenance, 49 and 50 Vic. c. 52.
- Master and Servant's Act, 30 and 31 Vic. c. 141, continued by 32 and 33 Vic. c. 85.
- Merchandise Marks Acts, 1887 and 1891, 50 and 51 Vic. c. 28, and 54 Vic. c. 15.
- Merchant Shipping Acts, 1854 to 1889: 17 and 18 Vic. c. 104; 25 and 26 Vic. c. 63; 30 and 31 Vic. c. 124; 34 and 35 Vic. c. 110; 36 and 37 Vic. c. 85; 39 and 40 Vic. c. 80; 43 and 44 Vic. c. 16; 52 and 53 Vic. c. 46.
- Metal fixed to any building, &c., also from mines, stealing, F. 24 and 25 Vic. c. 96, ss. 31 and 36.
- Militia Acts, 49 Geo. III. c. 120; 17 and 18 Vic. c. 107; 44 and 45 Vic. c. 58; 45 and 46 Vic. c. 49.
- Murder, F. 24 and 25 Vic. c. 100, s. 1; conspiring to, M. s. 4.
- Mutiny Act, see Army Act, 1881.
- Naturalization Acts, 1870, 1872, 33 Vic. c. 14; 35 and 36 Vic. c. 39.
- Naval Deserters, 10 and 11 Vic. c. 62, s. 9.
- Neglect by which life of passenger is endangered on railway, M. 24 and 25 Vic. c. 100, s. 34.
- Negligence of drivers of carriages, &c., causing injury by furious driving, M. 24 and 25 Vic. c. 100, s. 35.
- Newspaper, Label and Registration Act, 1881, 44 and 45 Vic. c. 60.
- Night, in Larceny Act, is between 9 P.M. and 6 A.M. 24 and 25 Vic. c. 96, s. 1.
- Nitro-glycerine, manufacturing, carrying, selling, &c., or having in possession without license, M. 32 and 33 Vic. c. 113.
- Nuisances, 14 and 15 Vic. c. 92, s. 10; 41 and 42 Vic. c. 52.
- Oath, administering or taking an unlawful one, F. 27 Geo. III. c. 15, s. 6; 50 Geo. III. c. 102.
- Oaths Act, 1888, 51 and 52 Vic. c. 46. Person objecting to be sworn may make solemn affirmation instead.
- Obscene book, print, picture, &c., public selling or exposing for sale is M. at common law.
- Obstructing an arrest under a criminal warrant, M. at common law.
- Official Secrets Act, 1889, to prevent the disclosure of official documents and information, 52 and 53 Vic. c. 52.
- Oysters, stealing from beds is larceny, F. 24 and 25 Vic. c. 96, s. 26.

- Passenger ships, regulations for, 18 and 19 Vic. c. 119.
 Passenger steamships, overcrowding, O. 17 and 18 Vic. c. 104, s. 319.
 Pawnbrokers Acts, 26 Geo. III. c. 43; 28 Geo. III. c. 49 (Ir.)
 Pawnbrokers required to apprehend offenders, 24 and 25 Vic. c. 96, s. 103.
 Peace Preservation (Ireland) Act, 1881, 44 Vic. c. 5; continued for five years by 50 & 51 Vic. c. 20.
 Pedlars Acts, 34 and 35 Vic. c. 96; 44 and 45 Vic. c. 45.
 Penal Servitude Act, 27 and 28 Vic. c. 47.
 Perjury or subornation of perjury, M. at common law. 3 Geo. II. c. 4 (Ir.); 14 and 15 Vic. c. 100, ss. 19, &c.; 22 and 23 Vic. c. 17.
 Personating falsely, F. 24 and 25 Vic. c. 98, ss. 3, 34, and 48.
 Petty Sessions Act, 14 and 15 Vic. c. 93, amended by 26 and 27 Vic. c. 96, and 45 and 46 Vic. c. 24.
 Petroleum, regulating the safe keeping of, 34 and 35 Vic. c. 105; 42 and 43 Vic. c. 47.
 Petroleum, hawking of, 44 and 45 Vic. c. 67.
 Pharmacy Act (Ireland), 1875, 38 and 39 Vic. c. 57.
 Pharmacy Act (Ireland), 1875, Amendment Act, 1890, 53 and 54 Vic. c. 48.
 Piracy (robbery on the high seas), F. common law. 1 Vic. c. 68.
 Plate, defacing name or crest on, to sell same, M. 28 Geo. III. c. 49 (Ir.), s. 7.
 Poaching Acts, 9 Geo. IV. c. 69; 25 and 26 Vic. c. 114; 27 and 28 Vic. c. 67.
 Poison, administering with intent to murder, F. 24 and 25 Vic. c. 100, s. 11.
 Poisoned Grain Prohibition Act, 1863, 26 and 27 Vic. c. 113.
 Poisoned Flesh Prohibition Act, 1864, 27 and 28 Vic. c. 115.
 Police Clauses Act, 10 and 11 Vic. c. 89 (in force in Cork and other cities).
 Pollen Fishing (Ireland) Act, 1881, regulating the close season for fishing for pollen, 44 and 45 Vic. c. 66.
 Poor Law Relief, 1 and 2 Vic. c. 56, and 10 and 11 Vic. c. 31.
 Post Office, offences in regard to, 1 Vic. c. 36.
 Post Office (Protection) Acts, 1884, 47 and 48 Vic. c. 76 (offences of injuring, &c., letter-boxes, sending dangerous or filthy articles, or indecent prints, cards, &c., through Post Office, &c.)
 Poultry, stealing, or injury with intent to steal, O. 25 and 26 Vic., c. 50, s. 8.

Pounds, Acts regulating, 14 and 15 Vic. c. 92, ss. 19 and 20.—In towns, 9 Geo. IV. c. 82, s. 67; 17 and 18 Vic. c. 117, s. 71.

Presentment Sessions, 6 and 7 Wm. IV. c. 116, s. 4; 7 Wm. IV. c. 2.

Prevention of Crimes Act, 1871, 34 and 35 Vic. c. 112.

Prevention of Crimes Act, 1879, 42 and 43 Vic. c. 55.

Prevention of Cruelty to, and Protection of Children Act, 1889, 52 and 53 Vic. c. 44.

Prisons (Ireland) Act, 1877, 40 and 41 Vic. c. 49.

Prize fighting is an assault, and all persons present are guilty of a breach of the peace; where death ensues, is manslaughter, common law.

Probation of First Offenders Act, 1887, 50 and 51 Vic. c. 25.

Prostitutes, 10 and 11 Vic. c. 89, s. 28; 17 and 18 Vic. c. 103, s. 72.

Public Health (Ireland) Act, 1878, 41 and 42 Vic. c. 52; amended by 53 and 54 Vic. c. 59.

Public Health (Ireland) Amendment Act, 1879, 42 and 43 Vic. c. 57.

Public houses, 3 and 4 Wm. IV. c. 68; 6 and 7 Wm. IV. c. 38; 17 and 18 Vic. c. 89, s. 11; 18 and 19 Vic. c. 114; 35 and 36 Vic. c. 94; 37 and 38 Vic. c. 69; 41 and 42 Vic. c. 72; 47 and 48 Vic. c. 29; 49 and 50 Vic. c. 56.

Public Parks Act, for control and protection of, 32 and 33 Vic. c. 28; 35 Vic. c. 6.

Public Stores Act, 1875, provides penalties for unlawful possession of Her Majesty's stores and property, 38 and 39 Vic. c. 25.

Railways Acts, regulating, 1 and 2 Vic. c. 98; 3 and 4 Vic. c. 97; 5 and 6 Vic. c. 55; 8 Vic. cc. 16, 18, and 20; 24 and 25 Vic. c. 97, ss. 35 and 36; c. 100, ss. 32, &c.; 31 and 32 Vic. c. 119; 33 and 34 Vic. c. 19; 34 and 35 Vic. c. 78; 36 and 37 Vic. c. 76.

Railway, maliciously injuring any part thereof, F. 24 and 25 Vic. c. 97, s. 35.

Rape, F. 24 and 25 Vic. c. 100, s. 48.

Receiving stolen goods knowingly, F. 24 and 25 Vic. c. 96, ss. 91 to 97; 32 and 33 Vic. c. 99, s. 11.

Receiving stolen post-letters or letter-bag, &c., F. 1 Vic. c. 36, ss. 30, &c.

Refreshment houses, 23 and 24 Vic. c. 107 (25 Vic. c. 22, s. 15).

Reformatory Schools Act, 31 and 32 Vic. c. 59.

Refusing to aid a constable in the execution of his duty, M. at common law.

- Registration of births, deaths, and marriages, 26 Vic. c. 11; 43 and 44 Vic. c. 13.
- Rescuing distress for rent, M. 4 Geo. IV. c. 5 (Ir.); rescuing cattle about to be impounded, M. 6 Geo. IV. c. 43.
- Rescuing prisoner from lawful custody, F. 51 Geo. III. c. 63; 1 and 2 Geo. IV. c. 88; 1 and 2 Wm. IV. c. 44.
- Resisting or obstructing, wilfully and unlawfully, a constable or other minister of the law, M. at common law; triable summarily, 50 and 51 Vic. c. 20, s. 2.
- Removal of Wrecks Acts, 1877 and 1879, 40 and 41 Vic. c. 16; 52 Vic. c. 5.
- Riot, M. at common law—rioters demolishing houses, F. Injuring same, M. 24 and 25 Vic. c. 97, ss. 11 and 12.
- Riot Act, 27 Geo. III. c. 15; 5 Vic. 28, s. 2.
- River or lake, throwing poisonous matter therein, O. 5 and 6 Vic. c. 106, s. 80; with intent to injure the fish, M. 24 and 25 Vic. c. 97, s. 32.
- Roads and bridges, injuries to, obstructions, &c., O. 14 and 15 Vic. c. 92, s. 9; 19 and 20 Vic. c. 63.
- Robbery, F. 24 and 25 Vic. ; c. 96, s. 40.
- Sacrilege, breaking and entering place of Divine Worship and committing felony therein, F. 24 and 25 Vic. c. 96, s. 50.
- Sale of Food and Drugs Act, 1875, 38 and 39 Vic. c. 63; 1879, 42 and 43 Vic. c. 30.
- Sale of Horseflesh for Human Food Regulation Act, 1889, 52 Vic. c. 11.
- Sale of Liquors on Sunday (Ireland) Act, 1878, 41 and 42 Vic. c. 72, continued by 54 and 55 Vic. c.
- Sale of Poisons (Ireland) Act, 1870, 33 and 34 Vic. c. 26.
- Search Warrant for—
- Illicit distillation materials, 1 and 2 Wm. IV. c. 53, s. 17.
 - Embezzled linen materials, 3 and 4 Vic. c. 91, s. 6.
 - Spirits in shebeen house, 17 and 18 Vic. c. 89, s. 2; 37 and 38 Vic. c. 69, s. 24.
 - Stolen property, 24 and 25 Vic. c. 96, s. 103.
 - Forged papers, 24 and 25 Vic. c. 98, s. 46.
 - Counterfeit coin, &c. 24 and 25 Vic. c. 99, s. 27.
 - Carcass, head, skin, fleece, or any part of any sheep or lamb stolen or unlawfully taken, 25 and 26 Vic. c. 50, s. 6.
 - Explosives, 38 Vic. c. 17, s. 73.
 - Smuggled goods, 39 and 40 Vic. c. 36, s. 205.
 - Arms in a district proclaimed under Peace Preservation (Ireland) Act, 1881, 44 Vic. c. 5, s. 1.

Search Warrant for—

Woman or girl unlawfully detained for immoral purposes, 48 and 49 Vic. c. 69, s. 10.

Boy under fourteen, or girl under sixteen, who has been or is being ill-treated or neglected, 52 and 53 Vic. c. 44, s. 6.

Goods having forged trade marks, 50 and 51 Vic. c. 28, s. 12.

Sheep injured by dogs, owner of dogs liable in damages, 25 and 26 Vic. c. 59.

Sheep stealing, F. 24 and 25 Vic. c. 96, s. 10; unaccounted for possession of carcasses of sheep, O. 25 and 26 Vic. c. 50, s. 6.

Sheriffs, Acts relating to, 7 Wm. III., c. 13; 27 and 28 Vic. c. 99, ss. 17, &c.; 39 and 40 Vic. c. 76, ss. 3, &c.

Ship, stealing goods from, O. 24 and 25 Vic. c. 96, s. 63.

Shipwrecked goods, person not satisfactorily accounting for possession of, O. 24 and 25 Vic. c. 96, s. 65.

Shooting at, with intent to maim or murder, F. 24 and 25 Vic. c. 100, ss. 14 and 18.

Signboards over public-houses, &c., 6 Geo. IV. c. 81, s. 25 and 36 Vic. c. 94, s. 11.

Small Penalties (Ireland) Act, 1873, 36 and 37 Vic. c. 82.

Small-pox, inoculating for, O. 31 and 32 Vic. c. 87, s. 4.

Soliciting to commit a felony where no felony is actually committed, M. at common law.

Spirits Acts, 17 and 18 Vic. c. 89; 18 and 19 Vic. cc. 62 and 103; 43 and 44 Vic. c. 24.

Spring-guns (man-traps), setting, M. 24 and 25 Vic. c. 100, s. 31.

Stamp Act, 1870, 33 and 34 Vic. c. 97.

Steam locomotives, regulations when used on public highways, 28 and 29 Vic. c. 83; 42 and 43 Vic. c. 57, s. 6.

Steam Trawling (Ireland) Act, 1889, to enable the Inspectors of Irish Fisheries to prohibit steam trawling within a certain distance of the coast of Ireland, 52 and 53 Vic. c. 74.

Stipendiary Magistrates, appointment and payment of, &c., 6 and 7 Wm. IV., c. 13, s. 34; 10 and 11 Vic. c. 100; 16 and 17 Vic. c. 60; 37 and 38 Vic. c. 23.

Summary Jurisdiction Act, 14 and 15 Vic. c. 92.

Summary Jurisdiction over children (Ireland) Act, 1884, 47 and 48 Vic. c. 19.

Sunday Closing Act, see Sale of Liquors on Sunday (Ireland) Act.

Sunday, observance of (Lord's Day Act), 7 Wm. III. c. 17.

- Sureties of the Peace and good behaviour: justice may bind persons under the authority of his commission, and of 34 Ed. III. c. 1.
- Telegram, official, disclosing contents of, M. 31 and 32 Vic. c. 110, s. 20: forgery of, &c., M. 47 and 48 Vic. c. 76, s. 11.
- "Telegraph Acts"—system managed by Post Office, 31 and 32 Vic. c. 110, and 32 and 33 Vic. c. 73.
- Telegraphs, injuring any part thereof, M. 24 and 25 Vic. c. 97, s. 37.
- Tents at fairs, 25 Vic. c. 22, ss. 12 and 13.
- Threatening letter, sending, delivering, or uttering, &c., threatening to murder, F.—24 and 25 Vic. c. 100, s. 16; demanding money, &c., F.—24 and 25 Vic. c. 96, s. 44; accusing of crime with intent to extort money, &c., F.—24 and 25 Vic. c. 96, s. 46; threatening to burn house, &c., F.—24 and 25 Vic. c. 97, s. 50.
- Threatening letter, notice, or message, threatening violence, or requiring a person to do or not to do any act, &c.—printing, writing, posting, sending, or delivering, M. 1 and 2 Wm. IV. c. 44, s. 3.
- Towns Improvement Act, 17 and 18 Vic. c. 103.
- Town Commissioners Act, 9 Geo. IV. c. 82.
- Town Police Clauses Acts, 1847 and 1889, 10 and 11 Vic. c. 89; 52 and 53 Vic. c. 14.
- Trade Union Act, 1871, 34 and 35 Vic. c. 31.—Provisions for regulating Trades Unions.
- Treason (High), 25 Edward III., stat. 5, c. 2; 36 Geo. III. c. 7, s. 1; 57 Geo. III. c. 6, s. 1.
- Treasonable Felony, 11 and 12 Vic. c. 12.
- Trees in parks, &c., of a certain value, stealing or injuring with intent to steal, F. 24 and 25 Vic. c. 96, s. 32.
- Trees, plants, vegetables, stealing, O. 24 and 25 Vic. c. 96; s. 36; 25 and 26 Vic. c. 50, ss. 4 and 5.
- Truck Acts, 1 and 2 Will. IV. c. 37; 50 and 51 Vic. c. 46, s. 18.—Provisions relating to workmen in trades.
- Trustee fraudulently disposing of property, M. 24 and 25 Vic. c. 96, s. 80.
- Turf stealing, O. 25 and 26 Vic. c. 50, s. 5.
- Unseaworthy ship, sending to sea, M. 34 and 35 Vic. c. 110.
- Vaccination, compulsory, 26 and 27 Vic. c. 52; 31 and 32 Vic. c. 87.
- Vaccination Amendment (Ireland) Act, 1879, 42 and 43 Vic. c. 70.
- Vagrancy, O. 10 and 11 Vic. c. 84, s. 3; 5 Geo. IV. c. 83, s. 4; 34 & 35 Vic. c. 112, s. 15; 51 & 52 Vic., c. 57, s. 9.

Warrants, backing of, 14 and 15 Vic. c. 93, s. 27; 30 and 31 Vic. c. 19; 31 and 32 Vic. c. 107.

Weights and Measures Acts, 1878 and 1889, 41 and 42 Vic. c. 49; 52 and 53 Vic. c. 21.

Whiteboy offences—

Persons assembling, armed or disguised, wearing unusual badge or uniform, M.

By force or menace tendering oath, M. 15 and 16 Geo. III. c. 21 (Ir.); 40 Geo. III. c. 96.

By force or threats attempting to compel persons to quit dwellings, service, &c., M.

Assaulting houses, taking away cattle, &c., M.

Printing, writing, sending, &c., notices, threatening violence, demanding money, &c., M. 1 and 2 Wm. IV. c. 44.

Wild Birds' Protection Act, 1880, 43 and 44 Vic. c. 35; 44 and 45 Vic. c. 51.

Will, stealing, obliterating, &c., F. 24 and 25 Vic. c. 96, s. 29; forging, F. c. 98, s. 20.

Woman, rape on, F. at common law.

Taking away against her will, M. 24 and 25 Vic. c. 100, ss. 54, 55.

Fraudulently procuring, if under 21, to have illicit connexion with a man, M. 24 and 25 Vic. c. 100, s. 49.

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