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*Number 10 of 1924.*

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**THE COURTS OF JUSTICE ACT, 1924.**

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*Number 10 of 1924.*

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### **THE COURTS OF JUSTICE ACT, 1924.**

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AN ACT FOR THE ESTABLISHMENT OF COURTS OF JUSTICE PURSUANT TO THE CONSTITUTION OF SAORSTAT EIREANN AND FOR PURPOSES RELATING TO THE BETTER ADMINISTRATION OF JUSTICE. [12th April, 1924.]

WHEREAS it is necessary for the exercise of the judicial power of Saorstát Eireann and the administration of justice therein to establish public courts in accordance with the provisions in that behalf contained in the Constitution:

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

Preliminary.

- Short Title, **1.**—This Act may be cited for all purposes as “The Courts of Justice Act, 1924.”
- Commencement of Act. **2.**—This Act shall come into operation on such day or days as may be fixed therefor by any Order or Orders of the Executive Council and different days may be fixed for the commencement of the Act for different purposes provided that no such day be later than five months after the passing of this Act.
- Interpretation of terms. **3.**—In the construction of this Act, unless there is anything in the subject or context repugnant, the several words and expressions hereinafter mentioned shall have or include the meanings following, that is to say:—
- “Central Criminal Court” (“Príomh-Chúirt Choiriúil”) shall mean the judge of the High Court, to whom is assigned the duty of acting as such Court for the time being;
- “Commissioners of the High Court Circuit” shall mean such judges or other persons as have been heretofore named in Commissions of Assize, to whom there may be assigned the exercise of any civil or criminal jurisdiction capable of being exercised by the High Court;
- “Court of the High Court Circuit” shall mean the Court of any such Commissioner of the High Court Circuit;
- “District Court,” “Circuit Court,” “High Court” and “Supreme Court” shall mean the Courts of Justice of Saorstát Eireann so named in this Act;
- “In lunacy” shall mean in relation to the custody of the persons and estates of idiots, lunatics, and persons of unsound mind;
- “In minor matters” shall mean in relation to the wardship of infants, and the care of infants' estates;
- “Land” shall include all incorporeal as well as corporeal tenements and hereditaments.

#### Part I.

#### THE HIGH COURT AND THE SUPREME COURT.

- Constitution of High Court. **4.**—A High Court of Justice (An Ard-Chúirt Bhreithiúnais) shall be constituted under this Act, consisting of not more than six judges (namely, a President and five ordinary judges), who shall be styled in their respective appointments “President” (“Uachtarán”) or “Judge” (“Breitheamh”) as the case may be “of the High Court of Justice of Saorstát Eireann.”
- Constitution of Supreme Court. **5.**—A Supreme Court of Justice (Cúirt Bhreithiúnais Uachtarach) shall be constituted under this Act to be the Supreme Court of the Irish Free State (An Chúirt Uachtarach) referred to in the Constitution and shall consist of three judges of whom the president (who is hereinafter called “the Chief Justice”) shall be styled in his appointment “Chief Justice of the Irish Free State” or “Prímh-Breitheamh Shaorstát Eireann,” and each of the other judges “Judge (Breitheamh) of the Supreme Court of Justice of Saorstát Eireann.”

- Ex-officio judges. **6.**—The President of the High Court shall be *ex-officio* an additional judge of the Supreme Court, and the Chief Justice shall be *ex-officio* an additional judge of the High Court.
- Sitting of High Court judges in Supreme Court. **7.**—Whenever owing to the illness of a judge of the Supreme Court or for any other unavoidable cause the number of judges of the Supreme Court requisite for the transaction of the business of that Court is not available, the Chief Justice may request any ordinary judge or judges of the High Court to sit on the hearing of any appeal in the Supreme Court, and any judge so requested shall sit on the hearing of such appeal and be an additional judge of the Supreme Court for such appeal.
- Court of Criminal Appeal. **8.**—The Chief Justice may, from time to time, request any two ordinary judges of the High Court to sit with himself, or with a judge of the Supreme Court, as a Court of Criminal Appeal, and the judges, so requested, or one of the same and the President of the High Court, if so requested and consenting, shall sit and with the Chief Justice or Judge of the Supreme Court shall constitute the Court of Criminal Appeal of Saorstát Eireann for the occasion in question: Provided that any other available judge or judges of the High Court or Supreme Court may at the request of the Chief Justice, attend as members of the Court of Criminal Appeal for the occasion in question.
- Precedence between judges. **9.**—The precedence between the judges shall be as follows:—The Chief Justice shall rank first, and next after him the President of the High Court; then shall rank the judges of the Supreme Court, according to priority of appointment, and next the ordinary judges of the High Court according to priority of appointment.
- Mode of address. **10.**—The judges of the High Court and the Supreme Court shall be addressed in the manner to be determined by the rules to be made under this Part of this Act, and shall have in all respects, save as in this Act is otherwise expressly provided, equal power, authority, and jurisdiction one with another.
- Vacancy in office of judge. **11.**—The office of any judge of the High Court or of the Supreme Court may be vacated by resignation in writing under his hand, and that of any judge of the High Court shall be vacated on his being appointed a judge of the Supreme Court, and thereupon or whenever the office of any judge of the High Court or of the Supreme Court shall become vacant a new judge may be appointed in his place. The said courts shall be deemed to be duly constituted during and notwithstanding any such vacancy, and any duties specially assigned to any judge who shall be incapacitated by illness, or shall be unable to sit, or whose office shall become vacant, shall be performed during such illness, inability or vacancy by such other judge of the said Courts as shall be available.
- Age of retirement. **12.**—The age of retirement of all judges of the High Court and the Supreme Court shall be 72 years.

- Remuneration. **13.**—The remuneration of the judges of the High Court and of the Supreme Court shall be as follows:—
- The President of the High Court shall receive £3,000 per annum, and each ordinary judge thereof £2,500 per annum, and the Chief Justice shall receive £4,000 per annum, and each judge of the Supreme Court £3,000 per annum.
- Pension. **14.**—There shall be granted to each judge of the High Court and the Supreme Court who retires after 15 years' service or upwards in the said courts or either of them, a pension to be continued during his life of two-thirds of his salary at the time he ceases to act as judge. There shall be granted to each judge of the High Court and the Supreme Court who vacates his office owing to age or permanent infirmity after having completed five or more years' service and less than fifteen years' service a pension calculated at the rate of one-sixth of his salary at the time he vacates his office, with the addition of one-twentieth of his said salary for every completed year of service in excess of five such years, such pension to be continued during his life.
- Charge of remuneration and pension on Central Fund. **15.**—The remuneration and pension payable to every judge of the High Court and of the Supreme Court under this Act shall be charged upon and be payable out of the Central Fund of Saorstát Eireann or the growing produce thereof. Such remuneration and pension shall grow due from day to day, but shall be payable to the persons entitled thereto or to their executors or administrators on the usual quarterly days of payment or at such other periods in every year as the Minister for Finance may from time to time determine.
- Qualification for appointment. **16.**—No person shall be appointed a judge of the High Court or of the Supreme Court who is not at the date of his appointment a practising barrister of twelve years' standing at least or has not been a judge of the Supreme Court of Judicature in Ireland or a Recorder or County Court Judge in Ireland or a Judge of the Dáil Supreme Court as defined in the Dáil Eireann Courts (Winding-Up) Act, 1923 (No. 36 of 1923), or a Judicial Commissioner appointed under that Act, but service as a judge of the Circuit Court of Justice in Saorstát Eireann shall be deemed practice at the Bar for the purpose of this provision and shall be reckoned as service within the meaning of section 14 hereof in the case of a Circuit Judge who shall be appointed a judge of the High Court or of the Supreme Court.
- Jurisdiction of High Court. **17.**—The High Court shall be a superior court of record with such original jurisdiction as is prescribed by the Constitution, and, subject as in this Act is provided, there shall be transferred to the High Court the jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the existing High Court of the Supreme Court of Judicature in Ireland or any division or judge thereof.



Jurisdiction of Supreme Court. **18.**—The Supreme Court shall be a superior court of record with such appellate jurisdiction as is prescribed by the Constitution, and, subject as in this Act is provided, there shall be transferred to the Supreme Court the jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the existing Court of Appeal of the Supreme Court of Judicature in Ireland or any judges or judge thereof.

Jurisdictions transferred to Chief Justice. **19.**—(1) There shall be transferred to the Chief Justice and exercisable by him all such jurisdiction in lunacy and minor matters as was lately exercised by the Lord Chancellor of Ireland and is at the passing of this Act exercised by the Lord Chief Justice of Ireland. An appeal shall lie to the Supreme Court from the exercise by the Chief Justice of the jurisdiction transferred by this section.

(2) There shall be transferred to the Chief Justice and exercisable by him all such jurisdiction in relation to solicitors as was lately exercised by the Lord Chancellor of Ireland and is at the passing of this Act exercised by the Lord Chief Justice of Ireland.

(3) There shall be transferred to the Chief Justice and vested in him the appointment of notaries public and of commissioners to administer oaths.

Reference Committee under Finance (1909-10) Act, 1910. **20.**—From and after the commencement of this Act the Reference Committee for Saorstát Eireann mentioned in sub-section (5) of Section 33 of the Finance (1909-10) Act, 1910, as adapted by the Adaptation of Enactments Act, 1922 (No. 2 of 1922) shall consist of the Chief Justice, the President of the High Court, and the Chairman of the Surveyors' Institution (Irish Branch), in lieu of the persons named in the said sub-section.

Transfer of  
pending  
business.

**21.**—From and after the commencement of this Act the several jurisdictions which by this Act are transferred to the High Court, and the Supreme Court, and the Chief Justice, shall cease to be exercised except by the High Court and the Supreme Court and the Chief Justice respectively: Provided that in all proceedings which shall have been fully heard but in which judgment shall not have been given, or having been given shall not have been perfected at the time appointed for the commencement of this Act, such judgment may be given and perfected respectively after the commencement of this Act, in the name of the same court and of the same judges and officers and generally in the same manner as if this Act had not passed; and such judgment shall take effect as if it had been duly perfected before the commencement of this Act, and every order of any court or judge whose jurisdiction is hereby transferred to the High Court or to the Supreme Court or to the Chief Justice (which order shall have been duly perfected at any time before the commencement of this Act) may be executed and enforced, and, if necessary, amended or discharged by the High Court and the Supreme Court and the Chief Justice respectively, in the same manner as if it had been an order of the High Court or of the Supreme Court or of the Chief Justice and all proceedings whether civil or criminal which shall be pending in the courts, whose jurisdiction is so transferred as aforesaid, at the commencement of this Act shall (save as otherwise expressly provided by this Act) be continued as follows, that is to say, in case of proceedings on appeal pending in the existing Court of Appeal, the same shall be continued before the Supreme Court, and in case of all other proceedings (save proceedings in matters hereinbefore transferred to the Chief Justice) the same shall be continued before the High Court, and in case of all proceedings in matters hereinbefore transferred to the Chief Justice the same shall be continued before the Chief Justice. The said courts and the Chief Justice respectively shall have the same jurisdiction in relation to all such proceedings as if such proceedings had been commenced before them respectively and continued before them respectively down to the point at which the transfer takes place, and so far as relates to the manner of procedure such proceedings or any of them may be continued either in the same or the like manner as they would have been continued, in the respective courts from which they shall have been transferred, as aforesaid, or according to the course of the respective courts to which they shall be transferred, so far as the same be applicable thereto.

Jurisdiction to  
be exercised  
pursuant to  
rules of court.

**22.**—The jurisdiction vested in and transferred to the High Court and the Supreme Court and the Chief Justice respectively shall be exercised so far as regards pleading, practice and procedure generally, including liability as to costs, in the manner provided by such rules of court as may be made pursuant to this Part of this Act, and where no provision is contained in any such rules of court and as long as there shall be no rule with reference thereto, it shall be exercised as nearly as possible in the same manner in which it might have been exercised by the respective courts from which such jurisdiction shall have been transferred, by this Act.

Rota of judge for election petitions. **23.**—The judges to be placed on the rota for the trial of election petitions in Saorstát Eireann in each year under the provisions of the Parliamentary Elections Act, 1868, shall be selected out of the judges of the High Court in such manner as may be provided by any rules of court to be made for that purpose, and in the meantime and subject thereto shall be selected out of the judges of the High Court in like manner as they have heretofore been selected out of the judges of the King's Bench Division of the High Court of Justice in Ireland.

Judges to have jurisdiction to hear all cases, but no judge to hear appeal from order made by himself. **24.**—Each judge of the High Court and the Supreme Court(including the Chief Justice) shall have jurisdiction to hear and determine any case whether civil or criminal, in equity, or at common law, or under statute: Provided always that no judge shall sit upon the hearing of an appeal in an action tried before him whether with or without a jury, or upon an appeal from a judgment or order made by him or to which he was a party whether concurring or dissenting.

Remittal or transfer of actions. **25.**—When any action shall be pending in the High Court which might have been commenced in the Circuit Court, any party to such action may, at any time before service of notice of trial therein, apply to the High Court that the action be remitted or transferred to the Circuit Court, and thereupon, in case the court shall consider that the action is fit to be prosecuted in the High Court, it may retain such action therein, or if it shall not consider the action fit to be prosecuted in the High Court it may remit or transfer such action to the Circuit Court or (where the action might have been commenced in the District Court) the District Court, to be prosecuted before the Judge assigned to such Circuit or (as the case may require) the Justice assigned to such District, as may appear to the High Court suitable and convenient, upon such terms, in either case and subject to such conditions, as to costs or otherwise as may appear to be just:

Provided that the High Court shall have jurisdiction to remit or transfer any action, whatever may be the amount of the claim formally made therein, if the court shall be of opinion that the action should not have been commenced in the High Court but in the Circuit Court or in the District Court if at all.

Appeal in remitting applications. **26.**—An appeal shall lie from the High Court to the Supreme Court in all cases from the grant or refusal of any application to remit or transfer any action from the High Court to the Circuit Court, and from the exercise of the discretion of the High Court or any judge thereof in the matter.

Grand Jury not to be summoned for consideration of indictment shall be preferred directly to the jury which tries the accused.  
indictments.

Court of Criminal Appeal alone to pronounce judgment.  
**28.**—The Court of Criminal Appeal of Saorstát Eireann shall sit in Dublin, except in cases where the Chief Justice gives special directions that it shall sit elsewhere, and the President of the court shall be such member present as shall be entitled to precedence over the other members, and the determination of all questions before the court shall be according to the opinion of the majority of the members present, but unless the court direct to the contrary, the judgment of the court shall be pronounced by the President of the court, or by such other member of the court as the President directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the court.

Decision of Court of Criminal Appeal final save on certificate of Attorney General.  
**29.**—The determination by the Court of Criminal Appeal of any appeal or other matter which it has power to determine shall be final, and no appeal shall lie from that court to the Supreme Court, unless that court or the Attorney-General shall certify that the decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court, in which case an appeal may be brought to the Supreme Court, the decision of which shall be final and conclusive.

Court of Criminal Appeal of record.  
**30.**—The Court of Criminal Appeal shall be a superior court of record, and shall, for the purposes and subject to the provisions of this Act, have full power to determine any questions a superior court necessary to be determined for the purpose of doing justice in the case before it.

Appeal from Central Criminal Court and Court of High Court Circuit.  
**31.**—A person convicted on indictment before the Central Criminal Court or before any Central Criminal court of the High Court Circuit may appeal under this Act to the Court of Criminal Appeal and Court under the following conditions:—

- (i) if the appellant obtains a certificate from the judge who tried him that the case is a fit case for appeal;
- (ii) in case of refusal of such certificate if the Court of Criminal Appeal on appeal from such refusal grant leave to appeal.

Leave to appeal **32.**—Leave to appeal shall be granted by the Court of Criminal Appeal in cases where the court is of opinion that a question of law is involved, or where the trial appears to the court to have been unsatisfactory, or there appears to the court to be any other sufficient ground of appeal, and the court shall have power to make all consequential orders it may think fit, including an order admitting the appellant to bail pending the determination of his appeal.

Hearing of appeal. **33.**—The appeal, in case such certificate or leave to appeal is granted, shall be heard and determined by the Court of Criminal Appeal on the report of an official stenographer present at the trial of the appellant, with power to the court to hear new or additional evidence, and to refer any matter for report by the judge before whom the case was tried.

Jurisdiction to affirm or reverse conviction. **34.**—The Court of Criminal Appeal shall have jurisdiction to affirm or to reverse the conviction in whole or in part, and to remit, or to reduce, or to increase or otherwise vary the sentence, and generally to make such order, including any order as to costs as may be necessary for the purpose of doing justice in the case before the court.

Appellant guilty but insane. **35.**—If on any appeal pursuant to certificate or leave granted, as aforesaid, it appears to the Court of Criminal Appeal that although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or omission made, so as not to be responsible according to law for his actions, the court may quash the sentence passed at the trial and order the appellant to be kept in custody as a criminal lunatic, in the same manner as if the verdict had been found by the jury to that effect.

Rules of Court. **36.**—The Minister for Home Affairs may at any time and from time to time after the passing and before or after the commencement of this Act, but with the concurrence of the Minister for Finance in respect of any matter affecting public revenue or expenditure make rules to be styled “Rules of Court” for carrying Part I . of this Act into effect (including the hearing of appeals from the Circuit Court and cases stated by the District Court) and may annul or alter the said rules and make new rules. In particular rules may be made for all or any of the following matters:—

- (i) pleading, practice and procedure generally (including the entering-up of judgment and the granting of summary judgment in appropriate cases) in all civil cases, including revenue cases and proceedings as to the validity of any law having regard to the provisions of the Constitution and proceedings in the nature of a petition of right;
- (ii) pleading, practice and procedure generally in all criminal cases before the Central Criminal Court or any court of the High Court Circuit or the Court of Criminal Appeal;
- (iii) the sending out of Commissioners of the High Court Circuit at such times, to such centres and for such amalgamated districts as shall seem fit;

- (iv) the sittings of the Central Criminal Court for Dublin and such neighbouring counties as shall be determined by such rules and the cases that shall be disposed of by it, which shall include all cases not disposed of by Commissioners of the High Court Circuit, or in which the venue has been changed to the Central Criminal Court at the instance of the Attorney-General or the accused;
- (v) the use of the national language of Saorstát Eireann in the said courts;
- (vi) the mode of address to be adopted to the judges and the robes and official dress to be worn by the Bench and the Bar;
- (vii) the commencement and duration of the sittings and the vacations;
- (viii) the fixing and collection of fees;
- (ix) the adaptation or modification of any statute that may be requisite for any of the purposes of this Act and all subsidiary matters.

Such rules of court shall be made or annulled or altered only with the concurrence of a majority of a committee consisting of the judges of the Supreme Court and the High Court, the President of the Incorporated Law Society of Ireland, and two practising barristers, of the senior and junior Bar respectively, to be selected by the Council of the Bar of Ireland.

## Part II.

### THE CIRCUIT COURT.

Constitution of Circuit Court. **37.**—A Circuit Court of Justice (An Chúirt Bhreithiúnais Chuarda) shall be constituted under this Act consisting of not more than eight judges, each of whom shall be styled in his appointment “Judge (Breitheamh) of the Circuit Court of Justice in Saorstát Eireann.” Such judges shall discharge within the several groups of counties specified in the Schedule to this Act (which groups are hereinafter termed Circuits) such duties as are by this Act imposed upon judges of the Circuit Court. The Minister for Home Affairs may, with the consent of the Chief Justice, and the judges for the time being of the respective Circuits affected, at any time and from time to time transfer any county or part of a county from one Circuit to another Circuit, or otherwise alter the areas comprised in the several Circuits as he shall think proper, but not so as to alter the total number of Circuits.

Mode of Address and precedence of judges. **38.**—All the judges of the Circuit Court (hereinafter called Circuit Judges) shall be addressed in such manner as may be determined by the rules to be made under this Part of this Act, and shall rank amongst themselves according to priority of appointment.

Tenure of office. **39.**—The Circuit Judges shall hold office by the same tenure as the Judges of the High Court and the Supreme Court.

- Age of retirement. **40.**—The age of retirement of Circuit Judges shall be 70 years.
- Salaries and pensions. **41.**—Every Circuit Judge shall receive a salary of £1,700 per annum. Every Circuit Judge who resigns or otherwise for any cause vacates his office after having completed fifteen or more years' service shall be entitled for his life to a pension amounting to two-thirds of his salary at the time he resigns or vacates his office, and every Circuit Judge who vacates his office owing to age or permanent infirmity, after having completed five or more years' service and less than fifteen years' service shall be entitled for his life to a pension calculated at the rate of one-sixth of his salary at the time he vacates his office, with the addition of one-twentieth of his said salary for every completed year of service in excess of five such years.
- Charge of salaries and pensions on Central Fund. **42.**—The remuneration and pension payable to every Circuit Judge shall be charged upon and payable out of the Central Fund of Saorstát Eireann in like manner in all respects as the remuneration and pension payable to the judges of the High Court and the Supreme Court.
- Qualification for appointment. **43.**—No person shall be appointed a judge of the Circuit Court who is not at the date of his appointment a practising barrister of ten years' standing at least or has not been a Recorder or a County Court Judge in Ireland, but in the case of a barrister service as a justice of the District Court of Saorstát Eireann shall be deemed practice at the Bar for the purpose of this provision and shall be reckoned as service within the meaning of Section 41 hereof in the case of a justice of the District Court who shall be appointed a judge of the Circuit Court.
- Circuits comprising Irish speaking districts. **44.**—So far as may be practicable having regard to all relevant circumstances, the Circuit Judge assigned to any Circuit which includes a district where the Irish language is in general use shall possess such a knowledge of the Irish language as would enable him to dispense with the assistance of an interpreter when evidence is given in that language.
- Vacancy in office of judge: illness and deputy. **45.**—The office of any Circuit Judge may be vacated by writing under his hand, and shall be vacated on his being appointed a Judge of the High Court or of the Supreme Court, and thereupon, or whenever the office of any Circuit Judge shall become vacant a new Circuit Judge shall be appointed in his place. In case of the illness of any Circuit Judge, a deputy may be appointed to act in his place, on the recommendation of the Attorney-General, at such remuneration as may be sanctioned by the Minister for Finance: Provided however that no one other than a practising barrister of ten years' standing at least shall be qualified for appointment as deputy of a Circuit Judge.

Power to appoint temporary assistant judges. **46.**—Whenever within three years after the commencement of this Part of this Act the accumulation of business so requires there may be appointed such number of temporary Assistant Circuit Judges on such terms and conditions as the Minister for Home Affairs with the concurrence of the Minister for Finance may determine: Provided that no person not qualified for appointment as a Circuit Judge shall be appointed a temporary Assistant Circuit Judge: Provided also that no temporary Assistant Circuit Judge appointed under this section shall continue to hold office after the expiration of three years from the commencement of this Part of this Act.

Circuit Court a court of record. **47.**—The Circuit Court, shall be a court of record.

Jurisdiction in civil cases. **48.**—The Circuit Court shall have and exercise the following jurisdiction in civil cases:—

- (i) on consent—jurisdiction without any limit as to amount of claim or value of property involved in the proceedings before the court where all necessary parties sign, before the hearing, the form of consent prescribed by the rules to be made under this Part of this Act; such consent may provide that the decision of the Circuit Court shall be final and conclusive, in which case the decision shall not be appealable;
- (ii) in contract and tort (save matrimonial and criminal conversation actions)—jurisdiction when the claim does not exceed £300;
- (iii) in title to land and rectification of the register—jurisdiction when the Poor Law Valuation of the property in question does not exceed £60;
- (iv) in probate matters and actions, and suits for administration of estates—jurisdiction when the value of the personalty does not exceed £1,000 and the Poor Law Valuation of the land does not exceed £60;
- (v) in equity cases (including winding-up of companies)—jurisdiction within the same limits as in the preceding paragraph (iv) and in winding-up cases where the issued capital of the company does not exceed £10,000;
- (vi) in bankruptcy—in Local Bankruptcy Courts which may be established under the Local Bankruptcy (Ireland) Act, 1888, for which purpose that Act shall be construed and take effect as if the expressions “Executive Council,” “Order of the Executive Council,” “Minister for Finance,” and “Chief Justice” were respectively substituted for the expressions “Lord Lieutenant,” “Order in Council,” “Treasury” and “Lord Chancellor” wherever those expressions respectively occur in the said Act, and the words “in any circuit” were substituted for the words “in Londonderry, Galway, Waterford, and Limerick, respectively, or in any of those places” where those words occur in section 5 of the said Act;



(vii) in proceedings at the suit of the State or any Minister or Government Department or any officer thereof to recover any sum not exceeding £300 due to or recoverable by or on behalf of the State, whether by way of penalty, debt, or otherwise, and notwithstanding any enactment now in force requiring such sum to be sued for in any other court:

Provided that any party to an action commenced in the Circuit Court and pending therein may at any time apply to the Circuit Judge that the action may be sent forward to the High Court, and thereupon in case the action is one fit to be prosecuted in the High Court and the High Court appears to be the more appropriate tribunal in the circumstances, the Circuit Judge may send forward such action to the High Court upon such terms and subject to such conditions as to costs or otherwise as may appear to be just, and an appeal shall lie from the exercise of the discretion of the Circuit Judge in granting or refusing any such application:

Provided also that a Circuit Judge may on the application of any party or without any such application, if he thinks fit, change the venue for the trial of any action pending before him from any one place of hearing to any other within his circuit and an appeal shall lie under [Section 61](#) of this Act from the exercise of the discretion of the Circuit Judge in making or refusing to make such an order.

Jurisdiction in criminal cases. **49.**—The Circuit Court shall have the following jurisdiction in criminal cases, that is to say:— jurisdiction in all felonies and misdemeanours save in the case of persons charged with murder, attempt to murder, or conspiracy to murder, high treason, treason felony, or treasonable conspiracy, or piracy, including accessories before or after the fact.

Jurisdiction in applications for new licences. **50.**—The Circuit Court shall have jurisdiction in all cases of application for a new licence entitling the applicant to sell intoxicating liquor for consumption on the premises.

Jurisdiction transferred and application of *mutatis mutandis*. **51.**—There shall be transferred to the Circuit Court all jurisdiction not hereinbefore expressly excepted which, at the commencement of this Act, was vested in or capable of being exercised by Recorders, County Court Judges, and Chairmen and Courts of Quarter Sessions, [Sections 21 & 22](#) or any of the same in Saorstát Eireann (save such jurisdiction of Justices at or of Courts of Quarter Sessions as is hereinafter conferred on or transferred to the District Court) and the provisions of [Sections 21](#) and [22](#) of this Act shall apply *mutatis mutandis* to the jurisdiction vested in and transferred to the Circuit Court by this Act.

Exercise of jurisdiction by judges severally in civil cases. **52.**—Provided that the jurisdiction hereinbefore vested in and transferred to the Circuit Court in civil cases shall be exercised by the Circuit Judges severally as follows:—

- (i) in actions relating to title to land and rectification of the register, by the judge for the time being assigned to the Circuit where the lands in question are situate, or where are situate, the lands out of or in respect of which any incorporeal hereditaments in dispute issue or arise, or where the larger portion of any such lands may be situate;
- (ii) in equity cases, by the judge for the time being assigned to the Circuit where matters of such kind have been heretofore heard by the courts superseded by the Circuit Court;
- (iii) in probate matters and actions, and suits for administration of estates of deceased persons, by the judge for the time being assigned to the Circuit where the testator or intestate at the time of his death had a fixed place of abode;
- (iv) in lunacy, by the judge for the time being assigned to the Circuit where the lunatic or alleged lunatic ordinarily resides;
- (v) if the plaintiff so elects, in any action founded on contract, whether the claim be to enforce, rescind, dissolve or annul the contract, or for damages or other relief for the breach thereof, by the judge for the time being assigned to the Circuit within which the contract was made;
- (vi) in all other cases, by the judge for the time being assigned to the Circuit where the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation.

Exercise of jurisdiction by judges severally in criminal cases. **53.**—Provided that the jurisdiction hereinbefore vested in and transferred to the Circuit Court in criminal cases shall be exercised by the Circuit Judges severally as follows:—the Circuit Judge having jurisdiction shall be the judge for the time being assigned to the Circuit in which the crime has been committed or in which the accused person has been arrested or ordinarily resides, and no accused person shall be tried on any criminal charge without a jury.

Cases to be sent forward to High Court Circuit or Central Criminal Court. **54.**—Provided that the Attorney-General or the accused person shall be entitled on application to have any case, the maximum penalty in which exceeds one year's imprisonment or five years' penal servitude, sent forward to a court of the High Court Circuit or to the Central Criminal Court.

Central Criminal Court.

Exercise of jurisdiction in licensing cases. **55.**—Provided that the jurisdiction hereinbefore vested in and transferred to the Circuit Court in relation to the granting of new licences shall be exercised by the judge for the time being assigned to the Circuit where the premises are situate.

Exclusions from jurisdiction. **56.**—The following matters shall be excluded from the jurisdiction of the Circuit Court:—

Habeas Corpus, Certiorari, Quo Warranto, Prohibition, Information and Mandamus.

Ancillary powers. **57.**—The Circuit Judges shall have powers of attachment, injunction, garnishee, interpleader, and all powers (including the power to appoint a receiver) ancillary to any jurisdiction vested in transferred to or exercisable by them. They shall have power also to adjourn the hearing of any action or proceedings pending before them respectively, to any other court within their respective Circuits, and to make out of court any orders of course which they may deem to be urgent,

Powers of procuring attendance of witnesses. **58.**—A Circuit Judge shall have the same powers for procuring the attendance of witnesses in the Circuit Courts as a judge of the High Court of Justice in Ireland formerly exercised for procuring the attendance of witnesses in the High Court.

Registering circuit action as *lis pendens* and judgment exceeding £20 over costs. **59.**—Any action in the Circuit Court may be registered as a *lis pendens* where similar action in the High Court could at present be so registered and the judgment in any action for any sum exceeding £20 over and above costs may be registered in the Central Office of the High Court in like manner as actions and judgments of the High Court.

Service of documents and enforcement of judgments. **60.**—The rules to be made under this Part of this Act shall provide for the service of all originating or other documents or notices both inside and outside the circuit of the judge before whom the matter is intended to be brought or is pending. Any judgment or order of the Circuit Court may be enforced in any part of Saorstát Eireann in any of the modes in which a like judgment or order of the High Court might be enforced.

Appeal in civil cases. **61.**—Save as in this Act is otherwise expressly provided, an appeal shall lie from any judgment or order of the Circuit Court in civil cases to two judges of the High Court sitting in Dublin. If such two judges agree in their opinion, their decision, shall be final unless they certify that their decision involves a question of law or fact of such importance as to be fit to be the subject of an appeal to the Supreme Court, in which case an appeal shall lie at the instance of any party from the decision of such two judges to the Supreme Court. If such two judges differ in their opinion, they shall affirm with costs the judgment or order appealed against, and an appeal shall lie at the instance of any party from such affirmance to the Supreme Court. The appeal under this section shall be on law and fact or upon either, save that where the appeal from the exercise by the County Court of any particular statutory jurisdiction transferred by this Act to the Circuit Court is expressly or by implication limited by statute to an appeal on questions of law, the appeal from the exercise of that jurisdiction by the Circuit Court shall be similarly limited.

Appeal on report of official stenographer and power to admit fresh evidence. **62.**—Such appeal shall be grounded on the report of an official stenographer, but the court which hears such appeal may if it think fit admit fresh evidence, either oral or on affidavit, and may refer any matter arising on the report of the official stenographer to the Circuit Judge for his observations thereon and may either order a new trial or enter such judgment, in the case, as to the Court shall seem fit.

Appeal in all cases tried on indictment. **63.**—An appeal shall lie from the Circuit Court in all cases tried on indictment to the Court of Criminal Appeal under like conditions and in like manner and with like incidents and subject to like provisions as are hereinbefore enacted with respect to an appeal from the Central Criminal Court or any Court of the High Court Circuit to the Court of Criminal Appeal.

Section 27 to apply to indictments in Circuit Court. **64.**—Section 27 of this Act shall apply to indictments in the Circuit Court.

Rule making authority for Circuit Court. **65.**—The rule-making authority for the Circuit Court shall be the Minister for Home Affairs with the concurrence of the Minister for Finance in respect of any matter affecting public revenue or expenditure and with the concurrence of a majority of a committee consisting of (a) five Circuit Judges selected by the Bench of Circuit Judges; (b) two practising barristers selected by the Council of the Bar of Ireland, and (c) two solicitors selected by the Council of the Incorporated Law Society of Ireland, of whom one shall be a solicitor having his office and carrying on the practice of his profession outside the City and County of Dublin: Provided that at least two members of the committee shall be certified by the Minister for Home Affairs as possessing an adequate knowledge of the Irish language. Each member of the said committee shall hold office for five years and be eligible for re-election and casual vacancies shall be filled in accordance with the foregoing principle of selection. The Chairman of the committee shall be such one of the five Circuit Judges as the members of the committee shall elect.

Rules of Circuit Court. **66.**—The rule-making authority for the Circuit Court may at any time and from time to time after the passing and before or after the commencement of this Act make rules to be styled "Rules of the Circuit Court" for carrying into effect this Part of this Act (except the hearing of appeals from the Circuit Court but including the hearing of appeals from the District Court) and may annul or alter such rules and make new rules. In particular rules may be made for all or any of the following matters:—

For regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgment and granting of summary judgment in appropriate cases) of the Circuit Court and the use of the national language of Saorstát Eireann therein and the fixing and collection of fees and the adaptation or modification of any statute that may be necessary for any of the purposes aforesaid and all subsidiary matters.

### Part III.

#### THE DISTRICT COURT.

Constitution of District Court. **67.**—A District Court of Justice (An Chúirt Bhreithiúnais Dúithche) shall be constituted under this Act consisting of such justices as shall be appointed as hereinafter mentioned.

Justices of District Court to be appointed. **68.**—When and so soon as the Minister for Home Affairs has divided Saorstát Eireann into suitable Districts there shall be appointed so many Justices (Breitheamhain) of the District Court as may be necessary: Provided that the number of such justices at any time shall not exceed thirty-three.

Qualification for appointment. **69.**—No person shall be appointed a Justice of the District Court who is not at the date of his appointment a practising barrister or solicitor of six years' standing at least or has not been a Divisional Justice of the Police District of Dublin Metropolis or a District Justice under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923); but service as a judge of the Dáil Supreme Court as defined in the Dáil Eireann Courts (Winding-Up) Act, 1923 (No. 36 of 1923), or as a Judicial Commissioner appointed under that Act, shall be deemed practice at the Bar for the purpose of this provision.

Vacancy in office: illness and deputy. **70.**—The office of any Justice of the District Court may be vacated by writing under his hand and shall be vacated on his being appointed a Judge of the Circuit Court, and thereupon or whenever the office of any justice shall become vacant a new justice may be appointed in his place. In case of the illness of any justice a deputy may be appointed to act in his place on the recommendation of the Attorney-General on such terms as to payment of the deputy out of the salary of the justice or otherwise as may be provided by the rules to be made under this Part of this Act: Provided however that no one other than a practising barrister or solicitor of six years' standing at least shall be qualified for appointment as deputy of a justice.

Court Districts comprising Irish-speaking areas. **71.**—So far as may be practicable having regard to all relevant circumstances the Justice of the District Court assigned to a District which includes an area where the Irish language is in general use shall possess such a knowledge of the Irish language as would enable him to dispense with the assistance of an interpreter when evidence is given in that language.

Age of retirement. **72.**—The age of retirement of a Justice of the District Court for the time being assigned to the Police District of Dublin Metropolis or to a district comprising or including the City of Cork shall be 70 years, and the age of retirement of every other Justice of the District Court shall be 65 years: Provided that in the case of a Justice of the District Court who shall have been a District Justice under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923), and at the date of his appointment to the last-mentioned office was over 55 years of age and under 60 years of age, the Chief Justice may, if he thinks fit, extend the age of retirement of such Justice to such date as will enable him to complete a period of service sufficient to qualify him for a pension.

Justices not removable from office save as mentioned in section. **73.**—No Justice of the District Court shall be removable from office save for incapacity or physical or mental infirmity or misbehaviour in office or misconduct, which shall be certified under the hands of the Attorney-General and the Chief Justice. It shall be the duty of the Attorney-General and the Chief Justice to give such certificate in case they are satisfied that such incapacity or infirmity exists or that any such misbehaviour or misconduct has taken place. No such certificate shall be questioned or made the subject of proceedings in any Court.

Remuneration. **74.**—The senior of the Justices of the District Court for the time being assigned to the Police District of Dublin Metropolis shall receive a salary of £1,200 per annum, and every other of the Justices aforesaid and also the Justice for the time being assigned to a District comprising or including the City of Cork shall receive a salary of £1,100 per annum.

Every other Justice of the District Court shall receive a salary of £1,000 per annum.

The several salaries aforesaid shall until the end of the financial year ending on the 31st day of March, 1927, be paid out of moneys to be annually provided by the Oireachtas, and shall thereafter be charged on and be payable out of the Central Fund or the growing produce thereof.

Pensions. **75.**—Subject to his being in good health at the date of his appointment to the office, the office of a Justice of the District Court shall be a pensionable office within the Superannuation Acts, 1834 to 1919, and the pension, gratuity or allowance granted to or in respect of a Justice of the District Court on his retirement or death shall be ascertained in the manner and subject to the conditions prescribed by those Acts, and a certificate by the Chief Justice shall be a sufficient certificate for the purposes of Section 8 of the Superannuation Act, 1859: Provided that any Divisional Justice aforesaid or any District Justice under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923) who may be appointed a justice of the District Court shall be entitled to count time served as a Divisional Justice or a District Justice under such last mentioned Act as time served as a justice of the District Court hereunder.

Temporary Assistant Justices. **76.**—In case the accumulation of business or the absence of a Justice of the District Court on vacation so requires there may be appointed such number of temporary Assistant Justices of the District Court as the Minister for Home Affairs with the concurrence of the Minister for Finance may determine. No person not qualified for appointment as a Justice of the District Court shall be appointed a temporary Assistant Justice thereof and the terms and conditions of such temporary appointments shall be such as the said Ministers shall settle between them.

Jurisdiction of the District Court. **77.**—The District Court shall have and exercise all powers, jurisdictions, and authorities which immediately before the 6th day of December, 1922, were vested by statute or otherwise in Justices or a Justice of the Peace sitting at Petty Sessions and also (by way of addition and not of exception) the following jurisdictions:—

A.—In Civil Cases—

- (i) in contract and breach of contract where the claim does not exceed £25;
- (ii) in tort, (except slander, libel, criminal conversation, seduction, slander of title, malicious prosecution and false imprisonment) and claims for damages unconnected with contract where the claim does not exceed £10: Provided that no justice shall have jurisdiction when a *bona-fide* question of title to any land the Poor Law Valuation whereof exceeds ten pounds is in issue and the act giving rise to the proceedings before him was done *bona-fide* in assertion of such title;

Provided also that the jurisdiction of a Justice shall not be ousted by reason of a question of title to land the Poor Law Valuation whereof does not exceed £10 being brought into issue, but in such case the decision of the Justice shall not operate as an estoppel in or bar to a suit in any court in relation to such land;

- (iii) in ejectment for non-payment of rent or overholding in any class of tenancy where the rent does not exceed such sum as amounts or might amount to £26 per annum;
- (iv) in proceedings at the suit of the State or any Minister or Government Department or any officer thereof to recover any sum not exceeding £25 due to or recoverable by or on behalf of the State, whether by way of penalty, debt, or otherwise, and notwithstanding any enactment now in force requiring such sum to be sued for in the High Court or other superior court.

B.—In Criminal Cases—in any of the following cases, if the Justice shall be of opinion that the facts proved against the accused constitute a minor offence fit to be tried summarily and the accused (inquiry having been made of him by the Justice) does not object to being so tried:—

- (i) in larceny, receiving, embezzlement or false pretences—jurisdiction where the money or property involved does not exceed £20 in value;

- (ii) in assault—jurisdiction in assault occasioning actual bodily harm;
- (iii) in indecent assault—any such case may be heard *in camera* and when so heard, if the assaulted person is a female, one other female person nominated by the assaulted person shall be entitled to be present in court during the whole hearing of the case;
- (iv) in burglary or housebreaking or attempts at either;
- (v) in riot or unlawful assembly—jurisdiction in cases in which the Justice shall be of opinion that the crime was not in furtherance of an organised conspiracy or if it was in furtherance of an organised conspiracy that such conspiracy is at an end;
- (vi) in malicious damage to property—jurisdiction in cases of damage not exceeding £20:

Provided that a sentence of six months' imprisonment with or without hard labour shall be the maximum sentence to be imposed in any of the said cases disposed of summarily:

Provided also that any criminal cases not disposed of summarily shall be sent forward for trial (subject as is in this Act otherwise provided) if within the jurisdiction of the Circuit Court to the Judge of the Circuit or of one of the Circuits (to be determined by the Justice) within which the District lies, and, if not within such jurisdiction to the next ensuing Court of the High Court Circuit for the District or to the Central Criminal Court in cases within its ambit.

C.—In granting certificates for spirit and other licences—all licensing jurisdiction heretofore exercised by Justices of the Peace at Petty Sessions or at Quarter Sessions or by Courts of Quarter Sessions or by Recorders or by Justices of the Peace out of Petty Sessions except the power of granting new licences conferred on the Circuit Court by Section 50 of this Act.

Jurisdiction transferred to the District Court. **78.**—There shall be transferred to the District Court all jurisdiction which at the commencement of this Act was vested in or capable of being exercised by District Justices under the provisions of the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923), or under any Act now in force, and also all jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the Divisional Justices of the Police District of Dublin Metropolis, and also all jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the Court of Conscience, or by a person acting as Justice of the Peace under the Towns Improvement (Ireland) Act, 1854, and the provisions in Sections 21 and 22 of this Act contained shall apply *mutatis mutandis* to the jurisdictions by this Act vested in and transferred to the District Court.

Exercise by the Justices severally of jurisdictions. **79.**—Provided that the jurisdictions by this Act vested in and transferred to the District Court Justices severally shall be exercised by the Justices severally as follows:—



In civil cases, by a Justice for the time being assigned to the District wherein the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation;

In criminal cases, by a Justice for the time being assigned to the District wherein the crime has been committed or the accused has been arrested or resides;

In licensing cases, by a Justice for the time being assigned to the District wherein the licensed premises are situate.

“The Children's Court.” **80.**—A Justice of the District Court shall sit once a week, if requisite, in a special Court in the Cities of Dublin, Cork, Limerick and Waterford to be called “The Children's Court” and shall there deal in such manner as shall seem just with all charges against children, except charges which by reason of their gravity or other special circumstances he shall not consider fit to be so dealt with. Children herein shall include young persons of either sex under the age of 16 years.

Orders under Debtor's Act (Ireland) 1872, Section 6. **81.**—A Justice of the District Court shall have power to make such orders under Section 6 of the Debtor's Act (Ireland), 1872 , and any Act amending the same for the enforcement of any decree of the District Court as may seem just.

Execution of decrees. **82.**—The decree of the District Court in civil cases shall be executed, where necessary, by the Sheriff or other officer executing decrees of the Circuit Court.

Case stated for High Court on question of law. **83.**—A Justice of the District Court shall (if requested by any party to any proceedings before him unless he consider the request frivolous) and may (without request) refer any question of law arising in any case before him to the High Court for determination, and the determination of the High Court thereon shall be final and conclusive and not appealable.

Appeal in civil cases. **84.**—An appeal shall lie in all cases other than criminal cases from any decision of a Justice of the District Court to the Judge of the Circuit Court within whose Circuit the District or any part of the District of the Justice, lies, and the decision of the Judge of the Circuit Court on any such appeal shall be final and conclusive and not appealable.

Appeal in criminal cases. **85.**—An appeal shall lie in criminal cases from a Justice of the District Court to the Judge of the Circuit Court within whose Circuit the District or any part of the District of the Justice lies, against any order for payment of a penal or other sum exceeding twenty shillings or for the doing of anything at greater expense than twenty shillings or for the estreating of any recognizance to a greater amount than twenty shillings or for any term of imprisonment exceeding one month, by the person against whom the order shall have been made but not otherwise, and the decision of the Judge of the Circuit Court on any such appeal shall be final and conclusive and not appealable.

Case stated or appeal to be in form, etc., prescribed by rules. **86.**—Every case stated or appeal shall be in such form and manner in every respect and subject to such conditions whether as to time or otherwise (including the lodgment of any moneys in civil cases and the entering into a bond with sureties in criminal cases) as the rules to be made under this Part of this Act may prescribe.

Appeal in licensing cases. **87.**—In licensing cases the applicant or the persons at present entitled by law to object may appeal pursuant to such provisions as may be prescribed by the rules to be made under this Part of this Act.

Appointment of Peace Commissioners. **88.**—(1) The Minister for Home Affairs may from time to time by warrant under his hand appoint and remove such and so many fit and proper persons as he shall think expedient in each county to be called “Feadhmannaigh Shíochána” or (in English) “Peace Commissioners” and to perform and exercise within such county and (if so expressed in his warrant of appointment) within the counties immediately adjoining such county the duties and powers of Peace Commissioners under this Act.

(2) So far as may be practicable having regard to all relevant circumstances, every person appointed to be a Peace Commissioner in a County which includes an area in which the Irish language is in general use shall have a knowledge of the Irish language adequate for the transaction of the business of his office in that language.

(3) A Peace Commissioner shall have all the powers and authorities which immediately before the 6th day of December, 1922, were vested in a Justice of the Peace in respect of the several matters following, that is to say:—

- (a) signing summonses;
- (b) signing warrants;
- (c) administering oaths and taking declarations, affirmations, informations, bonds and recognizances;
- (d) committing dangerous lunatics and idiots to lunatic asylums under Section 10 of the Lunacy (Ireland) Act, 1867, and providing for the remuneration of the medical officer and the examiner of lunatics under Section 14 of the Lunatic Asylums (Ireland) Act, 1875 ;
- (e) signing certificates for the admission of lunatics and idiots to lunatic asylums;
- (f) signing the certificate required by Section 2 of the Registration of Clubs (Ireland) Act, 1904 ;

(g) condemning and ordering the destruction or disposal of any article intended for the food of man which appears to him to be diseased or unsound or unwholesome or unfit for the food of man under Section 133 of the Public Health (Ireland) Act, 1878, as amended by Section 28 of the Public Health Acts Amendment Act, 1890 :

Provided always that any summons against any member of the Gárda Síochána shall be signed by a Justice of the District Court.

(4) Whenever any person charged with having committed an indictable offence shall be arrested by a member of the Gárda Síochána such person shall unless a Justice of a District Court is immediately available forthwith be brought before a Peace Commissioner, who after hearing such evidence as may be offered shall remand such person either in custody or in such bail as the Peace Commissioner shall think fit and remit the case for hearing before a Justice of the District Court on a date not later than the next sitting of the District Court to be held in the District where such person was arrested.

No further appointments under District Justices (Temporary Provisions) Act, 1923.

**89.**—From and after the passing of this Act no appointment of District Justices shall be made under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923).

Rule-making authority.

**90.**—The rule-making authority for the District Court shall be the Minister for Home Affairs with the concurrence of the Minister for Finance in respect of matters affecting public revenue or expenditure and the assistance of a Committee consisting of such of the Justices of the District Court as the Minister for Home Affairs may from time to time nominate for this purpose, being not less than five, including one at least of the Justices for the time being assigned to the District including the Police District of Dublin Metropolis, two practising solicitors nominated by the President of the Incorporated Law Society of Ireland, of whom one shall be a solicitor having his office and carrying on the practice of his profession outside the City and County of Dublin, and one practising barrister nominated by the Council of the Bar of Ireland.

Rules for carrying this Part of this Act into effect. **91.**—Such rule-making authority may at any time and from time to time after the passing and before or after the commencement of this Act make rules to be styled “District Court Rules” for carrying into effect this Part of this Act (except the hearing by the Circuit Court of appeals from the District Court and the hearing by the High Court of cases stated by the District Court), and may annul or alter such rules and make new rules. In particular rules may be made for all or any of the following matters, viz., for regulating the sittings and the vacations and the districts of the Justices and the places where proceedings are to be brought and the forms of process, summons, case stated, appeal or otherwise, and the conditions which a party who requires a case stated or an appellant must comply with in civil cases or in criminal cases or in licensing cases as the case may be and the practice and procedure of the District Court generally including questions of costs and the times for taking any step in the District Court, the entering-up of judgment and granting of summary judgment in appropriate cases and the use of the national language of Saorstát Eireann therein and the fixing and collection of fees and the adaptation or modification of any statute that may be necessary for any of the purposes aforesaid and all subsidiary matters.

Sanction of rules. **92.**—Such rules shall be approved of by a majority of the Committee aforesaid and signed and sanctioned by the Attorney-General and Minister for Home Affairs and Minister for Finance and shall have no validity until so approved of, signed and sanctioned.

#### Part IV.

#### MISCELLANEOUS AND TRANSITORY PROVISIONS.

Existing solicitors and commissioners for administering oaths. **93.**—All existing solicitors of the Supreme Court of Judicature in Ireland and all existing commissioners to administer oaths shall be transferred to and become solicitors and commissioners respectively of the several courts established under this Act.

Right to jury in civil cases, and costs in such cases. **94.**—Nothing contained in this Act shall take away or prejudice the right of any party to any action in the High Court or the Circuit Court (not being an action for a liquidated sum, or an action for the enforcement, or for damages for the breach of a contract) to have questions of fact tried by a jury in such cases as he might heretofore of right have so required in the Supreme Court of Judicature in Ireland, and with like directions as to law and evidence, but no party to an action in the High Court or the Circuit Court for a liquidated sum, or an action for the enforcement or for damages for the breach of a contract or in an action for the recovery of land shall be entitled to a jury unless the judge shall consider a jury to be necessary or desirable for the proper trial of the action, and shall of his own motion or on the application of any party so order. Subject to all existing enactments limiting, regulating, or affecting the costs payable in any action by reference to the amount recovered therein, the costs of every civil action, and of every civil question and issue, tried by a jury in the High Court or the Circuit Court shall follow the event, unless, upon application made, the Judge at the trial shall for special cause shown and mentioned in the order otherwise direct; and any order of a Judge as to such costs may be discharged or varied by the appellate tribunal.

Verdict of nine members of jury in civil cases. **95.**—In every trial whether in the High Court or the Circuit Court of a civil case before a judge and jury, the jury shall consist of twelve members and a majority vote of nine of those twelve members shall be necessary and sufficient to determine the verdict. The judge shall so inform the jury and the verdict of such nine members or upwards shall be taken and recorded as the verdict of the jury, without disclosure of the dissentients, if any such there be.

Form of appeals in jury cases. **96.**—Every appeal from a judgment of the High Court or the Circuit Court in an action tried by a judge and jury, or from any other judgment of the High Court or the Circuit Court founded on the verdict of a jury in a civil case, shall be made by way of motion before the appellate tribunal for a new trial, and, in the case of an appeal from the Circuit Court, the allegations on which such motion may be grounded shall include the allegation that the verdict of the jury was against the weight of the evidence or was otherwise perverse. In any appeal to which this section applies the appellate tribunal may, in lieu of ordering a new trial, set aside the verdict, findings, and judgment appealed against and enter such judgment as the court considers proper.

Report of stenographer to be certified. **97.**—Whenever under this Act an appeal is required to be grounded or heard on the report of an official stenographer, such report shall include both the original shorthand notes and the transcript thereof, and shall be certified by the judge of the Court of first instance to be such report.

Courts in Dublin 98.—So much of the buildings and premises commonly known as Dublin Castle and of the Castle deemed precincts thereof as shall for the time being be appropriated for the holding of any Court to be situated in established under Parts I . or II . of this Act or for the use or accommodation of any judge or City and County officer of any such Court or for the transaction of the business of any office attached to any of Dublin. such Court shall be deemed and is hereby declared to be situate for all purposes both in the County of the City of Dublin and in the County of Dublin.

Declaration to 99.—The Declaration to be taken on appointment by every Judge of the Supreme Court, the be taken by High Court, and the Circuit Court and by every Justice of the District Court shall be as follows: judges and — justices on appointment.

I do solemnly and sincerely before God promise and declare that I will duly and faithfully and to the best of my skill and power execute the office of Chief Justice of the Supreme Court (*or* President of the High Court, *or* Judge of the Supreme Court *or* of the High Court *or* of the Circuit Court *or* Justice of the District Court *as the case may be*) of Saorstát Eireann without fear or favour, affection, or ill-will towards any man, and that I will uphold the Constitution of Saorstát Eireann as by law established.

Such declaration shall be made and subscribed by the Chief Justice in the presence of the Governor-General and by each of the other judges and justices aforesaid in the presence of the Chief Justice in open court.

Any judge or justice who declines or neglects to take the declaration aforesaid in the manner aforesaid shall be disqualified from entering on and shall be deemed to have vacated his office of judge or justice (as the case may be).

Age of 100.—Where any person who is at the passing of this Act a judge of the Supreme Court of retirement for Judicature in Ireland, a Recorder, County Court Judge, or District Justice in Saorstát Eireann, or existing judges a Divisional Justice of the Police District of Dublin Metropolis is appointed to be a judge of any appointed Court under this Act after he has attained the age of retirement prescribed by this Act for the under this Act. judges of such Court, such age of retirement shall in his case be extended by the addition of three years thereto.

Rules not to 101.—No rules of court made under this Act shall come into operation unless and until they come into have been laid before each House of the Oireachtas and have been approved by resolution of operation until each such House. approved by Oireachtas.

Provisions as to **102.**—Unless and until otherwise determined by the Oireachtas, all registrars, clerks and existing officers. other officers attached to the existing Supreme Court of Judicature or to the Lord Chief Justice in the exercise of the jurisdiction in Lunacy vested in him and to the Courts of existing Recorders, County Court Judges and District Justices or the Divisional Magistrates of the Police District of Dublin Metropolis shall continue to hold office by the same tenure as heretofore, and to discharge the duties heretofore discharged by them or duties analogous thereto. Every question which shall arise as to whether any duties are analogous to any other duties shall be determined by the Chief Justice, whose decision shall be final. Nothing in this Section shall prejudice the rights of any officer under Section 10 of the Articles of Agreement for a Treaty between Great Britain and Ireland signed at London on the 6th day of December, 1921.

Appeals pending **103.**—All appeals and other applications to Judges of Assize pending at the commencement to Judge of of Part II . of this Act shall be heard and determined by such Judge or Judges of the High Court Assize shall be as shall be nominated for the purpose by the President of the High Court and at such times heard by Judges and places as the Minister for Home Affairs shall, by order, prescribe and direct. of High Court.

Trial of persons **104.**—Every person who shall at the commencement of Part I . of this Act have been sent awaiting trial at forward for trial at Assizes or any other Commission of Oyer and Terminer and gaol delivery, commencement and be awaiting trial, and every person who shall at the commencement of this Act have been of Act. sent forward for trial by the County Court Judge, or by any Dáil Court as defined by the Dáil Eireann Courts (Winding-Up) Act, 1923 (No. 36 of 1923), on any charge excluded from the jurisdiction of the Circuit Court and be awaiting trial on such charge, shall be deemed to have been sent forward for trial by and shall be tried by the Central Criminal Court or, if so directed by the Attorney-General, a court of the High Court Circuit. Every person who shall at the commencement of Part II . of this Act have been sent forward for trial by the County Court Judge, or by any such Dáil Court as aforesaid, on any charge within the jurisdiction of the Circuit Court, and be awaiting trial, shall be deemed to have been sent forward for trial by and shall be tried by the appropriate Circuit Court.

#### **Schedule in the foregoing Act referred to.**

	Population
1. Dublin City and County	476,000
2. Cork City and County	392,000
3. Donegal } Northern	394,000
Leitrim	
Cavan	

	Monaghan			
4.	Mayo	}	Western	374,000
	Galway			
5.	Sligo			
	Roscommon			
	Westmeath	}	Midland	388,000
	Leix			
	Offaly			
	Longford			
6.	Louth			
	Meath			
	Kildare	}	Eastern	358,000
	Wicklow			
	Wexford			
7.	Kerry			
	Limerick	}	South-Western	406,000
	Clare			
8.	Tipperary			
	Kilkenny	}	Southern	348 000
	Waterford			
	Carlow			