

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CXXXI.

An Act to provide for the better Execution of the Laws in *Ireland*, by appointing Superintending Magiſtrates and additional Conſtables in Counties, in certain Caſes. [25th *July* 1814.]

WHEREAS Diſturbances have from Time to Time exiſted in different Parts of *Ireland*, for the Suppreſſion whereof the ordinary Police hath been found inſufficient, and it is expedient that Proviſion ſhould be made for ſuch Caſes: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, That from and after the paſſing of this Act it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by the Advice of the Privy Council of *Ireland*, to declare by Proclamation, that any County, County of a City, or County of a Town in *Ireland*, or any Barony or Baronies, Half Barony or Half Baronies in any County at large, to be therein ſpecified, is or are in a State of Diſturbance, and requires or require an extraordinary Eſtabliſhment of Police; and thereupon it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant under Hand and Seal, to appoint One Chief Magiſtrate of Police for ſuch County, or for any Barony or Baronies, Half Barony or Half Baronies, which may be ſo diſturbed, ſo that if there ſhall be more than One ſuch Barony or Half Barony, there may be either One or more ſuch Chief Magiſtrate or Magiſtrates, not exceeding One for each Barony or Half Barony, as ſhall ſeem beſt; and the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, ſhall have full Power from Time to Time to remove any ſuch

For appointing a Chief Magiſtrate of Police, &c.

ſuch Chief Magiſtrate, and upon ſuch or any Vacancy or Vacancies to appoint One or more Chief Magiſtrate or Magiſtrates, either according to the ſame Arrangement, or to any other which the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, ſhall think proper to make as aforeſaid.

Such Chief Magiſtrate of Police to take Oaths required by Law, and thence to have all the Powers of a Juſtice of the Peace;

II. And be it further enacted, That every ſuch Chief Magiſtrate ſhall forthwith take the Oaths which ſhall be then required by Law to be taken by Magiſtrates in *Ireland*; and thereupon ſuch Chief Magiſtrate, ſo long as he ſhall continue to hold the ſaid Office, ſhall, without further Appointment or Commiſſion, have all the Powers of a Juſtice of the Peace, and be to all Intents and Purpoſes a Juſtice of the Peace, in, of, and for the County for which or for any Part of which he ſhall be ſo appointed Chief Magiſtrate, and of and for each and every County adjoining thereto, in ſuch Parts of every ſuch adjoining County as ſhall be within Seven Miles of ſuch diſturbed Diſtrict.

and to reſide in the County for which he is appointed.

III. And be it further enacted, That every ſuch Chief Magiſtrate ſhall forthwith repair to the County, Diſtrict, Barony or Half Barony, for which he ſhall be ſo appointed Chief Magiſtrate, and ſhall be reſident therein, and ſhall not depart therefrom, without the previous Permiſſion of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, ſignified to him in Writing by the Chief Secretary, or in his Abſence by the Under Secretary for the Civil Department, unleſs in and for the immediate and urgent Execution of the Duty of the ſaid Office of Chief Magiſtrate.

Salary, &c. to Chief Magiſtrate.

IV. And be it further enacted, That every ſuch Chief Magiſtrate, while he ſhall hold the ſaid Office, ſhall have and receive a Salary of Seven hundred Pounds Sterling by the Year, and rateably for any leſſer Period in Manner herein-after mentioned; and ſhall have a ſuitable Houſe, Furniture, and Out-houſes, within the County or Place for which he ſhall be ſo appointed Chief Magiſtrate, and in or adjoining to ſuch Houſe a ſuitable and proper Office for the Diſcharge of his Buſineſs, the ſame reſpectively to be paid and provided in Manner herein-after mentioned; and ſuch Houſe, Out-offices, and Office of Buſineſs, to be ſuch as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Time being, ſhall direct and approve.

Reſident Juſtices to be aiding the Chief Magiſtrate, and to deliver in Examinations, &c.

V. And be it further enacted, That each and every Juſtice of the Peace reſident in the County or Diſtrict for which ſuch Chief Magiſtrate ſhall be ſo appointed, ſhall be aiding and aſſiſting in ſuch their Capacity of Juſtice of the Peace to ſuch Chief Magiſtrate; and every Juſtice of the Peace for ſuch County in which ſuch Chief Magiſtrate ſhall reſide, ſhall, during ſuch Reſidence, deliver or cauſe to be delivered to ſuch Chief Magiſtrate, as ſpeedily as the Nature of each Caſe ſhall admit of, all and every Examination, Information, or Intelligence, which he ſhall take or receive, concerning any Offence committed or intended to be committed within the County or Diſtrict for which ſuch Chief Magiſtrate ſhall be ſo appointed.

Lord Lieutenant to ap-

VI. And be it further enacted, That it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*

land for the Time being, to appoint, for the Aid and Support of any such Chief Magiſtrates, and to remove at his or their Pleaſure, a Clerk, and alſo a Chief Conſtable, and any Number of Sub-Conſtables, not exceeding Fifty in the whole, or any ſuch leſſer Number, as to the Lord Lieutenant, or other Chief Governor or Governors for the Time being, may ſeem neceſſary and proper from Time to Time, and to order ſuch Arms and Accoutrements to be delivered to ſuch Chief and Sub-Conſtables, and alſo to order ſuch Horſes, and Saddles and Bridles for the ſame, to be purchaſed and provided for ſuch Chief and Sub-Conſtables, or any of them, as Occaſion may require, and ſuch Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, ſhall think proper; and ſuch Chief Conſtable and Sub-Conſtables of and for the ſame County or Counties for which ſuch Chief Magiſtrate ſhall be a Juſtice of the Peace as aforeſaid, ſhall attend ſuch Chief Magiſtrate, and obey and execute his lawful Warrants, Orders, and Commands, and ſhall not attend any other Magiſtrate or Magiſtrates of any ſuch County, unleſs by the expreſs Orders of ſuch Chief Magiſtrate.

Lord Lieutenant may appoint a Clerk to ſuch Chief Magiſtrate, and alſo a Chief Conſtable and Sub-Conſtables.

VII. And be it further enacted, That there ſhall be paid to every ſuch Clerk a Salary not exceeding One hundred and fifty Pounds by the Year, and to every ſuch Chief Conſtable a Salary not exceeding One hundred and fifty Pounds by the Year, and to every ſuch Petty Conſtable a Salary not exceeding Fifty Pounds by the Year, and rateably to each and every of the ſaid Perſons for any leſſer Period, in Manner herein-after mentioned; and ſhall have ſuitable Lodgings provided for them, in caſe the ſame ſhall be thought neceſſary, and ſhall be directed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being.

Salaries to Clerk, Chief Conſtable, and Petty Conſtables.

VIII. And be it further enacted, That every ſuch Chief Magiſtrate ſhall Once in every Week, and oftener if neceſſary, make a Return in Writing, ſigned by himſelf, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, wherein ſhall be ſet forth a true and accurate Account of the State of the County or Place for which he ſhall be ſo appointed, and of the ſeveral Meaſures taken by him, or with his Knowledge or Privity, for or towards the Preſervation or Reſtoration of Peace and good Order therein, and of the Conduct of the Chief and Sub-Conſtables under his Command, and of all other Perſons, ſo far as the ſame may contribute or tend to the Reſtoration or Preſervation of Peace and good Order as aforeſaid.

Chief Magiſtrate to return Weekly to the Lord Lieutenant, a State of the County for which he ſhall be appointed.

IX. And be it further enacted, That it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by the Advice of the Privy Council of *Ireland*, to declare by Proclamation that ſuch County, County of a City, or County of a Town, or any Barony or Half Barony, ſo proclaimed as aforeſaid, is reſtored to Peace and good Order; and if ſuch Declaration of Peace and good Order ſhall extend to the whole County, or to all ſuch Part and Parts thereof as had been ſo proclaimed, then and from thenceforth the Office of all and every ſuch Chief Magiſtrate, Clerk, and Chief Conſtable, and Sub-Conſtable therein, ſhall ceaſe and determine; but if any Part ſhall ſtill remain in a State of Diſturbance, then and from thenceforth every ſuch Chief Magiſtrate who has within his Diſtrict any diſturbed Barony or Half

Lord Lieutenant may declare, by Proclamation, when any County is reſtored to Peace and good Order.

Barony, Baronies or Half Baronies, and each and every Clerk, and Chief Conſtable and Sub-Conſtable under his Authority, ſhall continue to act for ſuch Barony or Baronies, Half Barony or Half Baronies, unleſs it ſhall be otherwiſe ordered by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and every ſuch Chief Magiſtrate who ſhall not have any diſturbed Barony or Half Barony within his Diſtrict, and every Clerk, and Chief and Sub-Conſtable under him, ſhall forthwith ceaſe to hold ſuch Office reſpectively: Provided always, that it ſhall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to reduce the Number of Conſtables in any ſuch diſturbed Diſtrict from Time to Time, as to him or them ſhall ſeem fitting or expedient, at any Time before ſuch Diſtrict ſhall be fully reſtored to Peace and good Order.

Power to the Lord Lieutenant of leſſening the Number of Conſtables appointed.

X. Provided alſo, and be it further enacted, That whenever it ſhall happen that any County, or any Barony or Half Barony, which ſhall at any Time under this Act be proclaimed or declared to be in a State of Diſturbance, ſhall be reſtored to Peace and good Order, within any Time leſs than Twelve Calendar Months from the Time when the ſame was ſo proclaimed or declared in a State of Diſturbance, it ſhall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to direct, that for any Time not exceeding Three Calendar Months, within which ſuch County, Barony, or Half Barony, ſhall be declared to be reſtored to Peace and good Order, there ſhall be allowed and paid to any Chief Magiſtrate who ſhall have been appointed in ſuch County, Barony, or Half Barony, under this Act, any Sum not exceeding Two hundred and fifty Pounds, as and for a Proportion of his yearly Salary on ſuch Occaſion; and to any Clerk or Chief Conſtable ſo appointed, any Sum not exceeding Sixty Pounds; and to any other Conſtable ſo appointed, any Sum not exceeding Twenty Pounds; and that for any Time exceeding Three Calendar Months, and not exceeding Six Calendar Months, within which ſuch County, Barony, or Half Barony, ſhall be declared to be reſtored to Peace and good Order, there ſhall be allowed and paid to ſuch Chief Magiſtrate any Sum not exceeding Four hundred Pounds, and to ſuch Clerk or Chief Conſtable any Sum not exceeding One hundred Pounds, and to every ſuch other Conſtable a Sum not exceeding Thirty Pounds, as to ſuch Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, ſhall ſeem fitting and expedient; and all and every ſuch Sum and Sums ſhall be raiſed and paid in Manner herein-after mentioned and provided; and in caſe ſuch County, Barony, or Half Barony, ſhall be reſtored to Peace and good Order at any Time after Six Calendar Months from the Time when the ſame were ſo proclaimed or declared in a State of Diſturbance, then there ſhall be obtained and paid to ſuch Chief Magiſtrate, Clerk, Chief Conſtable, and Conſtables reſpectively, a proportionate Part of their Salaries, calculated after the whole annual Rate of ſuch Salaries reſpectively.

Proportion of Salaries to Chief Magiſtrate, &c. if the County is reduced to Peace within certain Periods.

XI. And be it further enacted, That the ſeveral Salaries and the Proportions thereof, or Allowances herein-before directed to be paid and given to ſuch Chief Magiſtrate, Clerk, Chief Conſtable and Conſtables, and all Rents and Taxes, and all other Coſts and Charges of the Houſe and Appurtenances to be provided for any ſuch Chief Magiſtrate as aforeſaid, and of purchaſing and providing any Horſes with their Saddles and Bridles,

Salaries and Expences to be defrayed by Preſentment.

which Occaſion may require, or may be found neceſſary for the ſaid Chief Conſtable or Conſtables, and all other reaſonable and neceſſary Coſts, Charges and Expences of the ſaid Eſtabliſhment, ſhall be borne and defrayed by Preſentment in Manner following; that is to ſay, the Grand Jury of the County, County of a City, or County of a Town, which or any Part of which ſhall be ſo proclaimed, ſhall, at each Aſſizes or Preſenting Term, preſent all ſuch of the Salaries, Payments, Rents, Taxes, Coſts, Charges, and Expences aforeſaid, as have not been theretofore preſented, the ſame being duly vouched by Affidavit, and it being duly certified by ſuch Chief Magiſtrate of ſuch proclaimed County, Barony or Half Barony, that ſuch Conſtables reſpectively have faithfully and actively diſcharged the Duties of their ſaid Office; the ſaid Sums to be raiſed off ſuch County, if the Whole thereof ſhall be then ſo proclaimed, and if not, then off the Barony or Baronies, or Half Barony or Baronies, for which ſuch Chief Magiſtrate ſhall have been ſo appointed.

Salaries to be paid out of the Conſoli. dated Fund.

XII. Provided always, and be it further enacted, That it ſhall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to order and direct the Lord High Treaſurer or the Commiſſioners for executing the ſaid Office, to iſſue out of the Conſolidated Fund of *Ireland* all ſuch Sum and Sums of Money as he or they ſhall from Time to Time think neceſſary, on account of all ſuch Salaries, Coſts, Charges, and Expences reſpectively, at ſuch Times and in ſuch Manner as ſuch Lord Lieutenant or other Chief Governor or Governors ſhall order and direct; and all Sums which ſhall be levied under any ſuch Preſentments as aforeſaid, ſhall by the Treaſurer of the County be paid to the Collector of Exciſe of the Diſtrict, to be by him applied in like Manner as any other Public Money in his Hands.

Such Preſentments to have Precedence.

XIII. And be it further enacted, That the Judge or Judges at ſuch Aſſizes, or the Court at ſuch Preſenting Term, ſhall not fiat any other Preſentment, until the ſaid ſeveral Preſentments ſhall have been firſt granted by the Grand Jury.

Where Doubts ariſe on Proclamation, common Reputation to be Evidence.

XIV. And be it further enacted, That if on any Occaſion, or in any Court of Law or Equity, Civil or Criminal, any Queſtion ſhall ariſe concerning any ſuch Proclamation, or the Appointment or Qualification of any of the ſaid Officers, common Reputation ſhall be deemed, taken, and received as ſufficient Evidence of ſuch and every ſuch Matter; unleſs by contrary Evidence a reaſonable Doubt ſhall be raiſed as to the Truth of ſuch Reputation.

When Peace and good Order is reſtored, Arms, &c. to be delivered up.

XV. And be it further enacted, That when and as ſoon as ſuch County, County of a City, County of a Town, Barony, Half Barony, or Diſtrict, ſhall be declared to be reſtored to Peace and good Order as aforeſaid, all and every the Arms and Accoutrements which ſhall have been delivered to ſuch Chief Conſtable or Sub-Conſtables, and as ſhall be then remaining, ſhall be forthwith delivered to ſuch Perſon, and at ſuch Time and Place, and to be kept and diſpoſed of in ſuch Manner, as the Lord Lieutenant of *Ireland* for the Time being ſhall direct or appoint; and that all Horſes, with their Saddles and Bridles, which may have been found neceſſary to be provided for the Chief Conſtable or Sub-Conſtables, ſhall be ſold at ſuch Time and Place as the Lord Lieutenant

tenant of *Ireland* for the Time being ſhall direct, and the Produce thereof ſhall be paid to the Treaſurer of the County to be applied to the County Charge.

Penalty on Conſtables not delivering up Arms to ſuch Perſons as may be deputed by Government to receive them.

XVI. And be it further enacted, That if any Perſon ſo appointed a Conſtable as aforeſaid, ſhall not, within One Week after he ſhall ceaſe to hold ſuch Office, deliver over any Arms and Accoutrements to his Succeſſor in the ſaid Office, if ſuch there ſhall be, and if not, then to ſuch Perſon, and at ſuch Time and Place, as ſhall be directed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, every ſuch Perſon ſo offending ſhall for ſuch Offence forfeit the Sum of Ten Pounds *Iriſh* Currency, to be recovered by Civil Bill in the Court of proper Juriſdiction, by any Perſon who ſhall ſue for the ſame.

27 G. 3.

XVII. And whereas an Act was paſſed in the Parliament of *Ireland*, in the Twenty-ſeventh Year of His Majeſty's Reign, intituled *An Act for the better Execution of the Law and Preſervation of the Peace within Counties at large*, which has been ſince continued and is now in force until the Twenty-fifth Day of *March* One thouſand eight hundred and fifteen, and divers Counties in *Ireland* have been divided into Diſtricts, purſuant to the Proviſions of ſaid Act: And whereas by an Act paſſed in the ſaid Parliament of *Ireland*, in the Thirty-ſecond Year of His Majeſty's

32 G. 3.

Reign, intituled *An Act for regulating the Office of Conſtable, and for better enforcing the Proceſs of the Criminal Law in certain Parts of this Kingdom*, Grand Jurors in *Ireland* are empowered to appoint Conſtables for the ſeveral Baronies in their reſpective Counties, in Manner therein mentioned, but are not empowered to make ſuch Appointment in any County divided into Diſtricts as aforeſaid, under the Powers of the ſaid recited Act of the Twenty-ſeventh Year of His Majeſty's Reign, ſuch Counties being in that reſpect excepted in the ſaid Act of the ſaid Thirty-ſecond Year, by reaſon whereof there may happen to be a Failure of Conſtables in ſuch Counties; be it therefore enacted, That from and after the paſſing of this Act it ſhall and may be lawful to and for each and every Grand Jury in *Ireland*, whoſe County is or ſhall be ſo divided into Diſtricts as aforeſaid, to appoint Conſtables for the ſeveral Baronies therein, notwithſtanding ſuch Diviſion into Diſtricts, in the ſame Manner in all reſpects as ſuch Grand Jury could do under the Proviſions of the ſaid recited Act of the ſaid Thirty-ſecond Year, if ſuch Diviſion into Diſtricts did not exiſt, and not otherwiſe.

Grand Juries may appoint Conſtables, notwithſtanding Counties are divided into Diſtricts.

Such Conſtables to act when Counties ceaſe to be divided into Diſtricts.

XVIII. And be it further enacted, That ſuch Conſtables ſo to be appointed, ſhall commence to be Conſtables when and as ſoon as ſuch County ſhall ceaſe to be ſo divided into Diſtricts, for the Purpoſe in the ſaid recited Act of the ſaid Twenty-ſeventh Year mentioned, whether the ſame ſhall happen by the Repeal or Expiration of the ſaid Act, or otherwiſe, and not ſooner; and that from and after the Time ſuch Conſtable ſo appointed, ſhall have all the Powers and Advantages, and be ſubject to all the Regulations and Reſtrictions, in the ſaid Act of the Thirty-ſecond Year of His Majeſty's Reign contained and expreſſed, and ſhall, to all Intents and Purpoſes, be deemed and taken as and for Conſtables appointed under and purſuant to the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

XIX. And

XIX. And be it further enacted, That it ſhall and may be lawful for any Five Juſtices of the Peace for any County, County of a City, or County of a Town in *Ireland*, at any General Quarter Seſſions or General Seſſions of the Peace regularly and duly aſſembled, to nominate and appoint any Number of fit and proper Perſons to act as Conſtables in and for ſuch County, or County of a City or Town, in Addition to any other Conſtables appointed by Law; and ſuch Perſons ſo to be appointed Conſtables at ſuch Quarter Seſſions or General Seſſions ſhall then and there take ſuch Oath as is required from Conſtables in other Caſes, and ſhall have all ſuch Powers and Authorities as Conſtables in other Caſes have by Law, but ſhall not receive or be allowed any Salary whatever; and the Power of ſuch Perſons as Conſtables ſhall continue only for Twelve Calendar Months, unleſs they ſhall be re-appointed or continued at ſome enſuing General Quarter Seſſions or General Seſſions, in which Caſe the Power of ſuch Conſtables ſhall continue for a further Term of Twelve Calendar Months: Provided always, that in caſe of ſuch Re-appointment it ſhall not be neceſſary for any ſuch Conſtable to be re-ſworn unleſs the Magiſtrates then preſent ſhall ſo order and direct: Provided alſo, that any ſuch Conſtable or Conſtables may at any Time be removed at any General Quarter Seſſion or General Seſſions after ſuch Appointment or Re-appointment as aforeſaid.

Quarter Seſſions to appoint extra Conſtables.

XX. And whereas by an Act made in the Parliament of *Ireland*, in the Thirty-ſixth Year of His Majeſty's Reign, intituled *An Act for the better and more convenient Adminiſtration of Juſtice, and for the recovering of Small Debts in a ſummary Way at the Seſſions of the Peace of the ſeveral Counties at large within this Kingdom, except the County of* Dublin; *and for continuing and amending an Act, intituled* 'An Act for the better Execution of the Law and Preſervation of the Peace within Counties at large;' the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of the Privy Council of *Ireland*, is authorized to divide the ſeveral Counties in *Ireland* (except the County of *Dublin*) into Two Diviſions, for the Purpoſe of hearing and determining of Civil Bills only, without regard to, or affecting ſuch Diſtricts, as the ſaid Counties, or any of them, may be divided into, for the Purpoſes of the ſaid herein-before recited Act of the Twenty-ſeventh Year of His preſent Majeſty's Reign; and alſo to nominate and appoint One or more Town or Towns in each of the ſaid Diviſions reſpectively, in one of which Towns a Civil Bill Court ſhould be held Four Times in every Year, at ſome General Seſſions or Quarter Seſſions of the Peace, or ſome Adjournment thereof; and alſo to appoint proper and convenient Towns in every ſuch County, at which ſuch Seſſions and Adjournments as aforeſaid ſhould be reſpectively holden; and Doubts have been entertained whether, after any County ſhall have been ſo divided, or any Town or Towns ſo appointed for the ſeveral Purpoſes laſt aforeſaid reſpectively, ſuch Diviſion or Appointment can or may be changed or altered; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, from Time to Time, whenever he or they ſhall think proper ſo to do, to change, alter or annul any ſuch Diviſion, heretofore made or hereafter to be made, of any County in *Ireland*, under or by virtue of the ſaid recited Act of the Thirty-ſixth Year of His preſent Majeſty's Reign, and to ſubſtitute and appoint any

36 G. 3. c. 25. I. 1 & 5. Power of dividing Counties into Diſtricts for Civil Bill Courts.

Such Diſtricts may be changed by Lord Lieutenant.

new or other Diviſion thereof into Two Parts, for the Purpoſes in the ſaid recited Act in that reſpect mentioned; and alſo to change or annul the Appointment of any Town or Towns in any County or Diviſion, for any of the Purpoſes aforeſaid, and to appoint ſuch other Town or Towns in lieu thereof, as to him or them ſhall ſeem proper; and that any ſuch Change or Alteration which may have taken place at any Time before the paſſing of this Act, ſhall be deemed and taken to be, and to have been good, valid, and effectual, to all Intents and Purpoſes.

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