


ANNO TERTIO

# GEORGII IV. REGIS.

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Barony, or other Division of a Barony within such County, to be stationed in and through the several Baronies and Half-Baronies in such Counties; and that the Magistrates of every such County so assembled, Ten at least being present, shall proceed to name such Constables and Sub-Constables accordingly; and that when any Vacancy or Vacancies shall arise, the Chief Constable of the Barony or Half-Barony in which such Vacancy shall arise, shall report the same to the Magistrates at the Quarter Sessions of such County, and such Magistrates shall thereupon proceed to fill up such Vacancy or Vacancies, by appointing another or other Constable or Constables, or Sub-Constable or Sub-Constables, to fill any such Vacancy or Vacancies as aforesaid: Provided always, that if the Magistrates of any County shall omit or neglect to assemble, as required by any such Proclamations as aforesaid, or shall, from any Cause, neglect or omit to nominate and appoint such Number of Constables and Sub-Constables as shall be specified in such Proclamation, within Fourteen Days next after the Day named in such Proclamation, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint such Constables and Sub-Constables; and it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, at his or their Pleasure, to remove all or any and every such Chief Constable, and all or every and any such Constables or Sub-Constables; and also to order such Arms and Accoutrements, Saddles, Bridles, Clothing, and Appointments, to be delivered from His Majesty's Stores to every such Chief Constable, as such Lord Lieutenant or other Chief Governor or Governors shall from Time to Time think proper; and such Arms and Accoutrements, Saddles, Bridles, Clothing, and Appointments shall accordingly be delivered to such Chief Constable for the Use of such Constables, and of all Constables who shall from Time to Time be within his District; and it shall and may also be lawful for such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in his or their Discretion, to direct such Horses to be purchased for such Number of such Chief Constables and other Constables, as shall from Time to Time be thought proper and necessary by such Lord Lieutenant, or other Chief Governor or Governors, for the Time being.

On Neglect of Magistrates, Lord Lieutenant may appoint.

Lord Lieutenant may remove all such Constables.

Arms shall be delivered to Chief Constable for use of himself and Constables.

Horses to be provided.

II. Provided always, and be it enacted, That in any Case in which the Magistrates of any County, at the General Quarter Session for such County, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that the Number of Constables so appointed for any County is inadequate to the due Execution of the Law within the same, or within any Barony thereof, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to direct the Appointment, in the Manner herein-before specified, of such further Number of Constables for such County or Barony as may be so certified to be necessary, and to remove such Constables from Time to Time.

On Certificate of Grand Jury, Number of Constables may be increased.

III. And be it further enacted, That every such Chief Constable shall have the Care of the Arms and Accoutrements, Saddles, Bridles, Clothing, and Appointments, so to be delivered to him as aforesaid,

Chief Constable shall have Custody and Disposition of Arms.

and shall, at his Discretion, deliver out the same or such Part thereof as he shall think necessary, to the Constables or Sub-Constables in his District respectively, either for any particular Occasions, as they shall occur from Time to Time, or generally to be kept and used by such Constables or Sub-Constables in the Execution of their Offices respectively; and every such Chief Constable shall have full Power at all Times to require and call in the same, or such Part or Parts thereof as he shall think proper, from all or any one or more of such Constables or Sub-Constables, who shall forthwith deliver the same to him accordingly.

Lord Lieutenant may order Houses, &c. to be provided for Chief Constables, &c.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in such Cases where he shall see fit and proper Occasion so to do, to direct that suitable and fitting Houses, with Outhouses and Appurtenances, and Furniture, shall be provided for the Residence of any such Chief Constable or other Constable respectively, as shall be for that Purpose specified and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and each and every Chief Constable who shall be appointed under this Act, while he shall hold such Office, shall have and receive such Salary, not exceeding One hundred Pounds by the Year, and rateably for any lesser Period; and every Constable and Sub-Constable so appointed shall in like Manner have and receive such Salary, not exceeding Thirty-five Pounds by the Year, and rateably for any lesser Period, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct and appoint.

Salaries: Chief Constable not exceeding 100*l.* a Year. Sub-Constables, 35*l.* a Year.

Oath of Chief and other Constables.

V. And be it further enacted, That every such Chief Constable and other Constable so appointed shall, before he shall do any Act in his said Office, take and subscribe the Oath here following; (that is to say),

'I *A. B.* do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Chief Constable [*or* Constable, *or* Sub-Constable, *as the Case may be*] without Favour or Affection, Malice or Ill-will; that I will see and cause His Majesty's Peace to be kept and preserved, and that I will prevent, to the best of my Power, all Offences against the same; and that while I shall continue to hold the said Office, I will, to the best of my Skill and Knowledge, discharge all the Duties thereof, in the Execution of Warrants and otherwise, faithfully according to Law.

'So help me GOD.'

And the said Oath shall be administered to the Chief Constable by any Magistrate for the County in open Sessions; and the said Oath shall be administered to all Constables and Sub-Constables so appointed, either in open Sessions or otherwise, by any Magistrate of the County, and shall in all Cases be subscribed by the Person taking the same; and every such Chief Constable and other Constable, having taken and subscribed the said Oath, shall be to all Intents and Purposes a Constable in and for the County in which such Chief Constable or other Constable shall be appointed, until dismissed from his Office by competent

Power of such Constables.

petent Authority; and every such Chief Constable and other Constable shall have all such Powers, Authorities, Privileges, and Advantages, as any Constable duly appointed now has, or can or may have by any Law or Laws in force in *Ireland*.

On Representation of Magistrates of Cities and Towns, Chief Constable and Constables may be appointed under the Regulations of this Act.

VI. And be it further enacted, That in any Case in which any Three or more Magistrates acting in and for any County of a City or County of a Town, or City and Liberties, in *Ireland*, assembled at any General or Special Sessions, shall deem it expedient to require the Appointment of a Chief Constable or Constables and other Constables within and for such County of a City or County of a Town, or City and Liberties, under this Act, and shall recommend the same to the Lord Lieutenant, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint One or more Chief Constable or Chief Constables, according as One or more may be recommended by such Magistrates for any such County of a City, or County of a Town, or City and Liberties; and it shall be lawful for such Magistrates (subject to and under the Provisions of this Act) to appoint such Number of Constables as may be deemed necessary by such Magistrates for the Preservation of the Peace within such County of a City, or County of a Town, or City and Liberties respectively; and every such Chief Constable, and all such Constables, when appointed according to the Provisions of this Act, and having taken the Oath required by this Act, shall have all such Powers and Authorities, and shall be subject to all such Rules and Regulations, as are given, contained, specified, or directed in and by this Act with respect to Constables for Counties at large; any Statute, Act, Law, Charter, Custom, or Usage to the contrary in anywise notwithstanding.

Constables empowered to act in apprehending Offenders and levying Fines, &c. or forfeited Recognizances.

VII. And be it further enacted, That every such Chief Constable and other Constable shall have full Power and Authority to take and apprehend all Offenders against any Act or Acts in force in *Ireland*; and every such Chief Constable and other Constable shall also execute all Process to him directed, for levying the Amount of any Fine or Fines which shall be imposed under any Act or Acts in force in *Ireland*, or for levying the Amount of any Recognizances forfeited to His Majesty, His Heirs and Successors, or of any Fines imposed on any Jurors, Witnesses, Parties, or Persons at any Assizes or Commission of Oyer and Terminer or Gaol Delivery, or Session of the Peace, in the County in and for which such Constables shall be appointed pursuant to this Act.

Saving Rights of Corporations, &c. to Fines.

VIII. Provided always, and be it enacted, That nothing herein contained shall extend to deprive any Corporation, or any Person or Persons, of any Rights which they now have under their respective Charters or Patents, to any Fines, Amerciaments, or Recognizances whatsoever.

Chief and other Constables, &c. shall attend and obey Magistrates.

IX. And be it further enacted, That all and every such Chief Constables and other Constables so appointed as aforesaid, shall, when required, attend on the Magistrates of the County at their Sessions or elsewhere, and shall obey and execute all the Warrants, Orders, and Com-

Commands of such Magistrates; and if any such Chief Constable or other Constable shall neglect or refuse to obey and execute any such Warrant, or shall be guilty of any Neglect or Violation of Duty in his Office, every such Chief Constable or other Constable shall forfeit and be liable to such Penalty, not exceeding Five Pounds, as any Two or more Magistrates, after Examination upon Oath of One or more credible Witness or Witnesses, or upon Confession of the Party, shall think proper to impose or inflict, to be levied by Distress and Sale of the Goods and Chattels of the Party so offending; and all Constables and Sub-Constables shall attend and obey the Chief Constables in their respective Counties, Baronies, Cities, and Towns; and when any Warrant, Order, or Command of any Magistrate shall be delivered or given to any such Constable or Sub-Constable, he shall, if the Time will permit, shew or deliver the same to the Chief Constable under whose immediate Command such Constable or Sub-Constable shall then be, and such Chief Constable shall nominate and appoint by Indorsement thereon, such One or more of the Constables under his Orders, and such Assistant or Assistants to him or them as such Chief Constable shall think proper, to execute such Warrant, Order, or Command; and every such Constable whose Name shall be so indorsed, and every such Assistant as aforesaid, shall have all and every the same Rights, Powers, and Authorities for and in the Execution of every such Warrant, Order, or Command, as if the same had been originally directed to him or them, expressly by Name.

Penalty on them for Neglect.

Constables shall obey Chief Constables.

Execution of Warrants.

X. Provided always, and be it enacted, That when any Action shall be brought against any Constable for any Act done in obedience to the Warrant of any Magistrate, such Constable shall not be responsible for any Irregularity in the issuing of such Warrant, or for any want of Jurisdiction in the Magistrate issuing the same, and such Constable may plead the General Issue, and give such Warrant in Evidence; and upon producing such Warrant and proving that the Signature thereto is the Hand-writing of the Person whose Name shall appear subscribed thereto, and that such Person is reputed to be and acts as a Magistrate of such County or District, (as the Case may be), and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable, and such Constable shall recover his Costs of Suit.

For Protection of Constable in executing Warrant.

XI. And be it further enacted, That every such Chief Constable shall be constantly resident within the Barony or One of the Baronies for which he shall be appointed, and shall Once at the least in every Calendar Month, inspect all the Constables and Sub-Constables in his District, and all such of the Arms and Accoutrements, Horses, Saddles, Bridles, Clothes, and Appointments aforesaid, as may be in their Possession respectively; and shall at all Opportunities make diligent Enquiry as to their Conduct in the Business of their Office respectively; and shall, Once in every Three Calendar Months at the least, make a Report to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his Absence to the Under Secretary, and shall in such Report set forth the Name and

Chief Constable shall reside in the Barony, and Monthly inspect Constables, their Arms and Conduct, and report Quarterly to the Chief Secretary of Lord Lieutenant on Oath.

and Residence of every Constable and Sub-Constable in his District, and shall state as to each of them what his general Conduct in his Office has been since the last preceding Report, and whether in that Time he has been guilty of any Breach or Omission of his Duty, and whether he be sufficiently qualified for such Office or not, and his Age and State of Health, and whether on the whole such Chief Constable considers him fit to be continued in such Office or not; and at the Foot of every such Report, there shall be an Affidavit of such Chief Constable before a Magistrate of such County, that such Report is the full and exact Truth, according to the best of his Knowledge, Judgment, and Belief; and a Copy of such Report shall be furnished by such Chief Constable to the Magistrates assembled at their General Quarter Sessions of the Peace.

**Lord Lieutenant may appoint Superintendants or Inspectors of Constables to make Rules for directing their Conduct, &c. to be confirmed by Justices at Quarter Sessions.**

XII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, from Time to Time, at his or their Will and Pleasure, to appoint from Time to Time, any One or more Person or Persons, not exceeding Four in the Whole, to be General Superintendants and Inspectors of the Chief Constables and Constables throughout *Ireland*, or in any Part thereof, with such Salary, not exceeding to any One Superintendant or Inspector the Sum of Five hundred Pounds by the Year, as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall from Time to Time direct and appoint; and every such Person so appointed shall from Time to Time inspect the Constables in each Province, County, Barony, or District in *Ireland*, committed to his Superintendance and Inspection, and shall from Time to Time report to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, upon the Conduct and Proceedings of all Chief Constables and other Constables in every such Province, County, Barony, or District; and it shall be lawful for every such Superintendant or Inspector (with the Consent and Approbation of such Lord Lieutenant, or other Chief Governor or Governors, signified by his or their Chief Secretary) to frame Rules, Orders, and Regulations for the Conduct and Proceedings of such Chief Constables and other Constables, from Time to Time; and a Copy of all such Rules, Orders, and Regulations, shall be laid before the Justices at the Quarter Sessions of the several Counties, for the Consideration of the Magistrates of such Counties respectively; and it shall be lawful for the said Magistrates to reject, or to confirm, or to alter the same; and such Rules, Orders, and Regulations, when so confirmed or altered by the said Magistrates, and approved of by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall be transmitted by such Superintendant and Inspector to the Chief Constable in every Barony, for the Guidance and Direction of such Chief Constable and other Constables within the said Barony, and a Copy thereof shall on Demand be produced by such Chief Constable to any Magistrate requiring to see the same.

**Lord Lieutenant may order Constables to be employed in**

XIII. 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, whenever he or they shall think proper so to do, to order and direct that any Person having been

been appointed under this Act to be a Constable for any County, shall go into and be a Constable in and for any Barony or Baronies or Half-Barony or other Division of a Barony in such County; and also to order and direct that any such Constable, or that any Number of the Constables or Sub-Constables appointed under this Act, for any County, or any Barony or Baronies, or Division of a Barony, at any Time or Times, shall go or repair to such Place or Places in any other County or Counties, or in any County of a City, or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order; and shall remain there or remove to and remain at any other Place or Places in the same or any other County, City, or Town, and for such Time and Times, and shall finally return to their proper County, City, or Town, at such Time and Times respectively as shall be mentioned or directed in or by such Order, or by any other Order or Orders which may from Time to Time be made by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, and every such Order shall be obeyed accordingly: Provided always, that not more than Two-third Parts of the existing Establishment of Constables for any one County, City, or Town, shall be so removed or absent from such County, City, or Town, at any one Time.

any Barony, or in any other County, not exceeding 2-3ds.

XIV. And be it further enacted, That if any Constable or Constables shall be so removed by or under any such Order, out of his or their proper County, City, Town, or Barony, he or they shall, in every County or Place where he or they shall at any Time be in obedience to such Order, be aiding and assisting to the Magistrates of such County or Place; and all and every such Constables and Constable who shall be so removed, shall obey the Orders of such Magistrates, and shall in the Execution of such Orders, but not further or otherwise, be and be deemed and taken to be Constables of such County or Place to which they shall go and be sent pursuant to this Act.

Constables shall obey Magistrates of the County where they shall be sent.

XV. And be it further enacted, That when any Chief Constable or other Constable shall be dismissed from or shall cease to hold and exercise his Office pursuant to this Act, all Powers and Authorities vested in him as a Constable, under and by virtue of this Act, shall immediately cease and determine, to all Intents and Purposes whatever; and every such Person who shall be dismissed from his Office shall be incapable of being again appointed a Constable; and if any such Chief Constable, or other Constable, shall not within One Week after he shall be dismissed from, or shall cease to hold such Office, deliver over all and every Arms and Accoutrements, Horse, Saddle, Bridle, Clothing, or Appointments, supplied to him under this Act, to his Successor in such 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 every such Offence forfeit the Sum of Twenty Pounds *Irish* Currency, to be recovered before any Two Magistrates of the County or Place of which he may be or have been a Constable, by any Person who shall sue

Constables dismissed shall lose their Power, and shall deliver up Arms, &c.

Penalty on Constables not delivering up Arms to such Persons as may be deputed by Government to receive them, 20*l*

sue for the same, and to be levied by Distress and Sale of the Goods and Chattels of the Offender.

54 G. 3. c. 131. for appointing Magistrates in certain Cases.

XVI. And whereas in and by an Act made in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *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*, the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, is authorized and empowered, under the Circumstances in the said Act mentioned, to appoint Chief Magistrates of Police in Manner and for the Purposes in the said Act mentioned: And whereas it may frequently be necessary and expedient that Magistrates should be appointed in Cases not provided for by the said recited Act; be it therefore enacted, That in any case in which Seven or more Magistrates of any County at large, or Three or more Magistrates of any County of a City, or County of a Town, or City and Liberties, duly assembled at any General or Special Sessions, after Notice given by the Clerk of the Peace, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that owing to the Absence or Non-residence of a Magistrate in any District of any such County, or for any other sufficient Cause, to be stated in such Certificate, it shall appear to such Magistrates to be expedient, that a Magistrate should be appointed to be constantly resident within such District, City, or Town, it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, whenever he or they shall think it requisite and necessary so to do, to appoint during his or their Pleasure one or more Magistrate or Magistrates for any County at large, or for any Part or District of any County, or for any District consisting of any Parts of any Two or more adjoining Counties, or for any one or more Barony or Baronies in any County, and also for any County of a City, or County of a Town, or City and Liberties in *Ireland*, or for any District, consisting of any County, and of a County of a City or County of a Town, or City and Liberties, or any Part or Parts thereof respectively, except in all Cases the County of *Dublin*, and the County of the City of *Dublin*.

On Application of Magistrates, Lord Lieutenant may appoint resident Magistrates in any County, &c. in Ireland.

Powers of such Resident Magistrate so appointed.

XVII. And be it further enacted, That every Magistrate who shall be so appointed under this Act, shall, on his Appointment, forthwith take the Oaths by Law required, and in such Manner as such Oaths are by Law required to be taken by Justices of the Peace in *Ireland*, and he shall thereupon, to all Intents and Purposes, be and become a Justice of the Peace in and for the County or Counties, or City or Town, in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every County at large, or County of a City, or County of a Town, or City and Liberties adjoining to such his proper County, City, or Town, and shall (if there shall not be any such Magistrate in such adjoining County, City, or Town) have within such adjoining County, City, or Town, all the Authority necessary for the due Execution of the Provisions of this Act.

Such Magistrate shall reside constantly in the County, &c.

XVIII. And be it further enacted, That every such Magistrate so appointed as aforesaid shall forthwith repair to his proper County, City, Town, Barony, or District, and shall not depart from the same, unless

unless in and for the immediate and urgent Execution of the Duty of his Office, without the express 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.

Monthly and other Returns of the State of the County shall be made by such Resident Magistrate.

XIX. And be it further enacted, That every such Magistrate in any County, City, Town, Barony, or District, shall once in every Calendar Month, and as much oftener as shall be necessary, or as he shall be required so to do, by any Order signified by the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, or, in his Absence, by the Under Secretary, make a Return or Report in Writing, signed by such Magistrate, to the Office of the Chief Secretary in *Dublin Castle*, for the Information of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and in every such Monthly Return or Report, there shall be set forth a true and accurate Account of the State of such County, City, Town, Barony, or District, with respect to the Peace and Order thereof, and to the State of Crime therein, and with respect to all Measures taken since the last preceding Monthly Return, for His Majesty's Service and for the Public Benefit in those Respects; and in every special Return which shall be so deemed necessary, or shall be required, and shall be made in obedience to any Order as aforesaid, there shall be contained a true and accurate Account of every Matter respecting which such Return shall be required, or as shall be particularly specified in or by any such Order.

Salary, &c. of such Resident Magistrate not exceeding 500*l.*

XX. And be it further enacted, That every such Magistrate, while he shall hold such Office, shall have and receive such Salary, not exceeding Five hundred Pounds by the Year, as the Lord Lieutenant or other Chief Governor or Governors shall from Time to Time direct, and rateably for any shorter Period, and shall also have a suitable House and Furniture within the County, City, Town, Barony, or District for which he shall be so appointed, if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall judge the same to be requisite; or such Magistrate shall receive an annual Allowance not exceeding Two hundred Pounds, in order to enable him to provide such House and Furniture as aforesaid, at the Discretion of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Allowance for a House, &c.

Chief Constables, &c. shall obey Resident Magistrates when appointed.

XXI. And be it further enacted, That in every County, City, Town, Barony, or District in or for which such Magistrate shall be so appointed, all and every Chief Constable and other Constables shall, when required, attend on such Magistrate, and shall obey and execute all the Warrants, Orders, and Commands of such Magistrate; and in the Execution of the Warrants of such Magistrate, or of any other Magistrate, every such Constable shall be a Constable in and for each and every County, City, or Town, adjoining to the County, City, or Town in or for which such Constable shall have been appointed or shall act.

Resident Magistrate shall report Intelligence of

XXII. And be it further enacted, That every such Magistrate so appointed shall, as speedily as the Nature of each Case shall permit, transmit

treasonable or seditious Offences to the Chief Secretary's Office.

transmit to the Office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in *Dublin Castle*, a true Copy of every Notice, Examination, Information, or Intelligence which he shall receive, directly or indirectly, concerning any Offence of a Treasonable or Seditious Nature, or against the Public Peace, committed or intended to be committed in any Part of *Ireland* whatever, together with such Observations thereon as he shall think proper or fit to be made; and shall also be aiding and assisting to the other Magistrates of the County, City, or Town, to the Chief Magistrate of Police in the District of *Dublin* Metropolis, and to any Magistrates of Police who may be appointed in any of the several Counties, or Counties of Cities, or Counties of Towns, or in any City and Liberties, in *Ireland*, in the apprehending and bringing to Justice any Offender or Offenders who may be in any County, County of a City, or County of a Town, or City and Liberties, in *Ireland*, and who may be suspected or accused of having committed any Offence in any County, County of a City, or County of a Town, or City and Liberties, throughout *Ireland*; and all such Magistrates shall correspond with each other, and with the Magistrates of other Counties respectively, concerning all such Offenders and Offences, when and as it shall be necessary so to do.

And all such Resident Magistrates shall assist and correspond with other Magistrates.

Magistrates and Constables under this Act not to hold any other Place or Office.

XXIII. And be it further enacted, That no Person shall be appointed under this Act to be a Magistrate or Chief Constable, or Constable, or Sub-Constable, who shall hold any other Place or Office of Emolument; and that no Person who shall be so appointed under this Act, shall be capable of holding any other Place or Office of Emolument, while he shall be such Magistrate, Chief Constable, Constable, or Sub-Constable, under this Act.

Qualification of Constables.

XXIV. And be it further enacted, That no Person shall be appointed to be a Constable under this Act, unless he shall be of a sound Constitution, able-bodied, and under the Age of Forty Years, able to read and write, of a good Character for Honesty, Fidelity, and Activity; and that no Person shall be appointed to be such Constable who shall be a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff, or Parish Clerk, or who shall be a hired Servant in the Employment of any Person whomsoever, or who shall keep any House for the Sale of Beer, Wine, or Spirituous Liquors by Retail; and that if any Person who shall be appointed to be a Constable under this Act, shall at any Time after such his Appointment be or become a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff, or Parish Clerk, or a hired Servant, or shall act in any of the said Capacities, or shall sell any Beer, Wine, or Spirituous Liquors by Retail, such Person shall be and become disabled from and incapable of acting as a Constable, and shall cease to be such Constable, and shall lose and forfeit his Appointment as Constable, and all Authority and Privilege of a Constable, and all Salary and Gratuity payable to him as a Constable under this Act.

Gamekeepers, &c. incapacitated.

Constables appointed Gamekeepers, &c. shall cease to act as Constables.

Advances may be directed by the Lord Lieutenant for

XXV. 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, to order that any such Sum or Sums as he or they shall think proper, shall from Time to Time be

advanced and paid out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, for the Payment of the several Salaries, and the Purchase of Arms, Accoutrements, Horses, Bridles, Saddles, Appointments, Houses, Outhouses, Furniture, and Accommodations aforesaid; and also for all Rents and Taxes payable for and in respect of such Houses and Outhouses, and for repairing all such Houses and Outhouses from Time to Time, and for the Forage of such Horses, and for the Expences of the Magistrates, or of any Constables or Sub-Constables when they shall respectively be absent on Duty from their Residences under the Authority of this Act, and for all other necessary and reasonable Costs, Charges, and Expences in the Execution of this Act; such Payments to be made respectively to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and as shall be notified accordingly in the usual Manner by the Chief Secretary, or in his Absence by the Under Secretary.

Expences to be incurred under this Act.

XXVI. And be it further enacted, That the Amount of all Sums levied under this Act, or any other Act or Acts, for Fines, or for Recognizances forfeited, or for Fines imposed on any Jurors, Witnesses, Parties, or Persons at any Assizes or Commission of Oyer and Terminer, or Gaol Delivery, or Sessions of the Peace, in any County, City, or Town, shall, after deducting all lawful Expences attending the levying the same, be applied in manner herein-after mentioned, to or towards the Repayment of the Sums so advanced out of the said Consolidated Fund, and shall be paid into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, and there carried to account accordingly.

Fines, &c. levied under this Act shall be applied in Payment of Sums advanced by Orders of Lord Lieutenant.

XXVII. And be it further enacted, That One Moiety or Half Part of the Sums which shall be so advanced out of the Produce of the said Consolidated Fund arising in *Ireland*, for the Purpose of paying the Salary and Expences of any Magistrate, Chief Constable, Constable, or Sub-Constable, under this Act, or for the Purpose of providing or repairing Arms, Clothing, or Accoutrements for any such Constable, shall be repaid by such County, City, or Town, or Barony or Half Barony, in or for which such Magistrate or Constables shall be respectively appointed; and that the Amount of all such Sums which shall be levied for any Fines and forfeited Recognizances as aforesaid, within such County, City, or Town, or Barony or Half Barony, shall be allowed and considered as and in part of such Payment.

Half of certain Expences under this Act shall be paid by the Counties, the Sums levied for Fines, &c. being allowed in Part.

XXVIII. And be it further enacted, That on the Production to the Grand Jury of any County, City, or Town, of the Certificate of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, or of the Under Secretary, of the Amount of Money so advanced and paid out of the Consolidated Fund within such County, City, or Town as aforesaid, or within any Barony or Half Barony in any County, and also of a like Certificate of the Amount of the Net Produce of all Sums so levied and received for or on account of the several Fines, and of Recognizances forfeited,

How Moiety of such Expences in each County shall be ascertained and presented by Grand Jury, &c.

felted, as herein-before mentioned, and deducting the same from the Moiety of the Amount of such Advances, and striking a Balance thereon, shewing how much of such Moiety remains due and payable by such County, City, or Town, or Barony or Half Barony, it shall be lawful for such Grand Jury, and they are hereby required, to make a Presentment for the Amount of such Balance, to be raised from off the County at large, County of a City, or County of a Town, or City and Liberties, or from any Barony or Half Barony in any County respectively, in the same Manner as any Presentment for Constables may by Law be now raised therefrom; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money until such Presentment for such Expences be first made and allowed; and whenever the Amount of the said Balance shall be levied, the same shall be paid over to the Collector of Excise of the District, to be accounted for by him as any other Public Money in his Hands; and thereupon, as to all Advances mentioned in such Certificate as aforesaid, such County shall be deemed to be discharged.

When Constables are removed into any County, &c. from another, Half the Charge of them shall be paid by the County, &c. into which they are removed.

XXIX. Provided always, and be it enacted, That whenever it shall happen that the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall at any Time have directed the Removal of any Constables out of their proper County, City, or Town, into any adjoining or other County, City, or Town, pursuant to the Provisions of this Act, the rateable Amount of the Expence of the Salaries of such Constables during the Period of their Absence from their own County, City, or Town, shall be added in the Certificate of the Chief Secretary or Under Secretary to the Charge of the Constables of the County, City, or Town into which such Constables shall be so removed; and the Grand Jury of such last-mentioned County, City, or Town shall be and they are hereby required to defray by Presentment One Moiety of the Salaries and Expences of the Constables so removed, in the like Manner and under the like Regulations as are herein-before provided for the Payment of the Salaries and Expences of the Constables belonging to any such County, City, or Town.

Reputation shall be Evidence of Appointment of Chief Magistrate, Constables, &c.

XXX. And be it further enacted, That if at any Time, or in any Court, or on any Occasion, any Question shall arise as to the Right of any Magistrate, or of any Chief Constable, Constable, or Sub-Constable, or Superintendant or Inspector of Constables aforesaid, to hold or execute any such Office respectively, common Reputation shall to all Intents and Purposes be deemed and held to be sufficient Evidence of such Right; and it shall not be necessary to produce or to prove any Appointment, or any Oath, Affidavit, or other Document or Matter whatsoever in respect of such Right.

This Act not to extend to High Constables, Parish Constables, or Leet Constables.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or in anywise be deemed or construed to extend to repeal, affect, or take away the Election or Appointment of High Constables by Grand Juries, for the Purpose of collecting the Sums presented by such Grand Juries, or of Parish Constables or Constables of any Leet in *Ireland*, or to take away or diminish or infringe the Powers or Authorities of any such Constables in any respect whatever

whatever; any thing in this Act contained to the contrary in anywise notwithstanding; but no such Constable shall as such be entitled to any Payment or Salary under this Act.

On Proclamation of Appointment of Constables and Chief Constable in any County, the following Acts shall be repealed as to such County; viz.

XXXII. And be it further enacted, That whenever under the Provisions of this Act, the Magistrates in any County, City, or Town in *Ireland* shall have named the Constables or Sub-Constables for such County, City, or Town, and the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall, under the Provisions of this Act, have named the Chief Constable or Chief Constables in any such County, City, or Town, a Proclamation declaring the same shall thereupon be made by the said Lord Lieutenant, or other Chief Governor or Governors, which shall be notified in the *Dublin Gazette*, and thereupon the several Acts and Parts of Acts herein-after specified and set forth, shall be and stand repealed so far as they affect such County, City, or Town; that is to say, an Act passed in the Parliament of *Ireland*, in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, 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*; and also, so much of the said herein-before recited Act passed in the Parliament of the United Kingdom, in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *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*, as relates to the Appointment of any Constables by any Grand Jury; and also, so much of an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act to limit the Continuance of the Operation of the several Acts for imposing Fines upon Townlands and Places in Ireland, in respect of Offences relating to the unlawful Distillation of Spirits, and to amend the said Acts, and to provide for the more effectual Prevention or Suppression of such Offences*, as relates to the Appointment and Support of extraordinary Establishments of Police, consisting of Chief Magistrates and Chief Constables and Sub-Constables, in Manner and for the Purposes in the said Act mentioned; save and except so far as the said Acts, or any of them, repeal any former Act or Acts of Parliament, or any Clause, Matter, or Thing therein contained: Provided always, that nothing herein contained shall be deemed or taken to invalidate, or render illegal or void, any Act, Matter, or Thing done by any Magistrate, Chief Constable, Constable or Sub-Constable, or any of them, under or by virtue of the said Acts, or any of them, before the issuing of such Proclamation, and whilst the said Acts so hereby repealed were respectively in force.

32 G. 3. (I.)

54 G. 3. c. 131.

59 G. 3. c. 98.

Except as they repeal former Acts, &c.

When Constables appointed under this Act, Lord Lieutenant may vacate Appointments under former Acts.

XXXIII. And be it further enacted, That whenever Constables or Sub-Constables shall be appointed under the Provisions of this Act in any County, Barony, City, or Town, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order or Proclamation to direct that the Offices or Appointments of any Constables who shall have been appointed under any Act or Acts in force at the Time of the passing of this Act, shall be and become vacant, and that the Powers of all such Constables shall cease and determine

termine from such Time as shall be mentioned in any such Orders or Proclamations; and the Offices of such Constables shall be and become vacant, and shall cease and determine, and the Persons having held the said Offices shall cease to be Constables accordingly; any thing in any Act or Acts in force at the Time of the passing of this Act to the contrary in anywise notwithstanding.

Lord Lieutenant empowered to superannuate Constables, and Grand Jury shall present yearly Allowances accordingly.

XXXIV. 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*, in his or their Discretion, upon the Petition of any Chief Constable or Constable or Sub-Constable who shall have been appointed under this Act, and in the case of any Chief Constable, upon the Recommendation of the Magistrates assembled at Quarter Sessions, and of the Superintendant or Inspector of Constables; and in case of any Constable or Sub-Constable upon the Recommendation of the Magistrates as aforesaid, and of the Chief Constable or Superintendant or Inspector of Constables, and upon such Certificates as such Lord Lieutenant or other Chief Governor or Governors shall require and direct, of the Continuance of the Service of any such Chief Constable or other Constable, and of his having executed the Duty of his Office with Diligence and Fidelity, to order and direct that any such Chief Constable or other Constable shall and may be superannuated, and shall and may receive such Yearly Allowance, Remuneration, or Superannuation, and upon such Conditions, and not exceeding such Proportions as to Age, Length of Service, and other Circumstances relating to such Chief Constable or other Constable, as hereinafter mentioned and provided for; and thereupon such Chief Constable or other Constable shall cease to hold such Office, and the Yearly Sum to which he shall become so entitled shall be presented by the Grand Jury in Two equal Sums, One at each Assize, during his Life, on Proof to the Grand Jury from Time to Time that the Person so entitled to such Superannuation is living.

Condition and Proportions of Allowances to Constables superannuated.

XXXV. Provided always, and be it enacted, That the Conditions and Proportions of such Allowance, Remuneration, or Superannuation shall be as follows; that is to say, where any Constable shall be under Sixty Years of Age, it shall not be lawful to grant any such Allowance, Compensation, Remuneration, or Superannuation, unless as herein-after provided, or upon Certificate from the Magistrates of the County assembled at Quarter Sessions, that such Constable is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, in which Case, if he shall have served with Diligence and Fidelity for Ten Years, it shall and may be lawful to grant to him by Way of Superannuation, an annual Sum not exceeding One-third of the Salary of his Office; if above Ten Years and less than Twenty, any Sum not exceeding One-half of such Salary; if above Twenty Years, any such Sum not exceeding Two-thirds of such Salary; and if such Constable shall be above Sixty Years of Age, and he shall have served Fifteen Years or upwards, it shall and may be lawful, although there shall be no Certificate of Incapacity from Infirmity, or Injury of Body or Mind, to grant him by Way of Superannuation any annual Sum not exceeding Two-thirds of the Salary of his Office; if Sixty-five Years of Age or upwards, and he

shall have served Forty Years or upwards, any Sum not exceeding Three-fourths of such Salary; if Sixty-five Years of Age or upwards, and he shall have served Fifty Years or upwards, any such Sum not exceeding the whole of such Salary: Provided always, that if any Chief Constable, or other Constable, shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office, it shall and may be lawful to grant to him such yearly Allowance or Remuneration as may in the Opinion of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, be proportioned to the Nature of the Injury received, without reference to the Length of his Service; provided that such Allowance or Remuneration shall in no Case exceed the whole of such Salary.

Allowances in Cases of Wounds, &c.

XXXVII. And be it further enacted, That an Account of the Names of all Magistrates appointed under this Act, and of the Counties, Cities, Towns, or Districts for which they shall be appointed, shall, under the Order and Direction of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, be laid before both Houses of Parliament within Six Weeks after the Commencement of every Session of Parliament.

Accounts of Appointments of Magistrates under this Act shall be laid before Parliament.

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