

ANNO QUINTO

GEORGII IV. REGIS.

CAP. XXVIII.

An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in *Ireland*. [17th *May* 1824.]

WHEREAS an Act was made in the Third Year of the Reign of His present Majesty, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates in* Ireland, *in certain Cases*: And whereas Doubts have arisen whether the Provisions of the Act extend to the Appointment of Constables in and for the County of *Dublin*; and it is essential that Constables should be appointed for the said County pursuant to the Provisions of the said Act: 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 this present Parliament assembled, and by the Authority of the same, That at any Time 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, and he and they is and are hereby authorized and empowered, by Warrant under his or their Hand, to appoint One Chief Constable for each and every or any Barony or Half Barony, or other Division of a Barony, or for any Two or more Baronies lying together, in the County of *Dublin*; and also by Proclamation, to be inserted in the *Dublin Gazette*, to require the Magistrates in the Commission of the Peace for the said County of *Dublin* to be assembled in the City of *Dublin*, on a Day to be named in such Proclamation, and then and there

3 G. 4. c. 103.

Lord Lieutenant empowered to appoint Chief Constable for each Barony, or for any Two or more Baronies together, and to require Magistrates to meet and

appoint Constables for the County.

there to nominate such Number of Constables and Sub-Constables in and for the said County of *Dublin*, as shall be specified in such Proclamation, not exceeding in the Whole a Number after the Rate of Sixteen for each Barony or Half Barony, or other Division of a Barony in this the said County of *Dublin*, to be stationed in and through the several Baronies and Half Baronies in the said County; and that the Magistrates of the said County of *Dublin* so assembled, Ten at least being present, shall proceed to name Constables and Sub-Constables accordingly; and that when any Vacancy or Vacancies shall arise, the Chief Constable of the Barony or Half Barony, or other Division of a Barony on which such Vacancy shall arise, shall report the same to the Magistrates at the next ensuing Quarter Sessions for the said County of *Dublin*, 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, except only in Cases otherwise provided for by this Act.

Appointment in Vacancies.

Powers of Lord Lieutenant and Magistrates, and Duty and Authority of Constables under recited Act, extended to County of Dublin.

II. Provided always, and be it enacted, That in case of any Neglect or Omission by the Magistrates of the said County of *Dublin* to nominate and appoint any such Constables or Sub-Constables, pursuant to the Directions of the said recited Act and this Act, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint such Constables or Sub-Constables; and also that it shall and may 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 or Chief Constables, and all or every or any such Constables or Sub-Constables, and to give all such Directions with respect to the Salaries, Houses, Horses, Ammunition, and all other Matters and Things of and for or belonging to such Chief Constables, Constables, and Sub-Constables, in and for the said County of *Dublin*, in like Manner as is authorized or required by the said recited Act with respect to any Chief Constables, Constables, or Sub-Constables, in and for any County in *Ireland*; and that the Magistrates of the said County of *Dublin* shall have all such Powers and Authorities with respect to the Appointment and Regulation of such Constables and Sub-Constables, and with respect to the Appointment of any further Number of Constables within the said County, as by the said recited Act are given to or conferred on the Magistrates of any County in *Ireland*; and that all Chief Constables, Constables, and Sub-Constables for the said County of *Dublin*, to be appointed in pursuance of this Act, shall take such Oath, and shall be subject to all such Rules and Regulations, Qualifications, Restrictions, Disabilities, Penalties, and Forfeitures, and shall have, use, and exercise all such Power and Authorities, and shall exercise and perform the Duties of their several Offices, in like Manner to all Intents and Purposes as by the said recited Act is authorized, required, or directed with relation to any Chief Constable, Constable, or Sub-Constable in any County in *Ireland*, and as if the said County of *Dublin* had been expressly included and mentioned in the said recited Act.

III. And

Police Magistrates of Dublin may be appointed Superintendants of Constables in Dublin County.

III. 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, if he shall think fit so to do, to order and direct that any One or more of the Divisional Justices of the Police District of *Dublin* Metropolis, shall and may act as Superintendant, or as Superintendants, or Inspector or Inspectors of the Chief Constables and Constables within the County of *Dublin*; and every such Justice so to be appointed to act as such Superintendant or Inspector of such Constables, shall have, use, and exercise all such Powers and Authorities, and shall perform such Duties within the said County of *Dublin*, as by the said recited Act are vested in or required from any General Superintendant or Inspector of Constables appointed under the Authority of the said recited Act.

Quarter Sessions may nominate Persons qualified for Constables, as under 3 G. 4. c. 103. to succeed in case of Vacancies, not exceeding Twenty in any One County.

IV. And for the securing a Supply of proper Persons to fill the Office of Constables under the said recited Act and this Act, as the same shall from Time to Time become vacant; be it enacted, That it shall and may be lawful for any Five Justices of the Peace for the said County of *Dublin*, or for any County in *Ireland*, at any General Quarter Sessions, or General Sessions of the Peace, regularly and duly assembled, and such Justices, at any such Sessions, are hereby authorized and required from Time to Time to nominate any Number of Persons, as fit and proper Persons for the supplying of such Vacancies, not exceeding in the whole the Number of Twenty such Persons in any One County, and being qualified to act as Constables in Manner required by the said recited Act of the Third Year of His present Majesty's Reign, and pursuant to the Rules and Regulations made and approved of under the Authority thereof; and a List of all such Persons so from Time to Time nominated at any such Session, shall, within Ten Days after the last Day of every such Session respectively, be transmitted by the Clerk of the Peace to the General Superintendant or Inspector of the Chief Constables and Sub-Constables acting for such County.

List of such Persons shall be sent to Superintendant or Inspector.

Superintendants may supply Vacancies from among Persons named in such Lists;

V. And be it further enacted, That it shall and may be lawful for any General Superintendant or Inspector of the Chief Constables and Constables appointed under the said Act or this Act in any County, and such Superintendant or Inspector is hereby authorized and empowered from Time to Time to appoint out of the Persons named in such List, according to the Order in which the Names shall be inserted in such List, to be Constables under the said recited Act in or for any Barony or Half Barony, or other Division, in any County committed to the Superintendance and Inspection of such Superintendant and Inspector, in which any Vacancy or Vacancies shall arise by the Death or Removal of any Constable or Constables appointed under the said recited Act, or this Act; and every Person so appointed shall be and become a Constable in and for any Barony, Half Barony, or other Division of a Barony, in like Manner and under such Conditions, to all Intents and Purposes, as any Constable appointed under any of the Provisions of the said recited Act or this Act, and shall take such Oath as is required to be taken by Constables under the said recited Act, and shall have all such Powers and Authorities, and shall be subject and liable to all such Directions,

Directions, as any other Constable appointed under the said recited Act or this Act, and shall have such Salary as by the said recited Act is authorized to be paid to any Constable appointed under the said recited Act; and whenever any Vacancy or Vacancies shall be filled up by such Superintendant or Inspector, in such Manner as is authorized and required by this Act, it shall not be necessary for the Chief Constable of the Barony or Half Barony in which such Vacancy shall arise to report the same to the Magistrates at the Quarter Sessions of the County, or for such Magistrates to fill up such Vacancy or Vacancies in Manner required by the said recited Act or this Act; any thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

and in such Case, Vacancies need not be certified to Sessions.

On failure of Nomination by Sessions, &c. Superintendant may appoint Constables, to be approved of by Lord Lieutenant.

VI. Provided always, and be it enacted, That in case it should happen that no Person should be nominated for the supplying of such Vacancies in Manner required by the said recited Act or this Act, by the Justices of the Peace at any Sessions, or in any Case no List of Persons so nominated shall be transmitted to the Superintendant or Inspector of Constables in Manner required by this Act, or in case the Names of a sufficient Number of Persons for the supplying of any such Vacancies in any County, duly qualified as required by the said recited Act, shall not be contained in any such List, then and in either of such Cases it shall and may be lawful for such Superintendant or Inspector, and he is hereby authorized and empowered, to nominate and appoint any Person or Persons to supply such Vacancy or Vacancies, being qualified according to the Directions of the said recited Act; and such Person or Persons so nominated and appointed by such Superintendant or Inspector, having first received the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* (to be signified by his or their Chief Secretary), shall be sworn, and shall be and become a Constable or Constables to all Intents and Purposes as any other Person or Persons appointed to be a Constable or Constables under the Provisions of the said recited Act or this Act.

Fines on Constables by Magistrates shall be deducted out of their Salaries, and carried to Consolidated Fund.

VII. And be it further enacted, That whenever any Penalty shall be imposed or inflicted under the said recited Act by any Magistrates upon any Chief Constable or other Constable, for neglecting or refusing to obey or execute any Warrant, or for any Neglect or Violation of Duty in his Office, it shall and may be lawful for such Magistrates, instead of directing that such Penalty shall be levied by the Distress and Sale of the Goods and Chattels of the Party so offending, and such Magistrates are hereby authorized and required, in all Cases where any Salary shall be due to such Constable, to certify the Conviction or Confession of such Offender, and the Amount of the Penalty imposed on such Offender, to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and the Amount of any and every such Penalty shall and may be stopped and deducted out of the Salary due or growing due to such Constable, and shall be applied towards the Repayment of the Sums advanced out of the Consolidated Fund under the said recited Act, and shall be paid into the Receipt of His Majesty's Exche-

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quer in *Ireland*, according to the Course of the said Exchequer, and then carried to Account accordingly.

Constables refusing to deliver up Arms, shall be liable to Three Months Imprisonment, in lieu of Penaltyunder 3 G. 4. c. 103.

VIII. And be it further enacted, That if any Chief Constable or other Constable shall not, within One Week after he shall be dismissed from or shall cease to hold and exercise his Office, deliver over all and every Arms and Accoutrements, Horse, Saddle, Bridle, Clothing, or Appointments supplied to him, under the Provisions of the said recited 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, upon Conviction of such Offence before any Two or more Magistrates, upon the Oath of One or more credible Witness or Witnesses, or upon his own Confession, every such Offender, in lieu of forfeiting the Sum of Twenty Pounds, inflicted by the said recited Act in such Cases, shall be subject and liable to Imprisonment in the Common Gaol or House of Correction for any such Period, not exceeding the Term of Three Calendar Months, as such Magistrates shall think proper to direct; and it shall be lawful for such Magistrates, and they are hereby authorized and required to commit every such Offender accordingly.

On Petition of Constable appointed under recited Act or this Act, or under 54G.3.c.131. stating his being maimed, &c. in Execution of his Duty, Lord Lieutenant may orderRecompence to be paid out of Consolidated Fund, One-half to be repaid by the County, as under 3 G. 4. c. 103.

IX. And be it further enacted, That upon the Petition of any Chief Constable or Constable or Sub-Constable, appointed and acting under the Provisions of the said recited Act or this Act, or appointed and acting under the Provisions of 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 certain Cases*, stating that such Constable has received any Maim, Wound, or Hurt, or other grievous Injury, in the Execution or Performance of the Duty of his Office, whereby he shall be disabled from executing the Duty of his Office, and upon such Certificates as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall require or direct, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to order that any such Sum or Sums as he or they shall think proper, shall be paid as an Annual Remuneration or Superannuation to such Constable, not exceeding in any Case the Amount of Two-thirds of the Salary of such Constable, upon such Conditions and in such Manner as such Lord Lieutenant or other Chief Governor or Governors shall order and direct, and also to order that any such Sum or Sums 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*; and that the Amount of One Moiety or Half Part of all such Sums shall be repaid by the County, City, Town, Barony, or Half Barony, for which such Constable shall have been appointed, in like Manner and under the like Regulations as by the said recited Act of the Third Year of the Reign of His present Majesty is directed with respect to the Payment of One Moiety of any Sums advanced for the Purpose of paying the Salary of any Constable under the said recited Act.

X. And whereas by an Act made in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable Grand Juries to present additional Sums for Constables in* Ireland, *and for the secure Conveyance of Prisoners*, it is amongst other things provided, 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, on the Petition of any Constable appointed or continued under either of the Acts therein mentioned, supported by the Recommendation of the Grand Jury of the County within which such Constable shall be appointed, and by such Certificates as such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall require or direct, of the Continuance of the Service of such Constable, and of his having executed the Duty of his Office with Diligence and Fidelity, to order that such Constable shall and may be superannuated, and shall and may receive such Yearly Allowance, Remuneration, and Superannuation, as to such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall seem fitting and proper, upon the Conditions and not exceeding the Proportions in the said Act mentioned: And whereas under the Provisions of the said Act the Proportion of Salary which any such Constable may so receive depends on his Age, his Infirmities of Mind or Body, and the Length of his Service: And whereas there are in *Ireland* divers Persons who have been from Time to Time appointed Constables by Grand Juries under certain other Acts of Parliament; but Doubts are entertained whether such Persons are within the Provisions of the said last recited Act, by reason whereof it has happened that many Persons have been prevented from receiving such Superannuations, who have in Reason and Justice the strongest Claims thereto; for Remedy whereof, be it enacted, 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, on the Petition of any Person holding, or having at any Time held the Office of a Constable or Sub-Constable by or under the Appointment of any Grand Jury in *Ireland*, supported by such Recommendation and Certificates or Certificate as aforesaid respectively, to order that such Person shall and may be or remain superannuated, and shall and may receive such Yearly Allowance, Remuneration, and Superannuation, as to such Lord Lieutenant or other Chief Governor or Governors shall seem fitting and proper, upon the Conditions and not exceeding the Proportions in the said Act mentioned: Provided always, that in estimating the Amount of any such Allowance and Superannuation, the Salary payable to Constables under the said last recited Act of the Fifty-fifth Year of the Reign of His late Majesty, shall be deemed, taken, and considered as the Salary of such Person, and not any greater or other Salary which such Person may at any Time have had; and that in estimating the Length of Service of any such Person, all and every Time and Period during which such Person hath or shall have served in the Office of a Constable or Sub-Constable, by or under the Appointment of the Grand Jury of his proper County, under any Act of Parliament whatsoever, shall and may be taken into Account and applied to his Credit, so as that he shall have the full Benefit thereof in such Computation of the Length of his Service.

In what manner Grand Jury Constables shall be superannuated, and the Mode of calculating their Salary and Term of Service.

XI. And

XI. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament. Act may be altered this Session.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1824.