ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

C A P. LXXII.

An Act to amend the Acts relating to the Constabulary Force in *Ireland*, and to amend the Provisions for the Payment of Special Constables.

[31st *August* 1848.]

WHEREAS it is expedient to alter and amend several Provisions of the Acts relating to the Constabulary Force in *Ireland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salary as may from Time to Time to him or them seem proper to be paid to each Constable appointed or to be appointed under any of the Acts now in force relating to the Constabulary Force in *Ireland,* not exceeding Thirty-eight Pounds for each mounted Constable, and Thirty-six Pounds for each dismounted Constable, and to direct that such annual Salary shall commence on and from the First Day of *April* in this present Year.

Power to Lord Lieutenant, &c. to fix Salaries of Constables.

Salary of a limited Number of Constables under 2 & 3 Vict. c. 75. continued.

II. And whereas in pursuance of an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland, several of the Constables of the said Force are at present in the Receipt of a Salary of Forty Pounds *per Annum*; be it enacted, That each of such last-mentioned Constables shall continue to receive the said Salary of Forty Pounds until the said Lord Lieutenant or other Chief Governor or Governors shall otherwise direct, and that it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors from Time to Time to direct that the said Salary of Forty Pounds shall be paid to any other Constables: Provided always, that the Number of Constables receiving such Salary shall not at any one Time exceed Fifteen.

9 & 10 Vict. c. 97.

III. And whereas by an Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to provide for removing the Charge of the Constabulary Force in* Ireland *from the Counties, and for enlarging the Reserve Force, and to make further Provision for the Regulation and Disposition of the said Constabulary Force*, it was, amongst other Matters, provided that the whole Cost of the Constabulary Force, save as therein mentioned, should be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: And whereas it is expedient to fix and determine the Number of Officers and Men whose Pay and Expenses may, under the Provisions of the said Act, be wholly charged upon the said Consolidated Fund for each County, County of a City, or County of a Town in *Ireland*: Be it therefore enacted, That the total Number of Officers and Men wholly chargeable as aforesaid to the said Consolidated Fund shall be such as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from Time to Time consider to be required in each County, City, or Town, but shall not exceed in any Year, after the Thirty-first Day of *March* One thousand eight hundred and forty-eight, the Number specified in the Schedule (A.) to this Act annexed, for each County, City, or Town named therein.

Number of Constabulary chargeable on Consolidated Fund to be fixed by Lord Lieutenant, &c.

Rate of Charge on Counties and Boroughs for Constabulary Force appointed on Application of Town Council of a Borough.

3 & 4 Vict. c. 108.

IV. And whereas it is expedient to fix and determine the Sum to be charged upon each County, or any Part or District thereof, or any County of a City or County of a Town in *Ireland*, in all Cases where, by the Laws now in force, One Moiety of the Costs and Expenses of any Constabulary Force is chargeable thereupon respectively, and also the Sum to be charged upon any Borough for which a Constabulary Force shall be appointed in compliance with a Memorial from the Town Council of such Borough, in pursuance of an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland; be it enacted, That from and after the Thirty-first Day of *March* One thousand eight hundred and forty-eight in all such Cases as aforesaid there shall be chargeable to each such County, County of

a City, County of a Town, or Borough, *per Annum*, for each Sub-Inspector One Moiety of the Sum of One hundred and sixty Pounds, for each Head Constable One Moiety of the Sum of Seventy Pounds, and for each Constable or Sub-Constable One Moiety of the Sum of Thirty-five Pounds Two Shillings and Sixpence, and so in proportion for every fractional Part of a Year.

Proportion of Sub-Inspectors and Head Constables to additional Force appointed on Certificate of Magistrates, or Application from Town Council of a Borough.

V. And be it enacted, That in all Cases where an additional Constabulary Force shall have been certified by the Magistrates of any County at large, at any General or Special Sessions, as now by Law provided to be necessary for the due Execution of the Law within such County, and shall be appointed in conformity with such Certificate, and also in all Cases where an additional Constabulary Force shall be appointed for any Borough in pursuance of the Provisions of the said Act of the Third and Fourth Years of the Reign of Her present Majesty, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint One Sub-Inspector for every Fifty Constables and Sub-Constables, and One Head Constable for every Twenty-five Constables and Sub-Constables, who may have been so appointed; and the Expense of such Sub-Inspectors and Head Constables shall be chargeable upon such County or Borough respectively, and be repaid by Grand Jury Presentment, or from the Borough Fund, in the same Manner as the Expense of the Constables and Sub-Constables who may have been so appointed.

If Constabulary shall be ordered under the Authority of 6 & 7 W. 4. c. 13. to repair to any other Place, &c., and Absence exceeds Five Days, the Expense to be charged thereto, and paid by Presentment.

VI. And whereas by an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, the Inspector General is authorized, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time as may be deemed expedient, to direct that the whole or any Number of the Constabulary Force of any County, County of a City, County of a Town, or Town and Liberties, shall go and repair to any Place or Places in any other County or Counties, or in any County of a City, or County of a Town, or Town and Liberties: And whereas in the said recited Act of the Ninth and Tenth Years of Her present Majesty, among the Cases in which it was enacted that Counties and Districts should still be chargeable in respect of the Constabulary Force, the Case of a Portion of the Force of one County temporarily sent by the Inspector General into another County was not provided for; be it enacted, That whenever any Officer or Officers, Head or other Constable or Constables, or Sub-Constable or Sub-Constables, shall be ordered by the Inspector General, under the Authority of the above-recited Provision, to go and repair to any Place or Places in any County, County of a City, or County of a Town, other than that to which he or they may belong or have been appointed, and shall be absent from his or their proper County or Place more than Five Days, the County, County of a City, or County of a Town to which he or they shall be so removed shall,

shall, in case the Lord Lieutenant or other Chief Governor or Governors shall so direct, be charged, at and after the Rates hereinbefore specified, with a Moiety of the Expense of each such Officer, Head Constable, Constable, or Sub-Constable during the Period of his or their remaining in such last-mentioned County, County of a City, or County of a Town; and the Amount of such Moiety shall be repaid by Grand Jury Presentment, in like Manner as any Sums payable in respect of the Constabulary Force.

Where Constabulary shall be required under 8 & 9 Vict. c. 46. to keep the Peace near Railway Works, Company, &c. requiring the same to pay the Expense.

VII. And whereas by an Act of the Eighth and Ninth Years of Her present Majesty's Reign, intituled *An Act for the Appointment of additional Constables for keeping the Peace near Public Works in* Ireland, Provision is made for the Appointment and Payment of additional Head and other Constables for keeping the Peace in certain Cases in the Neighbourhood of Railway Works or other public Works in *Ireland;* be it enacted, That whenever such additional Head or other Constables shall have been or shall be appointed and employed for the Purposes and under the Provisions of the said last-recited Act, the Company or other Parties carrying on such Railway or other public Works shall be chargeable for the Expense of such Head and other Constables as in the said Act provided, but according to the Proportion of Head and other Constables herein-before provided, and also according to the Scale of Charge herein-before provided for Head and other Constables, save that such Company or Parties shall be chargeable for the whole and not for the Moiety only of such respective Rates of Charge.

Form of Certificate to be laid before Grand Juries.

VIII. And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth the Inspector General is required to make out a Certificate, under his Hand, of the Amount of the Monies chargeable under the Provisions of the said Act on each County, County of a City, County of a Town, or any Part of any County, specifying the Force or Service in respect whereof such Charge may have been incurred, and transmit the same, when approved and certified by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to the Secretary of the Grand Jury for such County, County of a City, and County of a Town, One Week before each Assizes and Presenting Term, who shall lay the same before the Grand Jury: And whereas Doubts have arisen in some Cases with respect to the Sufficiency of Certificates which have been laid before Grand Juries in pursuance of the said last-recited Enactment, and it is expedient to provide a Form of Certificate which shall be sufficient in all such Cases; be it therefore enacted, That the Certificate to be transmitted by the said Inspector General, or by One of his Deputies, to the Secretary of the Grand Jury of any County, County of a City, or County of a Town, before any Assizes or Presenting Term, and to be laid by the said Secretary before the Grand Jury, shall and may be made in the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, and shall

shall not be required to state any further or other Particulars than such as appear in the said Form; and in case of there being no Inspector General, or in case of his Absence, any such Certificate may be signed by One of the Deputy Inspectors General, and shall be of like Validity.

Constabulary to act in adjacent Counties.

IX. And be it enacted, That from and after the passing of this Act the Officers and Men of the Constabulary Force shall have the same Rights, Powers, and Authorities in and for each of the Counties, Counties of Cities, and Counties of Towns immediately adjacent to that to which they may have been appointed, as if they had been appointed for such Counties, Counties of Cities, or Counties of Towns respectively.

6 & 7 W. 4. c. 13.

X. And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, it is enacted, that it shall and may be lawful for the Inspector General or Deputy Inspector General, or any other Person or Persons to be nominated for the Purpose from Time to Time by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to examine on Oath into the Truth of any Charges or Complaints preferred against any Person appointed under the said Act of any Neglect or Violation of Duty in his Office: And whereas by an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland, it is enacted, that all Witnesses duly summoned by the Inspector General or Deputy Inspector General, or Person or Persons nominated at any Time by the Lord Lieutenant or other Chief Governor or Governors to inquire pursuant to the above recited Provision, shall, during their necessary Attendance at such Inquiry, and in going to and returning from the same, be privileged from Arrest; and that all Persons so duly summoned who shall refuse to be sworn, or, being sworn, shall refuse to give Evidence or to answer all such Questions as may be legally demanded of them, shall forfeit and incur such Penalty, not exceeding Five Pounds, as the said Inspector General or Deputy Inspector General, or Persons holding such Inquiry, shall direct, and in default of Payment thereof shall and may be imprisoned for such Period, not exceeding One Month, as such Inspector General or Deputy Inspector General, or Person or Persons holding such Inquiry, may direct and adjudge; be it enacted, That from and after the passing of this Act it shall and may be lawful for either of the Assistant Inspectors General (without any special Appointment), or for any County Inspector or Sub-Inspector who shall be appointed by the Inspector General (or in his Absence by One of his Deputies) to be President of any Court of Inquiry into the Truth of any Charges or Complaints preferred against any Member of the said Constabulary Force of any Neglect or Violation of Duty in his Office,

2 & 3 Vict. c. 75.

Assistant Inspector General, or a County Inspector or Sub-Inspector appointed President by the Inspector

General or Deputy, may inquire and examine on Oath into the Truth, &c. of Charges against Constabulary.

Office, to examine on Oath into the Truth of such Charges or Complaints, and to summon any Witness or Witnesses on such Inquiry, and to act in all respects in relation thereto as effectually as can be done under the said recited Acts by the Inspector General or a Deputy Inspector General, or by any Person nominated for the Purpose of holding such Inquiry by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and the Witnesses summoned to attend such Inquiry shall have the same Privilege from Arrest, and shall be subject to the same Penalties for false swearing, and for refusing to be sworn, or (being sworn) to give Evidence, or to answer all such Questions as may be legally demanded of them, as are provided in the said recited Acts: Provided always, that if any Fine or Imprisonment shall be imposed by the President of any such Court, or Person or Persons holding such Inquiry, upon any Person summoned to attend thereat, he or they shall forthwith specially report the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Oath on Appointment may be taken before One Magistrate only.

XI. And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth a certain Oath is required to be taken by all Persons appointed under the said Act, and to be administered by any Two Magistrates; be it enacted, That from and after the passing of this Act it shall and may be lawful for the said Oath to be taken before and administered by One Magistrate.

Receiver, with Consent of Treasury, may appoint a Person to act for him, and draw on the Bank of Ireland, in case of his Illness or Absence.

XII. And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth the Bank of *Ireland* is authorized to pay the Drafts of the Receiver only, countersigned by the Inspector General or One of his Deputies for Constabulary Services: And whereas the Receiver may, from Illness, or from Absence on Leave granted by the Lords of the Treasury, be unable to draw such Drafts, by which great Inconvenience may arise to the public Service, and for which no Provision is made; be it therefore enacted, That the said Receiver shall submit for the Approval of the Commissioners of Her Majesty's Treasury the Name of a Person to act for and under the Responsibility of the said Receiver and of his Sureties during his Illness or in his Absence; and when the Commissioners of Her Majesty's Treasury, or any Three of them, shall signify to him their Approval of such Person to act as aforesaid, the said Commissioners shall notify the same to the Inspector General and to the Secretary of the Bank of *Ireland*, whereupon it shall and may be lawful for the Governor and Company of the Bank of *Ireland* to pay the Draft or Drafts of the Person so named by the Receiver (and approved by the Commissioners of Her Majesty's Treasury) to draw the same in his Behalf on the Account of public Monies for the said Constabulary Force during the Illness or Absence of said Receiver; provided that the Drafts of such Person shall be countersigned by the Inspector General, or by One of his Deputies, and shall express whether they are drawn during the Illness or Absence of said Receiver; and the

said Receiver and his Sureties shall be and they are hereby declared responsible for the Act or Acts of such Person so authorized by such Receiver to act in his Behalf as aforesaid.

Orders drawn by Justices for Payment of Special Constables under Provisions of 2 & 3 W. 4. c. 108. valid.

XIII. And whereas by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws in* Ireland *relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, it was amongst other things provided, that in case any Tumult, Riot, or Affray is apprehended, it shall be lawful for any Two or more Justices of the Peace, in the Cases in the said Act mentioned, to appoint Special Constables: And whereas by the same Act Power is given to the Justices, as therein mentioned, to issue Orders on the Treasurer of the County, County of the City, or County of the Town in which such Special Constables shall have served, directing such Treasurer to pay to the said Special Constables such reasonable Allowance for their Trouble, Loss of Time, and other Expenses as they may deem fit: And whereas Doubts have arisen in some Cases as to the Legality of such Orders on the Treasurer, in consequence of their having been made payable, for the Sake of greater Convenience, to the Clerks of the respective Petty Sessions in whose District such Special Constables shall have acted, for the Purpose of having the Monies mentioned in such Orders distributed by such Clerk amongst the said Constables, and by this Means avoiding a Multiplicity of small Drafts: And whereas it is expedient, for the better Preservation of the Public Peace, and more easy Mode of carrying out the Provisions of the said Act, to remove the said Doubts; be it therefore enacted, That any such Orders drawn in the Manner last mentioned, or to the like Effect, shall be as good and valid as any such Orders drawn as in the said Act provided, and that it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town in *Ireland*, and such Grand Jury is hereby required, to present, without previous Application to Presentment Sessions, to be raised off such County, County of a City, or County of a Town, or any Barony, Half Barony, Townland, or other Division or Denomination of Land, within which any such Special Constables may have served, the full Amount of all Sums paid by any such Treasurer pursuant to any such Order or Orders, whether such Order or Orders shall have been made in favour of each individual Special Constable, or in favour of the Clerk of the Petty Sessions of the District in which such Special Constables may have acted, for their Use and Benefit, and whether such Orders shall have been made either before or after the passing of this Act; and in case of such Orders made in favour of the Clerk of the Petty Sessions, such Clerk shall duly pay over to such Constables any Monies received by him by virtue of such Orders, and forward to the Treasurer a Receipt from each Constable for the Amount paid to him, and a Certificate from the Magistrates at Petty Sessions that such Sums have been so paid by their Order.

XIV. And

6 & 7 W. 4. c. 13., &c., and this Act, construed as One.

XIV. And be it enacted, That the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and the several Acts in force amending the same, and this Act, shall be construed together as One Act.

Schedules to be Part of the Act.

XV. And be it enacted, That the Schedules to this Act annexed shall be deemed Part of this Act.

Act may be amended, &c.

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

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	County Inspectors.	Sub-Inspectors.	Head Constables.	Constables and Sub-Constables.
COUNTIES:				
Antrim	1	8	11	224
Armagh	1	6	8	145
Carlow	1	5	6	151
Cavan	1	8	12	400
Clare	1	11	12	400
Cork	2	20	23	612
Donegal	1	8	14	176
Down	1	7	9	224
Dublin	1	5	7	231
Fermanagh	1	6	8	181
Galway	2	15	24	704
Kerry	1	7	9	168
Kildare	1	6	8	250
Kilkenny	1	9	12	410
King's	1	7	9	319
Leitrim	1	6	10	311
Limerick	1	10	18	387
Londonderry	1	4	6	96
Longford	1	5	7	191
Louth	1	5	8	224
Mayo	1	9	14	274
Meath	1	8	11	324
Monaghan	1	5	7	145
Queen's	1	8	12	356
Roscommon	1	8	12	447
Sligo	1	6	9	191
Tipperary	2	20	24	1,030
Tyrone	1	6	8	150
Waterford	1	6	8	149
Westmeath	1	8	11	282
Wexford	1	8	10	240
Wicklow	1	6	8	199
CITIES AND TOWNS:				
Carrickfergus	-	-	1	10
Cork	-	1	3	100
Drogheda	-	1	2	40
Galway	-	1	2	65
Kilkenny	-	1	2	50
Limerick	-	1	3	80
Waterford	-	1	2	70
Total	35	262	375	10,006

SCHEDULE (B.)

CONSTABULARY OF IRELAND.

CERTIFICATE of the EXPENSE of CONSTABULARY FORCES to be presented by the Grand Jury of the County of and to be levied on the Districts mentioned therein for the Half Year commencing and ending .

	Amount.	Moiety.
Expense of Apprehension and Conveyance of Prisoners, and to be presented on the County at large - - - - -		
Ditto of a Force which is extra of the Establishment, and to be presented on the County at large - - - - - -		
Ditto ditto ditto and to be presented on the Barony of —— - -		
Ditto ditto ditto and to be presented on the Half Barony of —— -		
Ditto ditto ditto and to be presented on the Townland of —— -		
	£	

We do hereby certify, That the above Demands, amounting to are correct, and justly chargeable to, and to be levied on, the Districts above mentioned.

A.B., Inspector General [*or* Deputy Inspector General] of Constabulary.
C.D., Receiver of Constabulary.

Approved and certified,
E.F., Chief [*or* Under] Secretary.

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