

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXVIII.

An Act to amend the Act for the Establishment of County and District Constables.

[7th *August* 1840.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace;* and it is expedient to make additional Provisions for facilitating the Execution thereof, and otherwise to amend the same: 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 no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse, or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of the Police established under the Provisions of the said Act; provided that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a

2 & 3 Vict. c. 93.

Horses, &c. in the Service of the Police exempted from Toll.

Penalty not more than Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Outlying Districts may be transferred from one County to another.

II. And whereas by the said Act it is provided, that, for the Purposes of the said Act, all detached Parts of Counties shall be considered as Part of that County by which they are wholly or partly surrounded: And whereas many populous Towns are situated in more than One County; and also the Boundary of many Counties is so irregular that Parts thereof, although not wholly separated from the main Body of the County, may yet be more conveniently united, for the Purposes of the said Act, with some neighbouring County: Be it enacted, That it shall be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, from Time to Time to agree that such Parts of their several Counties as to them shall seem fit shall, for the Purposes of the said Act, be considered as forming Part of any other of the said Counties; and whenever any such District shall be so transferred, for the Purposes of the said Act, from one County to another, with the Consent of the Justices of both the last-mentioned Counties, such District shall be considered, for the Purposes of the said Act, as if it were detached from the County to which it belongs, and wholly surrounded by the County to which it is so transferred; and all the Provisions contained herein or in the said Act, or in an Act passed in the last Session of Parliament, intituled *An Act for the better Administration of Justice in detached Parts of Counties*, respecting detached Parts of Counties, shall be taken to apply to such transferred Districts.

2 & 3 Vict. c. 82.

So much of first recited Act as directs the Expences to be paid out of the County Rate, repealed; and Justices in General or Quarter Sessions to make a Police Rate.

III. And be it enacted, That so much of the first-recited Act as provides that the Expences of putting the said Act in execution shall be paid out of the County Rate shall be repealed; and that, for the Purposes of defraying the Expences of the said Act in any County in which, or in any Part of which, the said Act shall be put in force, the Justices of such County in General or Quarter Session assembled shall make a fair and equal Police Rate, and for that Purpose shall assess and tax the whole District for which the Constables are appointed rateably and equally, according to a certain Pound Rate of the full and fair annual Value of all Messuages, Lands, Tenements, and Hereditaments liable to the County Rate, or which, if the whole of the said District were to all Intents and Purposes within their County, would be liable to the County Rate therein, including all detached Parts of other Counties, and also all Liberties and Franchises (except as herein-after excepted) which are locally situated in such County, or wholly or partly surrounded by such County, and declared by the said Act to be considered as forming Part of such County for the Purposes of the said Act, but excluding all detached Parts of the said County, all Parts of the County contributing to the Police Rate of any other County or to the Metropolitan Police Rate, and all incorporated Boroughs which are or shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty for regulating Corporations, or of any Charter granted in pursuance of the last-recited Act, or of any Act made for the Amendment thereof, and all those Towns and Places for which Constables

or Watchmen shall have been appointed under the Act passed in the Fourth Year of His late Majesty making Provisions for the lighting and watching of Parishes in *England* or *Wales*, or under any Local Act authorizing the Appointment of Constables or Watchmen in any Town or Place, and authorizing Rates to be made for defraying the Expences of such Constables or Watchmen, and shall not be discontinued before the passing of this Act until they shall be discontinued, or until the Chief Constable of the County within which, for the Purposes of this and the said first-recited Act, such Parish, Town, or Place is situated, shall have notified, as he is herein-after empowered to do, that he is ready to undertake the Charge of such Parish, Town, or Place: Provided always, that all Expences of putting the said Act in execution before the passing of this Act shall be paid out of the County Rate as if this Act had not been made.

How Property rateable is to be valued.

IV. And be it enacted, That the Value of all Property rateable for the Purposes of the said Act shall be computed by the said Justices according to the last Valuation for the Time being acted upon in assessing the County Rate or Liberty Rate, or Rate in the Nature of a County Rate (if any), to which such Property is rateable, unless, in the Case of any Liberty or Franchise or detached Part of any County, the Justices of the County in which such Liberty or Franchise or detached Part is situated shall be dissatisfied with such Valuation.

Police Rate to be levied with the County Rate.

V. And be it enacted, That every Police Rate which the Justices shall have made as aforesaid shall be collected in their County from the Persons who are liable to contribute thereunto with and as Part of the County Rate; and the Warrants issued by the Justices to the High Constables, and by the High Constables to the Overseers and others required to collect the County Rates, shall distinguish between the Rates to be levied from those Places which are liable to the Police Rate in that County and those which are not liable thereunto, and shall state how much is levied for the County Rate, and how much for the Police Rate, and the said Rates shall be levied accordingly.

Contributions on account of Liberties and detached Parts of Counties.

VI. And be it enacted, That it shall be lawful for the Justices of any County in General or Quarter Session assembled, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County, or any Liberty or Franchise not contributing to the County Rate of such first-mentioned County, towards any such Police Rate, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Treasurer of the County to which such detached Part belongs, or the Treasurer or other Person (if any) having the Receipt of any Liberty Rate, or Rate in the Nature of a County Rate levied within such Liberty, to pay to the Treasurer of such first-mentioned County, out of the Monies collected by way of County Rate, Liberty Rate, or Rate in the Nature of a County Rate, the Amount mentioned in the Warrant; and that the Person to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to him, pay the Amount to the Treasurer of the County from which such Warrant shall have issued, and shall

shall be allowed for the same in his Accounts with his County or Liberty; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed.

How Treasurer of such other County or Liberty shall be reimbursed.

VII. And be it enacted, That, for the Purpose of reimbursing the Treasurer or other Person by whom any such Sum shall have been paid, the Justices of the County to which such detached Part belongs, or of the Liberty or Franchise, as the Case may be, shall order a Police Rate to be made, at the Rate mentioned in the Warrant, upon such detached Part of their County, or upon such Liberty or Franchise respectively, which shall be levied and collected thereon with and as Part of the County Rate, Liberty Rate, or Rate in the Nature of a Liberty Rate, to which such detached Part of a County or such Liberty or Franchise is liable, in like Manner as the Police Rate is levied and collected by Order of the Justices of any County for the Expences of the Police of their own County.

In case of Default, or for other good Cause, the Amount may be levied on the Inhabitants.

VIII. And be it enacted, That if Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant or if there shall be no Person to whom such Warrant can be directed, or no County Rate, Liberty Rate, or Rate in the Nature of a County Rate, to which the Inhabitants of such Liberty or detached Part of another County contribute, or if the Justices of the first-named County shall be dissatisfied with the Valuation upon which such Rate was assessed, or if, for any other Reason, it shall seem more convenient to the Justices of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Rate upon any such detached Part of another County or Liberty or Franchise in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Rates the Justices of such first-mentioned County shall have, within every such detached Part of another County and within every such Liberty and Franchise respectively, the same Powers which they have for levying and collecting County Rates within the Limits of their own Commission; and such Rates may be levied and collected by the like Methods, and subject to the same Right of Appeal, as if such detached Parts of another County or such Liberty or Franchise respectively were Part of such first-mentioned County, and within the Hundred, Wapentake, Ward, Rape, Lathe, or such other Division of the County in which they are locally situated, or, if not wholly lying in One Hundred, Wapentake, Ward, Rape, Lathe, or such other Division, in that One with which they have the longest common Boundary respectively; and the High Constable of every such Hundred, Wapentake, Ward, Rape, Lathe, or such other Division, on the Receipt of a Warrant to that Effect under the Hands of Two or more of the said Justices, shall collect the said Rates; and the Overseer of the Poor, or in default of Overseers, or in case there shall be no separate Rate for the Relief of the Poor in any Portion of such detached Part or Liberty or Franchise, such Person or Persons as the Justices of the first-mentioned County in Quarter Session assembled shall appoint for that Purpose in every Parish and Place to which such detached Parts or Liberty or Franchise, or any Part thereof, belong, upon Receipt of a Warrant to that Effect from such High Constable, shall

shall pay the Amount assessed upon their Parish or Place respectively, or upon that Part of it which is liable thereunto, in like Manner, and subject to the like Penalties in case of Default, as if such detached Parts or Liberty or Franchise were Part of such first-mentioned County, and within such Hundred, Wapentake, Ward, Rape, Lathe, or other Division as aforesaid respectively.

Right of inspecting County and Liberty Rates.

IX. And be it enacted, That the Treasurer of any County, or any Person having an Order for that Purpose under the Hand of such Treasurer, may inspect any County Rate made or to be made for any other County or Liberty or Franchise the Inhabitants of any Part of which shall be liable to be rated to the Police Rate in the first-named County, and may also inspect any Returns concerning all or any of the Parishes, Townships, Precincts, and Places, whether parochial or extra-parochial, the Inhabitants of which are liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts from any such Rates or Returns, without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Treasurer or other Person authorized as aforesaid to inspect the same, or to take Copies or Extracts from the same, within Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum not exceeding Ten Pounds as they shall think meet.

Superannuation Fund to be provided for Constables.

X. And be it enacted, That there shall be deducted from the Pay of every Constable belonging to the Police Force established in any County under the first-recited Act a Sum after such yearly Rate as the Justices of the County in General or Quarter Session assembled shall direct, not being a greater Sum than Two Pounds Ten Shillings in a Hundred Pounds, which Sum so deducted, and also the Monies accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers (being Police Constables) on summary Convictions, as shall be directed by such Justice to be paid for the Benefit of this Fund, and all Monies arising from the Sale of worn or cast Clothing supplied for the Use of the Constables in any County, shall from Time to Time be invested in such Manner as the Justices in General or Quarter Session assembled shall direct; and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Justices in General or Quarter Session assembled, upon the Recommendation of the Chief Constable, at any Time, to any of the said Constables, as

herein-after provided; and the Justices shall guarantee the Security of the Superannuation Fund of their County, and make good out of the County Stock any Deficiency which may arise in such Fund from the Default of any Treasurer or other Person intrusted with the Custody or Management thereof.

Rates of Allowance from the said Fund.

XI. And be it enacted, That it shall be lawful for the Justices, upon such Recommendation, if they shall think fit, to order that any of the said Constables may be superannuated, and receive thereupon out of the Superannuation Fund a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) that if he shall have served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay; provided that if he shall be under Sixty Years of Age it shall not be lawful to grant any such Allowance unless upon the Certificate of the Chief Constable that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office; provided also, that if any Constable shall be disabled from any Wound or Injury received in the actual Execution of the Duty of his Office it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent him being dismissed without Superannuation Allowance.

Station Houses and Strong Rooms to be provided.

XII. And be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled of any County in which or in any Part of which Constables shall be appointed under the first-recited Act, if they think fit, to order that Station Houses and Strong Rooms, or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided in such Places as the said Justices shall think fit, and upon such Plan as shall be approved by one of Her Majesty's Principal Secretaries of State, and for that Purpose to purchase and hold Lands and Tenements, or to appropriate to that Purpose any Lands or Tenements belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation; and the Expence of building, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms shall be defrayed out of the Police Rates.

Money may be borrowed on Credit of the Police Rates.

XIII. And be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled to borrow Money for the Purpose of purchasing any such Lands and Tenements, or of building any such Station Houses and Strong Rooms, and to charge the future Police Rates with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

XIV. And

Boroughs may agree to consolidate their Police with County Police.

XIV. And be it enacted, That it shall be lawful for the Justices of any County in which Constables shall have been appointed under the said Act, and for the Council of any incorporated Borough situated in or adjoining to such County, to agree together for the Consolidation of the County and Borough Police Establishments; and in every such Case all the Constables appointed either for the County or the Borough shall have all the Powers, Privileges, and Duties throughout the County and the Borough which Constables appointed for any County have within that County under the said Act, and all the Provisions of the said Act shall be taken to apply to the Borough Constables as well as to the County Constables, except as is herein otherwise provided; and every such Agreement which shall have been agreed to by the Justices of the County in General or Quarter Session assembled, on the one hand, and by the Mayor, Aldermen, and Burgesses of the Borough, by their Council, on the other hand, shall be binding on both Parties, as soon as a Memorandum of such Agreement under the Hands of Two or more Justices of the County, and countersigned by the Clerk of the Peace, shall be delivered to the Council of the Borough, and a Counterpart thereof under the Common Seal of the Borough shall be delivered to the Justices; and when any such Agreement shall have been made between any County and any Borough, either Party shall be empowered to put an end thereunto, without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be under the Hands of Two or more Justices, and countersigned by the Clerk of the Peace, or, if given by the Borough, to be under the Common Seal of the Borough: Provided always, that no such Notice shall be given by the Justices, or by the Borough, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of the Justices attending at any General or Quarter Session, or Three Fourths of the Council of the Borough.

Government of consolidated Police.

XV. And be it enacted, That in all Cases where the Establishment of County and Borough Constables shall be consolidated into One Police Establishment the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Borough Constables he shall report the Fact, with his Reasons for the Dismissal, to the Mayor of the Borough, and the Watch Committee of the Borough shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Borough Constable who shall have been dismissed by the Chief Constable shall be capable of being re-appointed for the same Borough without the Consent of the Chief Constable; and so much of the said Act for regulating Corporations as empowers the said Committee, or any Two Justices of the Peace having Jurisdiction within the Borough, to dismiss any Constable, shall be suspended, as to those Boroughs whose Establishment of Constables is consolidated with the Establishment

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of County Constables, during the Time that any Agreement for such Consolidation shall be in force.

Appointment of Local Constables.

XVI. And be it enacted, That the Chief Constable shall make out, and cause to be laid before the Justices acting in and for every Petty Sessional Division of the County, at one of their Special Sessions holden for hearing Appeals against the Poor Rates, a List, signed by him, of fit Persons residing within every Parish, Township, and Place within the Division, willing, in case of Need, to serve as Local Constables during the Year then next ensuing, for doing all Things which belong to the Office of Constable within such Parish, Township, or Place; and the Justices of each of such Divisions, at any Time, in Petty Sessions assembled, shall select from the Persons named in such List so many Local Constables as they shall think fit to appoint for every such Parish, Township, or Place, and shall cause to be administered to them the following Oath; (that is to say,)

Oath of Local Constable.

I *A. B.* do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Local Constable for the Parish [*or* Township, &c.] of [ ] for the Year ensuing, or until another shall be sworn in my Stead, according to the best of my Skill and Knowledge. So help me GOD.

And all such Local Constables shall be subject to the Authority of the Chief Constable, and to such Regulations as shall be made for their Government by one of Her Majesty's Principal Secretaries of State, and shall have within the whole County, and also within all Liberties and Franchises and detached Parts of other Counties situated therein, and also in every County adjoining to the County in which they are appointed, all the Powers, Privileges, and Immunities, and shall be liable to all the Duties and Responsibilities, of a Constable within his Constablewick, but shall not be bound to act as a Constable beyond the Parish, Township, or Place for which they are severally appointed and sworn; and the Chief Constable, from Time to Time, shall cause a List to be printed and published of the Persons so appointed and sworn as Local Constables within each Division, with the Names of the Places for which they are severally appointed.

Fees and Allowances for Special Services.

XVII. And be it enacted, That the Justices of the County in General or Quarter Session assembled shall from Time to Time, subject to the Approval of one of Her Majesty's Principal Secretaries of State, settle Tables of Fees and Allowances for the Service of Summonses and Execution of Warrants, and for the Performance of the other occasional Duties which may be required of the said Local Constables; and whenever any Duty for which any such Fee or Allowance shall have been settled shall be performed by one of the Constables appointed under the first-recited Act, the Amount thereof shall be accounted for and paid to the Treasurer of the County, or such other Person as shall be appointed by the Justices to receive the same, and shall be applied towards defraying the Expenses of putting the said Act in execution; and when such Duty shall

shall have been performed by one of the Local Constables appointed under this Act, the Amount of the Fee or Allowance shall be paid to such Local Constable, under such Regulations as shall be made from Time to Time by the Justices in General or Quarter Session assembled.

Accounts of Allowances to be kept.

XVIII. And be it enacted, That the Justices usually acting in and for every Division shall take care that full, true, and particular Accounts be kept of all such Fees and Allowances within their Division, and shall once in every Quarter of a Year cause an Account, with all proper Vouchers for verifying the same, to be delivered to the Treasurer of the County or other Person appointed to receive the same.

Additional Constables may be appointed at the Cost of Individuals.

XIX. And be it enacted, That it shall be lawful for the Chief Constable of any County, with the Approval of the Justices of the County in General or Quarter Session assembled, (if he shall think fit,) on the Application of any Person or Persons showing the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other County Constables: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving One Calendar Month's Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Discontinuance thereof.

Power of 3 & 4 W. 4. c. 90. and of Local Acts for levying Rates to cease, except as hereby reserved for paying additional Constables.

XX. And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty, making Provisions for the lighting and watching of Parishes in *England* and *Wales*, and divers Acts have been made authorizing the Appointment of Constables and Watchmen, by Day or Night, in sundry Towns and Places within the Counties in which the first-named Act may be put in force, and authorizing Rates to be made and levied for the Purpose of defraying the Expences of such Constables or Watchmen; be it enacted, That, notwithstanding any thing contained in the said Act of the last Session of Parliament, the Constables or Watchmen appointed in and for any Parish under the said Act of the Fourth Year of the Reign of His late Majesty, or in and for any Town or Place under any such Local Act as last aforesaid, and not discontinued before the passing of this Act, shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and all such Acts shall continue in force until it shall be notified by the Chief Constable of the County in which such Parish, Town, or Place is situated, to the Inspectors, Commissioners, or other Persons having Authority over such Constables or Watchmen as aforesaid, by Writing under his Hand, that he is ready to undertake the Charge of such Parish, Town, or Place on some Day to be specified in the Notice, which Notice shall be published within such Parish, Town, or Place, in such Manner as shall

seem fit to the Chief Constable, for the Purpose of making the same to be generally known; and upon the Day so named the Watchmen or Constables appointed within such Parish, Town, or Place, under the said Act of the Fourth Year of the Reign of His late Majesty, or under such Local Act, shall be discontinued as a separate Force; and all Powers for assessing and levying any Rate in such Parish, Town, or Place, the Whole or any Part of which shall be applicable to the Payment of such Watchmen or Constables, or any Expences incident thereunto, shall cease, so far as such Powers relate to any whole Rate so applicable, or to that Part of any Rate which shall be so applicable, except for such Purposes as are herein-after mentioned: Provided always, that, notwithstanding any thing in the first-named Act contained, the Powers of all such Acts shall enure for the Purpose of enabling the Inspectors, Commissioners, or other Persons charged with the Execution of any such Act, to make such Application as aforesaid to the Chief Constable of the County for the Appointment in any such Town or Place of an additional Number of Constables, and to assess and levy such Rates as are authorized by the said Acts in each Case for defraying the Expences of Constables or Watchmen, and to apply them in defraying the Expence of so many additional Constables in such Town or Place respectively as the Chief Constable, on their Application, and with the Approval of the Justices as aforesaid, shall appoint there: Provided also, that where any Parish, Town, or Place in which Constables have been appointed under any such Local Act shall be situated in more than One County, such Notice shall not be given by the Chief Constables of either County to the Commissioners or other Persons having Authority over the Constables in such Parish, Town, or Place, until after Constables shall have been appointed under the first-recited Act in each of such Counties.

Proviso as to Places situate in more than One County.

Watchboxes and Accoutrements provided under Local Acts to be given up for Use of the County Police.

XXI. And be it enacted, That upon the Day mentioned in such Notice as last aforesaid all Watch-houses and Watchboxes in any such Parish or Place, and all Arms, Accoutrements, and other Necessaries provided at the Public Expence for the Watchmen or Constables therein, shall be given up to such Persons as shall be named by the said Chief Constable, for the Use and Accommodation of the Constables to be appointed under the first-recited Act; and in case any Person having the Charge, Control, or Possession of any Watch-house, Watchbox, Arms, Accoutrements, or Necessaries as aforesaid, shall neglect or refuse to give up the same as herein-before required, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum, not exceeding Five Pounds, as the said Justices shall think meet; and where there shall be any Building in any such Parish or Place as aforesaid, a Part only of which Building shall have been heretofore used as a Watch-house, such Part shall be given up every Day, from the Hour of Four in the Afternoon until the Hour of Nine in the Forenoon, for the Use and Accommodation of the Constables to be appointed under the first-recited Act; and if any Person, having the Charge, Control, or Possession of any such Building, shall neglect or refuse to give up such Part thereof for the Purposes aforesaid, or to permit free Access

thereto

thereto or Egress therefrom during any Portion of the Time above prescribed, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the said Justices shall think meet.

Rates already imposed to be collected.

XXII. And be it enacted, That any Rate authorized by the said Act of the Fourth Year of the Reign of His late Majesty, or by any such Local Act, for defraying the Expences of the Constables or Watchmen in any Parish or Place, made previous to the Day on which the said Chief Constable shall undertake the Charge thereof, shall be levied and collected in the same Manner as if the first-recited Act or this Act had not been passed; and that nothing herein contained shall be deemed to affect or alter any Powers or Authorities for assessing and levying any Rate in any such Parish or Place, so far as such Rate may relate to paving, lighting, cleansing, or any other Object, except the Constables or Watchmen, or any Expences incident thereto.

Provision for outstanding Debts.

XXIII. And whereas there are certain Parishes and Places in which Monies have been borrowed or advanced, and Debts contracted, under some one or more of such Acts as last aforesaid, for the building of Watch-houses, and for various Expences connected with the Constables or Watchmen therein, and such Monies and Debts remain unpaid, and it is expedient that the same be discharged; be it enacted, That all such Monies and Debts in any Parish or Place of which the said Chief Constable shall undertake the Charge shall, notwithstanding any thing herein-before contained, be chargeable upon the Rates out of which such Monies or Debts have been heretofore in part paid, or would have been payable if the first-recited Act or this Act had not been passed, and such Rates shall be from Time to Time assessed and levied for the Payment of such Monies and Debts until the same shall be entirely discharged and satisfied.

Constables appointed under the first-recited Act and this Act to be discontinued when decided to be unnecessary.

XXIV. And be it enacted, That if the Justices of the Peace of any County in General or Quarter Sessions assembled shall be of opinion that the Constables appointed under the first-recited Act or under this Act are no longer needed in their County, it shall be lawful for the Justices assembled as aforesaid to report that Opinion to one of Her Majesty's Principal Secretaries of State, Six Months Notice of the Intention to propose that such Report be made having been first given as is by the said Act provided with regard to any Business relating to the Adoption of the said Act; and if Three Fourths of the Justices assembled at any such General or Quarter Sessions of the Peace, after such Notice given, shall resolve upon making such Report, and such Report shall be approved by one of Her Majesty's Principal Secretaries of State, the said Constables shall be discontinued at such Time as shall be mentioned in the Report; and any Balance of Monies which shall have been raised for the Purposes of the said Act, after Payment of all Expences legally chargeable thereon, shall be carried to the Account of the County Rate.

XXV. And

Where Two Chief Constables, Rates may be levied separately.

XXV. And be it enacted, That in any County in which Two Chief Constables shall have been appointed under the Authority of the said Act, it shall be lawful for the Justices of the said County, if they shall think fit, in General or Quarter Session assembled, to order that separate Accounts shall be kept of the Expences of the Force placed under the Authority of each Chief Constable, and that the Police Rates shall be assessed and levied separately upon the Districts of each Chief Constable, and applied separately to the Expences of the Police Force maintained therein.

Number of Superintendents may be altered by the Justices.

XXVI. And whereas it hath been found unnecessary that a Superintendent be appointed for every Petty Sessional Division of a County in which the first-recited Act has been adopted; be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled, with the Approval of one of Her Majesty's Principal Secretaries of State, to direct how many of the Constables shall be appointed Superintendents, and to direct the Appointment of Inspectors and Serjeants and other subordinate Officers, with such Gradations of Rank and Pay and such Variety of Duties as shall be found expedient; and it shall be lawful for the Justices to make such Orders as to them shall appear expedient touching the Attendance of the Superintendents, Inspectors, Serjeants, or other subordinate Officers among the said Constables upon the Justices at their several Sessions.

Formation of Police Districts.

XXVII. And whereas the Number of Constables needed may be different in different Parts of the same County; be it enacted, That it shall be lawful for the Justices of the Peace for any County in General or Quarter Sessions assembled, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of the County, to divide the County or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which the Determination of the Justices shall have been grounded, shall be sent to one of Her Majesty's Principal Secretaries of State, and if approved by the Secretary of State such Division or Alteration shall be deemed to be completed.

Each Police District to pay for its own Constables.

XXVIII. And be it enacted, That if the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expence of putting the said Act into execution in such County or Part of such County shall be classed under Two Heads, of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expence of the Salaries and Clothing of the Constables appointed for

for each District, and such other Expences as the Justices, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Police Rates shall be assessed and levied in each Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Constables subject to Duty in any Part of the County, as if no Districts had been made.

XXIX. And be it enacted, That in case the Justices of any County shall not resolve on appointing Constables, under the said Act of the last Session, for the whole of their County, it shall be lawful for them, if they shall think fit, in General or Quarter Sessions assembled, to form any Number of contiguous Parishes, Townships, or Places into a Division, so that such Division contain not less than Twenty-five thousand Persons, according to the last Census for the Time being, and to appoint Constables under the said Act for every such Division; and all Provisions of the said Act as amended by this Act, and of this Act, relating to the Appointment of Constables for any Division or Divisions for which Special or Petty Sessions of the Peace are holden, or relating to Police Districts, shall be deemed to apply to the Police Divisions so formed.

Justices may form any Number of Parishes, containing not less than 25,000 Inhabitants, into a Division for the Purposes of this Act.

XXX. Provided always, and be it enacted, That with the Notice of the Time of holding any such General or Quarter Session or Adjournment thereof, as now required by Law, Notice shall be given of the Day and Hour at which any Business relating to the Adoption of the Provisions of this Act will be considered at such Session.

Defining Nature of Notice.

XXXI. And be it enacted, That every Chief Constable shall, on the First Day of every Month, transmit to the Clerk of the Peace for the County for which or for some District whereof such Constable shall act a Return, showing the actual Disposition and Number of the Constabulary Force of the County or District for which such Constable shall act during the preceding Month, which Return shall specify the Changes made from Time to Time in such Force as well in Number as by Name, and shall distinguish by Number and Name the Members of the Police Force of any other District serving within his District; and the Clerk of the Peace shall cause the said Return to be laid before the Justices at the next ensuing Quarter Sessions for Examination.

Chief Constable to furnish to the Clerk of the Peace a monthly Return of the Disposition and Number of the Constabulary Force.

XXXII. And be it enacted, That every Superintendent appointed under this Act shall, on the First Day of every Month, send to the Chief Constable a Return showing the actual Disposition and Number of the Constables of the County under his Superintendence during the preceding Month, which Return shall specify the Changes made from Time to Time therein, as well in Number as by Name; and the

Monthly Returns of the Force to be made.

Chief

Chief Constable shall send a Copy of all such Returns to the Clerk of the Peace for the County, to be laid before the Justices of the Peace at their next General or Quarter Sessions of the Peace.

How Warrants of Commitment may be executed.

XXXIII. And be it enacted, That whenever a Warrant of Commitment of any Person to any Gaol or House of Correction shall be directed and delivered to any Constable in any County in which Constables shall have been appointed under the said Act of the last Session of Parliament, it shall be lawful for the Justice or Justices by whom such Warrant shall be signed, if he or they shall think fit, in and by such Warrant, to command the Constable to whom the Warrant is directed, and all other Constables to whom the Warrant shall be successively delivered as herein-after provided, to convey and deliver the Body of the Person so committed, with the Warrant, into the Custody of the Constable who shall be in attendance at the nearest or most convenient Station House or Strong Room belonging to the said Police Force lying in the Way towards the said Gaol or House of Correction, or to such other Constable as shall be appointed by the Regulations of the Police Force to take charge of Persons so committed; and every Constable into whose Custody any such Person shall be so successively delivered shall endorse upon the Warrant a Certificate in Writing under his Hand of the Delivery of such Person into his Custody, and the Time and Place of such Delivery, and such Certificate shall discharge the Constable so delivering over the Body of such Person from further Execution of the Warrant; and it shall be lawful for any Constable into whose Custody such Persons shall have been so delivered to complete the Execution of the Warrant, by conveying and delivering the Body of such Person either to the said Gaol or House of Correction or into the Custody of the Constable in attendance at the next Station House or Strong Room as aforesaid, or to such other Constable as shall be appointed by the Regulations of the Police Force to assist in taking charge of Persons so committed; and every Constable into whose Custody any Person shall be so delivered, and who shall have endorsed such Certificate upon the Warrant, shall have the same Powers, Privileges, and Protections for and in the Execution of such Warrant as if the same had been originally directed to him by Name.

Interpretation Clause.

XXXIV. And be it enacted, That in construing this Act the Words "County" and "Quarter Sessions" shall be taken to be used in the same Sense in which they are used in the first-recited Act: Provided always, that neither in the first-recited Act nor in this Act shall the Word "County" be taken to mean any Liberty or Franchise having a distinct Commission of the Peace separate from the Commission of the Peace of the County or Riding in which it is situated: Provided also, that nothing herein contained shall extend to affect the *Isle of Ely*, or the Powers of the Justices named in the Commission of the Peace thereof, or to give any Power or Authority within the *Isle of Ely* to the Justices named in the Commission of the Peace of the County of *Cambridge*.

XXXV. And

XXXV. And be it enacted, That this Act, and so much of the said Act of the last Session of Parliament as is not inconsistent with this Act, shall be construed together as One Act: Provided always, that no Local Constable appointed under this Act shall thereby become incapable of giving his Vote for the Election of any Member to serve in Parliament, or be restrained from employing himself in any Office or Employment for Hire or Gain. Act to be construed with Act of last Session.

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

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