

CHAP. 47.

An Act to provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to abolish the office of High Constable in England and Wales, except in certain cases, and to make provision for the discharge of the duties heretofore performed by such constables:

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, as follows:

Interpretation of terms.

1. For the purposes of this Act the word "High Constable" shall include any constable of any hundred or other like district, and any officer discharging the duties usually performed by high constables by whatever name such officer shall be called; and the word "county" shall include any riding, division, liberty, and place having separate quarter sessions of the peace.

When vacancies not to be filled up.

2. It shall be the duty of the justices of the peace for every county in quarter sessions assembled in the month of January next after the passing of this Act to consider and determine whether it is necessary that the office of high constable of each hundred or other like district within their jurisdiction should be continued, and whenever such justices so assembled as aforesaid shall have determined in the case of any such hundred or other like district that it is not necessary that the office of high constable should be continued, they shall send notice of such determination to the person or persons in whom the appointment of such high constable is vested, and on the occurrence thereafter of any vacancy in such office such vacancy shall not be filled up, but this provision shall not apply to the case of any high constable who is by law or custom returning officer at any parliamentary or

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municipal election, or is charged with the supervision of the register of electors, or in whom is vested by virtue of his office any real property.

How notices are to be sent.

3. It shall be the duty of the clerk to the justices of the peace in each petty sessional division, other than those which are either wholly or partly within the metropolitan police district or the city of London, to send by post to the proper parties in such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district, or to parliamentary or municipal elections, or the registration of electors,) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any such duty in any such division shall hereafter be issued to any high constable, after the passing of this Act.

Provisions of 7 & 8 Vict. c. 33. to come into general operation.

4. All the provisions of the Act passed in the session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for facilitating "the collection of county rates and for relieving high constables "from attendance at quarter sessions in certain cases and from "certain other duties," which under such Act are to come into force upon the occurrence of any vacancy in the office of high constable of any hundred, shall come into force immediately after the passing of this Act in every case as if a vacancy in such office had occurred.

Chief constable to act in case of claims against hundred.

5. In every action to be brought or summary claim to be preferred against any hundred or other like district, of which there is no high constable, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county in which such hundred or district is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of Parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

Pensions may be given in certain cases.

6. If it shall appear to the justices assembled at any court of quarter sessions that any high constable within the jurisdiction of such court, holding office for life or during good behaviour, has

suffered or is likely to suffer by reason of the passing of this Act any loss of emoluments heretofore chargeable upon the county stock or rate, it shall be lawful for such justices upon the application of any such constable, notice having been given at a previous meeting of the court, to order that such sum shall be annually or quarterly paid to such constable during his life and charged upon the county stock or rate as shall seem to them reasonable, regard being had to the cessation of any duties in respect of which such emoluments had theretofore been received by him and to any other circumstances in the case, and in the case of any such constable holding office as aforesaid, and remunerated by salary conditional upon the discharge of the duties of his office, the annual sum to be awarded him by such order shall not be less than two thirds of such salary.

Provision in case of hundreds situate partly in boroughs.

7. When part of any hundred or other like district is within the limits of any borough or place having separate police jurisdiction, such hundred or district shall, for the purposes of this Act, be deemed to be in the county in which the other part of such hundred or district is situate.

Short title.

8. This Act may be cited as the High Constables Act, 1869.

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