CHAP. 73.

An Act for making Regulations as to the office of Clerk of the Peace for the County Palatine of Lancaster. A.D. 1871.

[14th August 1871.]

WHEREAS it is expedient to make regulations in relation to the office of clerk of the peace of the county palatine of Lancaster:

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:

Commencement of Act.

1. This Act, except in so far as is otherwise expressly provided, shall not come into operation until a vacancy occurs in the office of clerk of the peace for the said county, and the time at which this Act comes into operation is herein-after referred to as the commencement of this Act.

Appointment of clerk of the peace.

2. From and after the commencement of this Act there shall be appointed, in writing, by the Chancellor of the Duchy of Lancaster for the time being, three able and sufficient persons, the one to be clerk of the peace and the other two to be deputy clerks of the peace for the said county, and any vacancy occurring in the office of clerk of the peace or deputy clerk of the peace shall be filled up in like manner by the said Chancellor by the appointment of some able and sufficient person.

Salaries of clerk and deputy clerks.

3. From and after the commencement of this Act all fees, profits, and perquisites hitherto received by the clerk of the peace of the said county shall be accounted for and paid by him or his deputies to the treasurer of the county of Lancaster, to be applied to the purposes to which the county rate is applicable, and there shall be paid half-yearly, out of the county rate of the said county, to the said clerk and deputy clerks respectively such salaries as the justices

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of the said county in sessions assembled may, with the approval of the said Chancellor, determine.

Any salaries payable under this Act shall accrue due from day to day, but shall be payable half-yearly to the parties entitled thereto.

As to removal from office of clerk of the peace.

4. The section number nine (in the editions prepared under the directions of the Record Commission, intituled "The Statutes of the Realm") of the Act of the first year of King William and Mary, chapter twenty-one, intituled "An Act for enabling the "Lords Commissioners of the Great Seal to execute the office of "Lord Chancellor or Lord Keeper," shall be repealed, and any clerk or deputy clerk of the peace for the county of Lancaster under this Act shall hold his office by the same tenure, and may be removed from office under the same circumstances by and under which clerks of the peace of counties in England ordinarily hold their offices and may be removed from office; and in the construction of any enactments relating to the tenure of office or removal from office of a clerk of the peace the Chancellor of the Duchy of Lancaster shall, for the purposes of this Act, be substituted for the custos rotulorum of the county.

Jurisdiction of deputy clerks of the peace.

5. Subject to any rules that may be made in pursuance of this Act by the justices of the said county in sessions assembled, all matters to be done to or by the clerk of the peace of the said county, in his character of clerk of the peace, may be done to or by the deputy clerks of the peace under this Act or either of them.

Power of justices in sessions assembled to make rules.

6. The justices of the said county in sessions assembled may by order make, and, when made, from time to time repeal, alter, or add to, any rules for the following purposes:

(1.) For distributing the business of the clerk of the peace amongst such clerk and the deputy clerks;

(2.) For fixing the places in which such clerk or deputy clerks are to live;

(3.) For regulating any other matter, whether similar or not to those particularised in this section, which may be necessary or expedient for giving effect to the provisions of this Act;

but no such rules, or repeal, alteration, or addition of or to such rules, shall take effect until approved by the Chancellor of the Duchy.

Every clerk of the peace and deputy clerk of the peace appointed under this Act shall act in conformity with any rules made in pursuance of this section, and if he do not he shall be deemed to have misdemeaned himself in the execution of his office.

Provision as to the retirement of the present clerk of the peace.

7. In case of the retirement of the person who at the time of the passing of this Act holds the office of clerk of the peace of the county of Lancaster, and of the surrender by him of the letters patent by virtue whereof he now holds the said office for life, the justices of the said county in sessions assembled may at any time after the passing of this Act grant to him out of the county rate a pension for his life not exceeding in any case the net amount annually received by him in respect of the fees and emoluments of the said office, calculated on the average of the five years next preceding the first day of January one thousand eight hundred and seventy-one, after deducting the fees or salary of his deputy or deputies and all other expenses incident to or incurred for the purposes of the execution of the said office.

The power given by this section shall not be exercised after two years from the passing of this Act.

Nothing in this Act shall affect the validity or invalidity of the said letters patent.

No appointment to be made of clerk, &c. except in pursuance of Act.

8. No clerk of the peace or deputy clerk of the peace shall be appointed or continued in the county of Lancaster except in manner provided by this Act.

"Justices in sessions assembled."

9. The expression "justices of the said county in sessions assembled" means the justices of the county of Lancaster assembled at their annual general sessions, or any adjournment thereof.

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