shall be vested in or exerciseable by the inhabitants of any district under any general or special Act.

10 & 11 Vict. c. 34. s. 142. repealed.

9. The one hundred and forty-second section of "The Towns Improvement Clauses Act, 1847," is hereby repealed so far as the same is inconsistent with the provisions of this Act.

Act not to extend to Bills if object attainable by Provisional Order.

10. The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order.

Extent of Act.

11. This Act shall not extend or apply to Ireland or the city of London or the metropolitan area as defined by the Metropolitan Local Management Act, 1855.

CHAPTER 92.

An Act to render unnecessary the general Appointment of Parish Constables.

[10th August 1872.]

WHEREAS the establishment of an efficient police in the counties of England and Wales has rendered the general appointment of parish constables unnecessary:

Be it therefore 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; (that is to say,)

Parish constables not to be appointed.

1. After the twenty-fourth day of March next no parish constable shall be appointed except as herein provided.

Provision for the appointment of parish constables when the quarter sessions deem it necessary.

2. Whenever the Court of General or Quarter Sessions of any county shall by resolution determine that it is necessary, with a view to the preservation of the peace or the proper discharge of public business therein, that one or more parish constables should be appointed for any parish within the jurisdiction of such court, such constable or constables shall, until the said resolution shall have been rescinded, be and be continued to be appointed for such parish, according to the provisions of the law for the appointment of parish constables then in force.

Appointment of the constable to be served upon the person, and his attendance and swearing at the sessions dispensed with.

3. When the justices at the sessions held for this purpose shall have chosen the constable or constables for any parish they shall make out a warrant of appointment and cause it to be served upon each person so chosen, who shall be bound to act as a constable from the time when he shall be served with such warrant, unless he shall submit another person to the justices to be appointed as his substitute, and the justices shall make the appointment of the person so substituted for the time, and subject to the provisions contained in the Statute of the fifth and sixth Victoria, chapter one hundred and nine, and the twelfth and thirteenth sections of that statute shall be repealed, and the lists provided for by section fourteen shall be sent within fourteen days from the appointment of the constables so made by the justices at the said sessions.

Paid constable may be appointed for a parish on application of the vestry.

4. The vestry of any parish not included wholly or in part within a borough, after due notice, may at any time resolve that one or more parish constables shall be appointed for their parish, and in such resolution may fix the amount of salary to be paid to him or them, which salary shall be paid out of the poor rate of the said parish, and a copy of such resolution shall be delivered by one of the overseers or some other officer of the parish to the justices of the petty sessional division in which the parish is situated, and such justices may appoint, by warrant under the hand and seal of two of them, some fit and competent person or persons willing to serve the office to be the constable or constables for the said parish, who shall hold his or their office until he or they shall resign or be dismissed for misconduct or incompetency by the justices of the said division, or

the vestry shall determine to discontinue the appointment of a constable at the expiration of not less than six months from the day on which a copy of such resolution shall be delivered to the justices of the said division, and until the vestry shall come to such determination the justices shall renew the appointment upon the occurrence of any vacancy in the office.

Provided that if the vestry shall deem it right that the salary should be increased at any time when the office is not vacant, they may upon due notice pass a resolution to that effect, and a copy thereof shall be delivered by the overseer or other officer to the justices in petty sessions, and a copy thereof shall be endorsed on the warrant of appointment and be signed by two justices at such petty sessions.

Two or more parishes may be united for the appointment.

5. Two or more such parishes as aforesaid may unite for the appointment by the justices of a constable if the vestries thereof pass separate resolutions and agree upon the proportionate parts of the salary to be paid in respect of each parish, and in any such case the justices, or if the parishes be situated in two petty sessional divisions, the justices of each of such two petty sessional divisions may appoint the same person to be the constable for the parishes so united, to hold his office at one salary, payable where requisite out of the poor rate of the several parishes according to the proportions agreed upon, and shall certify the amount to be paid by each parish respectively by indorsement on the warrant of appointment.

Tenure of the office of existing paid constables.

6. Every paid constable appointed for any parish previous to the passing of this Act may continue to hold his office in like manner as if this Act had not been passed.

Duties, powers, and immunities of parish constable.

7. Every constable appointed under this Act shall be subject to the authority of the chief constable of the county, riding, or division in which the parish for which such constable may be appointed to act shall be situated, and all duties, powers, protections, immunities, liabilities, and incidents heretofore imposed upon or belonging to the office of a parish constable shall be imposed upon and belong to the constable to be so appointed and to the police constable who shall be called upon to act in any matter appertaining to that office by any competent authority, and all fees, charges, and allowances which would have been paid or granted by or under any statute or other legal provision to a parish constable, shall be paid or granted to the constable appointed under this Act or to such police constable, to be by them respectively applied in aid of the poor rate of the parish for which such constable shall have been appointed, or in the case of the police constable according to the rules prescribed for the regulation of the police force in such matter.

Fees and allowances.

Charges not to be made for parish business.

8. No charge shall be made by nor any fee received by any paid constable appointed on the application of the vestry in respect of any service rendered by him to the parish or parishes for which he shall be appointed generally or to a parish officer of such parish or parishes in respect of matters belonging to the office of such officer.

Fees to constables may be allowed when costs awarded against defendant.

9. Where in any proceedings taken by or on behalf of any parish officer who is paid a salary for his services in respect of any matter connected with the duty of his office the justices shall award costs to be paid by the defendant or the party complained against, they may, if they see fit, allow, in settling the amount of such costs, such fees and allowances in respect of the services of the constable as shall appear to them to be just, and shall be in accordance with the scale of fees and allowances then in force in their county; and such fees and allowances shall be received by such constable, and shall be paid by him to the overseers of the parish to be applied in aid of the poor rate.

Execution of process by constables appointed under this Act.

10. Every constable appointed under the authority of this Act shall have full power to execute any summons or warrant within any part of the county for which the justice issuing the same shall have jurisdiction, but shall not be compelled to serve any summons or to execute any warrant out of the parish or parishes for which he shall be appointed to act.

Fees and allowances to

11. The fees and allowances to constables settled by the justices at their general or quarter sessions with the consent of one of Her Majesty's Principal Secretaries of State

constables remain in force till altered.

shall continue to be in force until they shall be altered by the said justices with the like consent, which alteration shall take place from time to time as occasion may require.

How fees and allowances to be paid and payments enforced.

12. Where any fee or allowance is claimed by any constable in respect of any service rendered to an overseer, surveyor of the highways, or other officer of the parish, the same, if lawfully due, may be paid to him by such overseer, surveyor, or other officer without any order of justices, but if payment be refused, or cannot be obtained by him on request, he may apply to the justices in petty sessions assembled for an order upon such overseer, surveyor, or other officer, and the said justices, after summoning such officer, may make an order upon him for the payment of such fee or allowance, and their order in this behalf shall be enforceable if not obeyed, in manner directed by the Summary Jurisdiction Act, 1848, as orders of justices for the payment of money; and if any overseer, surveyor, or other officer pay money in obedience to such order, the payment shall not be disallowed by any auditor or other authority competent to allow or disallow the accounts of such officer on any ground whatsoever.

Repeal of statutes.

13. The following statutes shall from and after the said twenty-fourth day of March next be repealed, except in respect of any matter then arisen or pending out of or in relation to some provision thereof; (that is to say,)

The 13 & 14 of Ch. 2. c. 12., sections 15, 16, 17, and 18.

The 18 of Geo. 3. c. 19. s. 4.

And so much of the statute 2 William and Mary, c. 5., as requires any sheriff or undersheriff or constable to be aiding and assisting at any distress for rent, or to swear any appraiser thereat, shall be repealed, and no oath shall after the day aforesaid be required from such appraiser.

Exemptions, and interpretation of words.

14. Nothing herein contained shall apply to special constables appointed under the statutes relating thereto, nor to any officer appointed at a court leet or torn for any purpose other than the preservation of the peace in any parish.

The term "county" shall extend to every riding or division of a county for which there is a separate court of general or quarter sessions.

The term "parish" among other meanings applicable to it, shall signify a place for which a separate poor rate is or can be made or for which a separate overseer is or can be appointed.

The term "constable" shall include every petty constable, headborough borsholder, tithingman, or other peace officer of the like description authorised or required to be appointed for any parish at the date of this Act.

The term "vestry" shall include all meetings of the inhabitants of any township or other place for which a separate overseer is appointed, to be summoned in the like manner and with the like notice as the ordinary meetings of a vestry.

The word "overseers" shall include churchwardens so far as they are authorised by law to act as overseers.

Title of the Act.

15. The Act may be cited as "The Parish Constables Act, 1872."

CHAPTER 93.

An Act for consolidating, with Amendments, the Acts relating to Pawnbrokers in Great Britain. [10th August 1872.]

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: