



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xcvi.

An Act to enable the Magistrates of the County Palatine of *Chester* to appoint Special High Constables for the several Hundreds or Divisions, and Assistant Petty Constables for the several Townships, of that County. [1st *June* 1829.]

WHEREAS it is expedient to provide more effectually for carrying into execution the Laws for the Prevention of Crime and the Detection of Offenders within the County Palatine of *Chester*, and that for that Purpose the Magistrates of the said County should have Power to appoint Special High Constables for the several Hundreds or Divisions, and Assistant Petty Constables for the several Townships, within the said County: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 after the passing of this Act the Justices of the Peace of the County Palatine of *Chester*, assembled at any Quarter Sessions of the Peace, or at any Adjournment thereof, may from Time to Time, as they may think proper, appoint a Person, duly qualified as herein-after

[*Local.*] 25 C mentioned,

Justices at
Quarter Ses-
sions may
from Time to
Time appoint
Special High

Constables
for Hundreds
or Divisions.

Special High
Constable to
give Notice
before he
shall resign.

Assistant
Petty Con-
stables may
be appointed
for Town-
ships, on the
Recommen-
dation of
Three Magis-
trates in Petty
Sessions.

Assistant
Petty Con-
stable to
give Notice
before he
shall resign.

Qualification
of Constables.

mentioned, to be a Special High Constable for any One Hundred or Division, or for any Two or more adjoining Hundreds or Divisions, within the said County, for such Period as the said Justices shall think expedient; and upon any Vacancy in such Office, by Death, Resignation, Efflux of Time, or otherwise, the Justices of the said County, assembled at any such Sessions or Adjournment as aforesaid, may from Time to Time appoint another proper Person to be a Special High Constable in the Place of the Person making such Vacancy: Provided always, that no Special High Constable appointed under this Act shall resign his said Office until he shall have given to the Justices of the said County, assembled at their Quarter Sessions, One Calendar Month Notice at the least of his Intention to resign the same Office.

II. And be it further enacted, That the Justices of the Peace for the said County, assembled at any Quarter Sessions of the Peace, or at any Adjournment thereof, may, on the Recommendation of the Justices of the Peace acting for any Hundred or Division in the said County, being assembled in Petty Sessions within such Hundred or Division, not being less than Three, from Time to Time appoint a proper Person, duly qualified as herein-after mentioned, to be an Assistant Petty Constable for any One Township, or for Two or more adjoining Townships, within such Hundred or Division, for such Period as the said Justices, assembled at any Quarter Sessions of the Peace or Adjournment thereof, shall think expedient (except as herein-after mentioned); and upon any Vacancy in the Office of any such Assistant Petty Constable, by Death, Resignation, Efflux of Time, or otherwise, the Justices of the Peace of the said County, assembled at any Quarter Sessions of the Peace, or any Adjournment thereof, may, on the like Recommendation of any Three or more Justices acting for the Hundred or Division within which the Township or Townships for which such Constable shall be appointed shall be situate, assembled in Petty Sessions, appoint another proper Person to be an Assistant Petty Constable in the Place of the Person making such Vacancy: Provided always, that no Assistant Petty Constable appointed under this Act shall resign his said Office until he shall have given to the Justices assembled at any Petty Sessions in the Hundred or Division within which the Township or Townships for which such Constable shall be appointed may be situate, One Calendar Month's Notice at the least of his Intention to resign the same Office.

III. And be it further enacted, That no Person shall be appointed to the Office of Special High Constable or Assistant Petty Constable under this Act, unless he shall be of a sound Constitution, able-bodied, and under the Age of Forty Years, and of good Character for Honesty, Sobriety, Fidelity, and Activity, and able to read and write; such Qualification to be certified to the Justices making the Appointment, in such Manner as they shall from Time to Time require; and no such Constable shall continue to hold his Office after he shall have attained the Age of Sixty Years.

IV. And

IV. And be it further enacted, That every Special High Constable and Assistant Petty Constable to be appointed under this Act shall take the following Oath, which shall be administered to each of them in open Court at any General Quarter Sessions of the Peace for the said County, or at any Adjournment thereof; for the Appointment of which Officer, and for the administering of which Oath, the Sum of Seven Shillings and Sixpence shall be charged, and no more :

Special High Constables, &c. to take Oath.

‘ I *A.B.* do swear, That I will well and truly serve and bear true Allegiance to our Sovereign Lord the King in the Office of Special High Constable for the Hundred [*or Hundreds*] of [*or Division or Divisions of*] in the County Palatine of *Chester*, [*or Assistant Petty Constable for the Township [*or Townships*] of* in the County Palatine of *Chester*,] and will faithfully serve the said Office, without Favour or Affection, Malice or Ill-will; that I will, to the best of my Power, cause the Peace to be kept and preserved, and prevent all Offences against the same; and that while I shall continue to hold the said Office I will, to the best of my Skill and Knowledge, discharge all the Duties thereof faithfully according to Law.

Oath of Office.

‘ So help me GOD.’

And every Special High Constable and Assistant Petty Constable, having taken the said Oath, shall, not only within the District for which he shall be appointed, but also throughout the whole of the said County, have all such Powers, Authorities, Privileges, Advantages, and Immunities, until he shall be legally removed from his Office, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Laws made or to be made, and shall be subject to such Penalties and Forfeitures for Misconduct or Neglect of Duty as any Constable now is or hereafter may be subject to by virtue of any Laws made or to be made.

Powers and Privileges of Constables appointed under this Act.

V. And be it further enacted, That every such Special High Constable shall reside as near as conveniently may be to the Centre of the Hundred or Division, or of the Two or more adjoining Hundreds or Divisions, for which he shall be appointed, such Place of Residence to be approved of by the Justices who shall appoint him; and every such Assistant Petty Constable shall reside within the Township for which he shall be appointed, and if appointed for Two or more adjoining Townships, then as near to the Centre of his District as conveniently may be, such Place of Residence to be approved of by the Justices who shall appoint him; and if any Special High Constable shall remove from the Place of his Residence after the same shall have been so approved of, without the Permission of the Justices assembled in Quarter Sessions, or if any Assistant Petty Constable shall remove from his Place of Residence after the same shall have been approved of, without the Permission of the Justices assembled at a Petty Session in the Hundred or Division within which the Township or Townships for which he shall be appointed may be situate, or if any such Special High Constable or Assistant Petty Constable shall absent himself

Regulations as to Place of Residence of Constables.

Penalties for Non-residence.

himself from the Place of his Residence for the Space of Ten successive Days at any One Time, except upon the Business of his Office or for some other lawful Cause or Excuse, he shall be deemed to be guilty of Misconduct, and shall be liable to be removed from his Office for the same, in the Manner herein-after mentioned, or in lieu thereof he shall be liable, on Conviction before any Two Justices of the Peace, to pay such Penalty, not exceeding Five Pounds, as they may think fit to impose; the same to be recovered in the Manner herein-after directed with respect to the Recovery of Penalties imposed on such Officers for Neglect or Violation of Duty in their respective Offices.

Duties of
Special High
Constables.

VI. And be it further enacted, That every such Special High Constable shall attend at the several Quarter Sessions of the Peace to be holden for the said County, and also, when required, at the several Petty Sessions to be holden for the Hundred or Hundreds, Division or Divisions, for which he shall be appointed, and shall make Report to the Justices at such respective Sessions concerning all such Matters as they shall from Time to Time think proper to require him to report upon; and he shall also obey and execute all the Warrants, Orders, and Commands of any of the Justices of the Peace for the said County, which shall be specially directed to him in Cases of Felony or Misdemeanor; and he shall take immediate Measures for the Detection and Apprehension of all Persons guilty or suspected to be guilty of any Felonies or Misdemeanors which shall be reported to him or in anywise come to his Knowledge; and he shall give Notice of such Felonies and Misdemeanors, together with the Description and Names of the Persons guilty or suspected to be guilty thereof, if the same shall be known to him, to the Special High Constables of adjacent Hundreds or Divisions, or of all or any other Hundreds or Divisions, or to any other Officers or Persons to whom it may, under the particular Circumstances of each Case, be in his Judgment expedient to communicate the same, and he shall also, under the Direction of a Justice of the Peace of the said County, Information on Oath having been exhibited before such Justice, cause Notices to be inserted in the *Hue and Cry* Gazette, and in the Newspapers published within the said County or any adjoining County, or shall circulate such Notices by means of printed Handbills; and shall apprehend and take before a Justice of the Peace of the said County every suspected Person or reputed Thief frequenting any Place of public Resort or any Avenue leading thereto, or any Street, Highway, or Place adjacent, and whom the said Special High Constable may have reasonable cause to suspect of an Intent to commit Felony; and such High Constable shall also assist the Justices of the Peace of the said County in the Suppression of all Riots, tumultuous Assemblies, and Breaches of the Peace.

Special High
Constables
may com-
mand the Aid
of all inferior
Constables.

VII. And be it further enacted, That every such Special High Constable may upon Hue and Cry, or upon reasonable Suspicion that any Felony has been committed or is intended to be committed by any Person, or upon any other pressing Emergency, require the Assistant Petty Constables appointed under this Act to render their
Aid

Aid and Service throughout the said County, and may also require the Constables for the Townships as now by Law appointed to render their Aid and Service within their said Townships or the next immediately adjoining Townships.

VIII. And be it further enacted, That every Assistant Petty Constable to be appointed under this Act shall be liable to execute all the Duties which by Law do or shall belong to a Constable of a Township, and shall render his Aid and Service to any Special High Constable whensoever or wheresoever he may be required so to do by such Special High Constable within the said County.

Duties of
Assistant
Petty Con-
stables.

IX. And be it further enacted, That if any Special High Constable or Assistant Petty Constable appointed under this Act shall be guilty of any Neglect or Violation of Duty in his Office, he shall, on Conviction thereof before any Two Justices of the Peace of the said County, either upon their own View, or after Examination upon Oath or Affirmation of any Witness or Witnesses, or upon Confession of the Party, be liable to such Penalty, nor exceeding Five Pounds, as the said Justices shall think fit to impose; and in case such Offender shall not pay the Penalty imposed, either immediately after the Conviction or within such Period as the said Justices shall at the Time of the Conviction appoint, the same shall be levied by Distress and Sale of the Goods of the Offender, under a Warrant from either of such Justices; and if a sufficient Distress cannot be found, it shall be lawful for the said Justices to commit the Offender to the House of Correction for any Period not exceeding Two Calendar Months, unless such Penalty shall be sooner paid; and either of the said Justices shall cause the Penalty, when imposed, to be forthwith delivered to the Treasurer of the said County, to be by him added to and used as Part of the Stock of the said County: Provided always, that if any Money shall be due to such Offender at the Time of his Conviction, on account of his Salary, such Money shall, if more than or equal to the Penalty imposed, be retained and set off against the same, and so much only of such Salary as shall exceed the said Penalty shall be paid to the Offender; and in case the Money due to such Offender on account of his Salary shall be less than the Penalty imposed, such Money shall be retained and deducted from the Amount of such Penalty, and the Warrant of Distress shall be issued for such Sum only as shall remain due on account of the Penalty after such Deduction.

Penalty on
Constables
for Neglect
of Duty.

Penalty may
be deducted
from Salary.

X. And be it further enacted, That every Special High Constable appointed under this Act for any Hundred or Hundreds or Division or Divisions shall be under the immediate Direction and Controul of the Justices of the Peace acting for such Hundred or Hundreds or Division or Divisions; and every Assistant Petty Constable appointed under this Act for any Township or Townships shall be under the immediate Direction and Controul of the Justices acting for the Hundred or Division within which such Township or Townships shall

Justices at
Quarter
Sessions may
remove Con-
stables for
Misconduct.

[*Local.*]

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be situate ; and the Justices of the Peace, assembled at the Quarter Sessions of the Peace for the said County, or at any Adjournment thereof, are hereby authorized to remove any such Special High Constable or Assistant Petty Constable from his Office for any Misconduct or Incapacity, or in case they shall at any Time think that the Necessity for the Continuance of such an Officer has ceased.

Justices at Petty Sessions may suspend any Constable, and appoint a Substitute ad interim.

XI. And be it further enacted, That any Three or more of the Justices of the Peace acting for any Hundred or Division for which any Special High Constable or Assistant Petty Constable shall have been appointed may, by an Order under their Hands made in Petty Session, suspend such Special High Constable or Assistant Petty Constable from the Execution of his Office, and may appoint some other Person to act as a Special High Constable or Assistant Petty Constable in his Place until the Quarter Sessions then next ensuing, with a reasonable Allowance to the Person appointed in the Place of such Special High Constable for his Trouble, Loss of Time, and Expences in executing the said Office, to be paid by the Treasurer of the said County in manner herein-after mentioned, and with a reasonable Allowance to the Person appointed in the Place of such Assistant Petty Constable for his Trouble, Loss of Time, and Expences in executing the said Office, to be paid to him, in manner herein-after mentioned, out of the Rate for the Relief of the Poor for the Township or Townships for which he shall act ; and the Justices at such Quarter Sessions shall either reinstate or remove the Officer so suspended, as they may think proper ; and the Salary of such Officer shall cease from the Period of his Suspension, unless he shall be reinstated by the Justices at such Quarter Sessions, and unless they shall direct such Salary to be paid him from the Time of such Suspension.

Indemnity to Officers acting in the Execution of the Act.

XII. And be it further enacted, That when any Action shall be brought against any Special High Constable or Assistant Petty Constable appointed under this Act, or against any Person appointed to act during the Suspension of the Special High Constable or Assistant Petty Constable, for any thing done in obedience to the Warrant of any Justice of the Peace of the said County, such Constable or Person shall not be responsible for any Irregularity in the issuing of such Warrant, or for any Want of Jurisdiction in the Justice issuing the same, and such Constable or Person may plead the General Issue and give such Warrant in Evidence ; and upon producing such Warrant, and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person is reputed to be and acts as a Justice of the Peace of the County of *Chester*, and that the Act or Acts complained of was or were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable or Person, who shall thereupon recover his Costs of Suit.

XIII. And

XIII. And be it further enacted, That if at any Time, or in any Court, or on any Occasion, any Question shall arise as to the Right of any Justice of the Peace of the said County, or of any Constable appointed under this Act, to hold or execute any such Office respectively, Common Reputation shall to all Intents and Purposes be deemed and held to be sufficient Evidence of such Right, and it shall not be necessary to produce or prove any Appointment, or any Oath, Affidavit, or other Document, or any other Matter whatsoever, in respect of such Right.

Reputation to be sufficient Evidence of official Character.

XIV. And be it further enacted, That the Justices of the said County, at their Quarter Sessions, or at any Adjournment thereof, may order a Salary for every such Special High Constable, according to the Population of the District for which he shall be appointed, as reported in the then last Returns to Parliament, which Salary shall be regulated as follows; that is to say, where the Population of the District for which such Constable shall be appointed shall exceed Fifty thousand, the said Justices may order an annual Sum not exceeding One hundred and fifty Pounds; where the Population shall be less than Fifty thousand, but more than Thirty thousand, an annual Sum not exceeding One hundred and ten Pounds; where the Population shall be less than Thirty thousand, but more than Twenty thousand, an annual Sum not exceeding Eighty Pounds; and where the Population shall be less than Twenty thousand, an annual Sum not exceeding Sixty Pounds; and the said Justices, at their Quarter Sessions or at any Adjournment, may from Time to Time make such reasonable Allowances to any Special High Constable, as they shall think fit, for Expences incurred in the Execution of his Duty, or in procuring the Insertion in the Newspapers of Notices or Advertisements, or in the printing, posting, and circulating Handbills, as herein-before mentioned, provided that such Allowances shall have been previously approved and recommended by Two Justices of the Peace acting for any Hundred or Division for which such Special High Constable shall be appointed; and the Justices of the Peace, at any Quarter Sessions, or Adjournment thereof, may from Time to Time order the Treasurer of the said County to pay to each such Special High Constable the Amount of his Salary, and also such Allowances as aforesaid, out of any Money in the Hands of such Treasurer, collected under and by virtue of the Rate or Assessment herein-after authorized to be made upon the Hundred for which such Special High Constable or Special High Constables shall be appointed; and the Treasurer is hereby authorized and required to pay the same when so ordered, and shall be allowed such Payments in his Accounts.

Salary of Special High Constable.

Reasonable Allowance for Expences incurred in the Execution of his Duty.

XV. Provided always, and be it further enacted, That the Treasurer of the said County shall and may (if the Justices so assembled as aforesaid shall so direct) pay such Salaries and Allowances as aforesaid out of the General Public Stock or County Rate of the said County, and the same shall be repaid to such General Stock out of the first Rate or Assessment made under the

Treasurer may pay Salaries out of the General County Rate, to be repaid out of the Hundred Rate.

the Authority of this Act on the Hundred for which such Special High Constable or Special High Constables shall be so appointed.

Rates to be made on each Hundred for paying Special High Constables Salaries.

XVI. And be it further enacted, That for the Purpose of paying such Salaries and Allowances as aforesaid it shall be lawful for the Justices of the Peace for the said County, assembled at any Quarter Sessions of the Peace, or any Adjournment thereof, from Time to Time, when and as Occasion shall require, to order and direct distinct and separate Rates or Assessments to be made upon each and every or any Hundred of the said County, and for that Purpose to assess, rate, and charge every Parish, Township, and other Place, whether Parochial or Extra-parochial, within such Hundred, (except as herein-after mentioned,) rateably and equally, according to a certain Pound Rate to be from Time to Time fixed and publicly declared by such Justices, of the full, fair, and annual Value of the Messuages, Lands, Tenements, and Hereditaments rateable to the Relief of the Poor therein; and it shall be lawful for such Justices, so assembled, to order Warrants to be from Time to Time issued, in the same Manner as now authorized and practised by Law for collecting County Rates, to the High Constables of each and every Hundred of the said County, ordering and requiring them to issue their Warrants to the respective Overseers of the Poor within their respective Divisions, to levy, collect, and pay to them the said High Constables, within a Time to be named and limited in the Warrant so ordered by the said Justices to be issued as aforesaid, all such Rate or Rates, Assessment or Assessments; and the Amount thereof, when received by such High Constables, shall be by them paid, at such Time as shall be mentioned and specified in such last-mentioned Warrant, to the Treasurer of the said County for the Time being; and the Money collected under the Rate or Assessment made within each such Hundred, and so paid to the said Treasurer, shall be by him applied in paying and discharging the Salary or Salaries of the Special High Constable or Special High Constables appointed for such Hundred, and the Allowances so made to him or them as aforesaid, or in reimbursing to the Public Stock of the said County any Sum or Sums of Money which may, by Order of such Justices, have been by him advanced for the Purpose of paying such Salary or Salaries and Allowances.

Regulations as to County Rate to apply to the Hundred Rates. 55 G. 3. c. 51.

XVII. And be it further enacted, That all and every the Rules, Regulations, Provisions, Powers, Authorities, Penalties, and Forfeitures expressed, contained, or imposed in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, or any other Act in force touching the collecting of County Rates, shall extend and apply to the making, collecting, and recovering the several Rates or Assessments hereby authorized to be made, in as full and ample a Manner as if the same were herein expressly re-enacted.

XVIII. Pro-

XVIII. Provided always, and be it further enacted, That in case the same Person shall be appointed a Special High Constable for Two or more Hundreds of the said County, his Salary and Allowances so to be made to him as aforesaid shall be apportioned between such Two or more Hundreds according to the Population thereof respectively, so reported in the last Returns to Parliament, and shall be raised and levied, in such Proportions, by Rates or Assessments on the several Parishes, Townships, and Places, whether Parochial or Extra-parochial, within such Hundreds respectively, in manner herein-before directed.

If same Person be appointed for Two or more Hundreds, Salary to be apportioned.

XIX. Provided always, and be it further enacted, That in case the Money to be raised within any of the said Hundreds for paying such Salaries and Allowances as aforesaid shall at any Time be so small that the same cannot be conveniently raised by a Rate according to any known fractional Part of the Pound Sterling, it shall be lawful for the said Justices to order a Warrant to be issued for raising and levying such Sum of Money as can be conveniently raised, and amounting as nearly as may be to the Sum required, but so that no such Rate or Assessment shall be made upon a lower Fraction of a Pound Sterling than One Farthing; and that if under any such Rate or Assessment there shall be raised more Money than shall be actually required for the Payment of such Salaries and Allowances, the Excess shall be carried to the Credit of the Hundred within which the same shall have been raised, in aid of any future Rate or Assessment thereon; and if the Money so raised shall be less than the Sum required, the Difference shall be paid by the said Treasurer out of the Public Stock of the said County, and be repaid to him out of the next Rate or Assessment upon such Hundred.

Regulations as to Rates for small Sums.

XX. And be it further enacted, That the Treasurer of the said County shall and he is hereby required to keep a separate and distinct Account of the several Sums by him received and paid by virtue of this Act within each and every Hundred of the said County, and shall produce the same to the Justices assembled at every Quarter Sessions of the Peace for the said County, and the same shall be examined and audited by the said Justices, and, being allowed and passed by them, shall be deposited with the Clerk of the Peace for the said County, to be kept among the Records thereof, and that such Allowance of the said Justices shall be a sufficient Release and Discharge to such Treasurer; and the said Justices, so assembled as aforesaid, may from Time to Time order such Allowance as they shall think reasonable to be paid, out of the General Stock of the said County, to the said Treasurer for his Trouble in the Execution of this Act.

Treasurer to keep separate Accounts of Sums received within each Hundred.

XXI. And whereas the Inhabitants of the several Townships or Places of *Stockport*, *Macclesfield*, and *Congleton*, in the said County, do already respectively provide for the Payment of Constables and other Peace Officers within the same, under the Authority of certain

Not to extend to Towns having Police Establishments.

[*Local.*]

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Acts

Acts of Parliament for the Maintenance of the Police therein respectively, or otherwise; be it therefore enacted, That nothing in this Act contained shall extend to authorize the Justices of the Peace of the said County to appoint any Assistant Petty Constable within any of the said Townships or Places, nor shall any Messuages, Lands, Tenements, or Hereditaments situate, lying, or being within any of the said Townships or Places, be rated or assessed under or by virtue of this Act.

Salary of
Assistant
Petty Con-
stables.

XXII. And be it further enacted, That the Justices of the Peace for the said County, assembled at any Quarter Sessions of the Peace, or any Adjournment thereof, may, on the Recommendation of any Three or more Justices of the Peace acting for any Hundred or Division in the said County, being assembled in Petty Sessions, order a Salary for each Assistant Petty Constable who may be appointed under this Act for any Township within such Hundred or Division, and such Salary shall be paid by the Overseers of the Poor of the said Township, if there be any, and, if not, by the Overseers of the Parish or Place within which such Township shall be situate, out of the Money collected in such Township by virtue of any Rate for the Relief of the Poor, or of any Constable's Rate; and if the Appointment of such Assistant Petty Constable shall extend to Two or more Townships, each of such Townships shall contribute to his Salary, out of the Money collected in each by virtue of any Rate for the Relief of the Poor, or of any County Rate, in such Proportions as shall be settled by the Justices in Petty Sessions; provided that such Salary shall in no Case exceed the annual Sum of Twenty Pounds for each Township; and the Salary of such Assistant Petty Constable shall be taken as a complete Remuneration for all Duty performed by him within the Limits of the Township or Townships for which he shall be appointed; but with regard to any Duty performed beyond such Limits, whether the same shall have been performed in consequence of any Warrant issued by a Magistrate to such Assistant Petty Constable, or not, the Justices assembled at the Quarter Sessions of the Peace for the said County, or at any Adjournment thereof, may make such reasonable Allowances to him for his Trouble, Loss of Time, and Expences in the Performance of such Duty, as they shall think fit, and may order the same to be paid by the Treasurer of the County, who is hereby authorized and required to pay the same when so ordered, and shall be allowed such Payments in his Account; provided that such Allowances shall have been previously approved and recommended by Two Justices of the Peace acting for the Hundred or Division within which the Township or Townships for which such Constable shall be appointed may be situate.

Allowance
for Duty
performed
beyond the
Limits of his
own Town-
ship.

Justices in
Petty Ses-
sions may
order increas-
ed Salary for

XXIII. Provided always, and be it further enacted, That the Justices of the Peace of the said County, assembled at any Quarter Sessions of the Peace, or any Adjournment thereof, may, on the Recommendation of Three Justices of the Peace acting for the Hundred

Hundred or Division of the said County, assembled at any Petty Sessions within such Hundred or Division, and with the Consent in Writing of the Majority of the Persons entitled to vote at any Vestry or Vestries in any such Township or Townships under the Provisions of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and of another Act passed in the Fifty-ninth Year of the same Reign, to amend that Act, such Persons being assembled in Vestry held in pursuance of such Acts, and such Votes being taken in the Manner thereby prescribed, order for such Assistant Petty Constable, in lieu of the Salary herein-before authorized to be ordered for him, any Salary not exceeding Fifty Pounds *per Annum*, the same to be paid as herein-before directed with respect to the Salaries of Assistant Petty Constables.

Assistant
Petty Con-
stable in cer-
tain Cases.

58G.3. c.69.

XXIV. And be it further enacted That no Special High Constable or Assistant Petty Constable to be appointed under this Act shall demand or accept any Remuneration by way of Fee or Gratuity for his Services, beyond his Salary and Allowances, except in the Cases herein-before mentioned; and if he shall offend in that Behalf he shall be deemed guilty of Misconduct, and shall be liable to be removed from his Office for the same in the Manner herein-before mentioned, or in lieu thereof he shall be liable, on Conviction before any Two Justices of the Peace of the said County, to pay such Penalty, not exceeding Twenty Pounds, as they may think fit, the same to be recovered and applied as is herein-before directed with respect to the Recovery and Application of Penalties imposed on such Officers for Neglect or Violation of Duty in their respective Offices: Provided always, that nothing herein-before contained shall prevent any such Constable, if a Prosecutor or Witness, in any Case, from receiving such Allowances as any other Person being a Prosecutor or Witness would be entitled to receive in a similar Case, or from receiving any Reward to which he may become entitled under any Act passed or to be passed for rewarding the Exertions of Persons who may have been active in or towards the Apprehension of Offenders.

Officers to
receive no
further Re-
muneration
than as
allowed by
the Act;

except Allow-
ances as
Prosecutors
or Witnesses,
and Rewards.

XXV. And be it further enacted, That no Special High Constable appointed under this Act shall, without such Permission as herein-after mentioned, engage in or exercise any Trade or Profession, or hold any Office other than that of Special High Constable, during the Period for which he shall be appointed and serve as such Special High Constable: Provided nevertheless, that it shall be lawful for any Two or more Justices of the Peace, assembled in Petty Sessions within any Hundred or Division for which any Special High Constable shall be appointed, to grant a Permission in Writing under their Hands for such Special High Constable to exercise any Trade or Profession which in their Judgment shall not be incompatible with the due Performance of the Duties of his Office; and it shall be lawful for any Three or more such Justices, by an Order under their

No Special
High Con-
stable to be
engaged in
any Trade,
except with
the Perm-
ission of the
Magistrates.

their Hands at any subsequent Petty Sessions, to revoke such Permission.

Proceedings
not to be void
for Want of
Form, &c.

XXVI. And be it further enacted, That no Conviction, Adjudication, Order, Warrant, or other Matter whatsoever in Writing, made or purporting to be made by virtue of this Act, shall be held void for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record.

Existing
Powers of
Constables
not to be in-
terfered with.

XXVII. Provided always, and be it enacted, That the Offices and Duties of the High Constables and Petty Constables as now by Law appointed in the County of *Chester*, or the Appointment of such Officers, shall not be altered or affected by this Act, further than as is herein-before expressly declared.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

XXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before a Justice or Justices of the Peace, it shall be lawful for any Justice or Justices of the Peace to whom the Complaint shall be made of any Offence against this Act to summon before him or them the Party or Parties complained against, and on such Summons to hear and determine the Matter of such Complaint, and, on Proof of the Offence, to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him or them; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

Forms of
Information
and Convic-
tion.

XXIX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act shall and may cause the Information, whenever an Information in Writing or Print is taken, and also the Conviction, to be drawn up according to the following Forms, or in any other Forms to the same Effect, as the Case may require :

Form of
Information.

' to wit. } **B**E it remembered, That on the _____ Day of _____
' A. B. of _____ informeth me C. D.,
' one of His Majesty's Justices of the Peace for the said County,
' that _____ of [here describe
' the Offence, with the Time and Place], contrary to an Act passed in
' the Tenth Year of the Reign of His Majesty King George the
' Fourth, intituled [insert the Title of this Act], which hath imposed
' a Penalty of _____ for the said Offence. Taken the
' _____ Day of _____ before me _____.'

Form of
Conviction.

' to wit. } **B**E it remembered, That on [Time of Conviction], at
' A. B. was convicted before me C. D., one of
' His Majesty's Justices of the Peace for the said County, that the
' said A. B. on _____ at _____ did [here state the Offence],
' contrary _____'

‘ contrary to an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]; and I do therefore adjudge that the said *A. B.* has forfeited for the said Offence the Sum of [*Penalty*]. Given under my Hand and Seal the Day and Year first above written.’

XXX. Provided also, and be it further enacted, That if any Person shall think himself aggrieved by any Act, Matter, or Thing made, done, or arising under or out of or in pursuance of this Act, or by any Warrant, Order, or Conviction of any Justice or Justices of the Peace, it shall be lawful for such Person to appeal to any General or Quarter Sessions of the Peace to be held in and for the said County of *Chester* within Three Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of Three Calendar Months next after such Period, then such Appeal shall be made to the next succeeding Sessions, either of which Courts of Sessions is hereby empowered to hear and finally determine the Matter of the Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties: Provided always, that the Person so appealing shall give or cause to be given at least Seven Days Notice in Writing of his Intention to appeal as aforesaid, and of the Matter or Cause thereof, to the Clerk of the Peace for the Time being of the said County, or other the Respondent, and shall within Three Days after such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Sureties, to try such Appeal at the then next General or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and to pay such Costs as shall be awarded by the said Justices at such Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes.

Appeal to
the Quarter
Sessions.

XXXI. And be it further enacted, That in all Cases where any Justices of the Peace are by this Act authorized to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justices, and they are hereby empowered and required, to administer an Oath to or to receive the Affirmation of any such Person before he or she shall be so examined.

General
Powers to
Justices to
administer
Oaths, &c.

XXXII. And be it further enacted, That the Expences of obtaining and passing this Act, or incident thereto, shall be paid out of the County Rate for the County Palatine of *Chester*, and shall be levied and raised in the same Manner as County Rates may be levied and recovered.

Expences of
Act.

[*Local.*]

25 F

XXXIII. And

Public Act.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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