



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xxxi.

An Act to amend an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *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.*

[28th May 1852.]

WHEREAS by the Act of the Tenth *George* the Fourth, Chapter Ninety-seven, the Magistrates of the County Palatine of *Chester* are enabled to appoint a Special High Constable for any One Hundred or Division or for any Two or more adjoining Hundreds or Divisions, and also an Assistant Petty Constable for any One Township or for Two or more adjoining Townships, within the said County, except as therein mentioned: And whereas it is expedient that the said Magistrates should be empowered to appoint as many Assistant Petty Constables as they may think right for each Hundred or Division, and to charge the Salaries of such Assistant Petty Constables upon the Hundred or Division for which they may be appointed, save

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and

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and except as is herein-after provided, and it is also expedient that the said Act should be in other respects altered and amended: May it therefore please Your Majesty that it may be enacted; and 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 (that is to say):

Recited Act repealed.

I. That the said recited Act shall be and the same is hereby repealed, save only and except with respect and so far as relates to any Appointments of Special High Constables and Assistant Petty Constables already made under the Authority of the said recited Act, and to any Acts, Deeds, Contracts, Matters, or Things made or done or entered into before the passing of this Act, and any Monies payable, or that would have become payable, if this Act had not been passed for or by reason of any Act or Authority previously done or given, and any Offences committed before the passing of this Act, all which Acts, Deeds, Contracts, Matters, and Things shall be as valid and be dealt with and enforced, and all which Monies shall be paid and recovered, and all which Offences shall be punished, as if this Act had not been passed.

Power to Justices to appoint Special High Constables for Hundreds or Divisions.

II. That the Justices assembled at any Quarter Sessions may, from Time to Time as they may think proper, appoint a proper Person to be a Special High Constable for any One Hundred or Division or for any Two or more adjoining Hundreds or Divisions; and upon any Vacancy in such Office by Death, Removal, Resignation, or otherwise the Justices assembled at any such Sessions 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 or the said recited Act shall resign his said Office until he shall have given to the said Justices assembled at Quarter Sessions One Month's Notice at the least of his Intention to resign the same Office, unless such Justices shall think fit to dispense with such Notice.

Power to Justices to appoint Assistant Petty Constables for Hundreds or Divisions, on the Recommendation of the Justices in Special Sessions.

III. That the Justices assembled at any Quarter Sessions may, on the Recommendation of the Justices assembled in Special Sessions for any Hundred or Division, from Time to Time appoint proper Persons to be Assistant Petty Constables for any such Hundred or Division; and upon any Vacancy in the Office of any such Assistant Petty Constable by Death, Removal, Resignation, or otherwise the Justices assembled at any Quarter Sessions may, on the like Recommendation of the Justices assembled in Special Sessions for the Hundred or Division for which such Constable shall have been appointed, 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

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Petty Constable appointed under this Act or the said recited Act shall resign his said Office until he shall have given to the Justices assembled in Special Sessions for the Hundred or Division for which such Constable shall have been appointed One Month's Notice at the least of his Intention to resign the same Office, unless such Justices shall think fit to dispense with such Notice.

IV. That the Justices assembled at any Quarter Sessions may at any Time, on the Recommendation of the Justices assembled in Special Sessions for any Hundred or Division, increase or diminish the Number of Assistant Petty Constables for such Hundred or Division.

Power to increase or diminish Number of Assistant Petty Constables.

V. That the Justices assembled in Special Sessions for any Hundred or Division may from Time to Time apportion the Assistant Petty Constables appointed under the Provisions of the said recited Act for any Township or Townships within such Hundred or Division, or appointed under the Provisions of this Act for such Hundred or Division, amongst the several Townships, extra-parochial or other Places comprised in such Hundred or Division, in such Manner as such Justices may think fit, and may assign to any One or more of such Townships, extra-parochial or other Places, or to any Portion of a Township, extra-parochial or other Place, or to any Portion of a Township, extra-parochial or other Place, in conjunction with the whole or any Portion of any other Township, extra-parochial or other Place, One or more Assistant Petty Constable or Constables to act in the District to which he or they may be so assigned.

Assistant Petty Constables to be apportioned amongst the Townships.

VI. That the Justices assembled at any Quarter Sessions may from Time to Time frame and make such Orders and Regulations as to them shall seem meet relative to the Conduct and Duty of Special High Constables and Assistant Petty Constables, and for preventing Neglect, and for rendering such Constables efficient in the Discharge of their respective Duties.

Justices may make Regulations for the Management of Constables.

VII. That no Person shall be appointed to the Office of Special High Constable or Assistant Petty Constable unless he shall be of 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 recommending the Appointment in such Manner as they shall from Time to Time require: Provided always, that the said Restriction as to Age shall not extend to any Person who, having been appointed to the Office of Special High Constable or Assistant Petty Constable, either under the Provisions of this Act or of the said recited Act, shall or may have resigned or retired from such Office, or have been removed therefrom on the Ground of the Necessity for the Continuance of his Services having ceased, or on any Ground other than

Qualification of Constables.

Misconduct

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Misconduct or Incapacity, but such Person, if otherwise qualified, may be appointed to the Office of Special High Constable or Assistant Petty Constable notwithstanding he may be above the Age of Forty Years; provided also, that any Assistant Petty Constable may be promoted to the Office of Special High Constable notwithstanding he may be above the Age of Forty Years at the Time of such Promotion; but no Special High Constable or Assistant Petty Constable, whether under the Provisions of this Act or of the said recited Act, shall continue to hold his Office after he shall have attained the Age of Sixty Years, unless the Justices assembled in Quarter Sessions shall, upon the Recommendation of the Justices assembled in Special Sessions for any Hundred or Division within which such Special High Constable or Assistant Petty Constable shall be acting, by a Special Order authorize or permit him so to do.

Oath to be taken.

VIII. That every Special High Constable and Assistant Petty Constable who shall be appointed under this Act shall take the following Oath, which shall be administered to each of them in open Court, at any Quarter Sessions; 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, the same to be paid out of the Rates by this Act authorized to be levied upon the Hundred or Division for which such Officer shall be appointed:

Form of Oath.

‘ I A. B. do swear, That I will well and truly serve and bear true
 ‘ Allegiance to our Sovereign Lady the Queen in the Office of
 ‘ Special High Constable [*or* Assistant Petty Constable] for the
 ‘ Hundred [*or* Hundreds] of , [*or* Division
 ‘ *or* Divisions of the Hundred *or* Hundreds 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.
 ‘ So help me GOD.’

Constables appointed under Acts to be Constables throughout the whole County, and to have all Powers and Privileges as such.

IX. That every Special High Constable and Assistant Petty Constable appointed under the Provisions of the said recited Act and who shall have taken the Oath thereby prescribed, and every Special High Constable and Assistant Petty Constable who shall be appointed under the Provisions of this Act and who shall have taken the Oath prescribed by this Act, shall, not only within the District for which he shall have been appointed or to which he shall have been assigned but also throughout the whole of the said County, have all such Powers, Authorities, Privileges, Advantages, and Immunities, until he shall

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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 Law 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 Law made or to be made.

X. That every 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 have been appointed, such Place of Residence to be from Time to Time approved of by the Justices assembled in Quarter Sessions; and every Assistant Petty Constable shall reside as near to the Centre of the District to which he may be assigned as conveniently may be, such Place of Residence to be from Time to Time approved of by the Justices assembled in Special Sessions for the Hundred or Division in which such District may be situate; and if any Special High Constable or Assistant Petty 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 of the Justices assembled in Special Sessions for such Hundred or Division (as the Case may be), or shall absent 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 such Misconduct 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 Officers for Neglect or Violation of Duty in their respective Offices.

Regulations
as to Place
of Residence
of Consta-
bles.

XI. That every Special High Constable shall superintend the Assistant Petty Constables within the Hundred or Division for which he shall have been appointed, and shall attend at the several Quarter Sessions, and also when required at the several Special Sessions to be holden for the Hundred or Division for which he shall have been 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 Justice 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

Duties of
Special
High Con-
stables.

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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, and of any other Hundreds or Divisions, and 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, upon Information or 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 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 such Special High Constable may have reasonable Cause to suspect of an Intent to commit Felony; and such Special High Constable shall also assist the Justices in the Suppression of all Riots, tumultuous Assemblies, and Breaches of the Peace.

Special High Constable may in certain Cases command the Aid of all inferior Constables.

XII. That every 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 several Assistant Petty Constables, or any of them, to render their Aid and Service throughout the said County, and may also require the Constables for the several Townships as now by Law appointed to render their Aid and Service within their said Townships or the next immediately adjoining Townships.

Duties of Assistant Petty Constables.

XIII. That every Assistant Petty Constable 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.

Penalty on Constables for Neglect of Duty.

XIV. That if any Special High Constable or Assistant Petty Constable shall be guilty of any Neglect or Violation of Duty in his Office, he shall on Conviction thereof before any Two Justices, either upon their own View or after Examination upon Oath or Affirmation of any Witness, or upon Confession of the Party, be liable to such Penalty, not 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

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sufficient Distress cannot be found, it shall be lawful for the said Justices, or any Two 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 recovered, to be forthwith delivered to the Treasurer of the said County, to be by him applied as herein-after directed: 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 may
be deducted
from Salary.

XV. That every Special High Constable and Assistant Petty Constable appointed for any Hundred or Division shall be under the immediate Direction and Control of the Justices acting in and for such Hundred or Division, and the Justices assembled at any Quarter Sessions 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 his Services has ceased.

Power to
Justices to
remove Con-
stables, &c.
for Miscon-
duct.

XVI. That the Justices assembled in Special Sessions for any Hundred or Division for which any Special High Constable or Assistant Petty Constable shall have been appointed may, by an Order under the Hands of any Three or more of them, suspend any such Special High Constable or Assistant Petty Constable from the Execution of his Office for Misconduct or Incapacity, 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 or Assistant Petty Constable for his Trouble, Loss of Time, and Expense in executing the said Office, to be paid by the Treasurer of the said County in the same Manner as the ordinary Salaries of Special High Constables and Assistant Petty Constables are by this Act authorized to be paid; and the Justices assembled 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 assembled at such Quarter Sessions, and unless they shall direct such Salary to be paid him from the Time of such

Power to
Justices to
suspend
Special
High Con-
stables, &c.
and appoint
Substitutes
ad interim.

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such Suspension, or any Portion of such Salary, as to them may seem expedient and right.

Indemnity
to Officers
acting in the
Execution
of the Act.

XVII. That when any Action shall be brought against any Special High Constable or Assistant Petty Constable, or against any Person appointed to act during the Suspension of any Special High Constable or Assistant Petty Constable, for anything done in obedience to the Warrant of any Justice, 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 and the special Matter in Evidence; and upon producing such Warrant and proving that the Act or Acts complained of was or were done in obedience to such Warrant, such Constable or Person shall be entitled to a Verdict or Judgment in his Favour, and shall thereupon recover his Costs of Suit.

Salary of
Special High
Constables.

XVIII. That the Justices assembled at any Quarter Sessions may order such Salary as they shall think proper, not exceeding in any Case the Sum of One hundred and fifty Pounds, to be paid to any Special High Constable.

Reasonable
Allowances
for Expenses
incurred in
the Execu-
tion of his
Duty.

XIX. That the said Justices may from Time to Time make such reasonable Allowances to any Special High Constable as they shall think fit for Expenses incurred by him 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 assembled in Special Sessions for the Hundred or Division for which such Special High Constable shall have been appointed, and may also from Time to Time make an Allowance to any Special High Constable of such Sum as they shall think fit, not exceeding Sixty Pounds *per Annum*, for the Keep of a Horse; and such Salary and Allowances shall be paid out of the Rates by this Act authorized to be levied upon the Hundred or Division for which such Special High Constable shall have been appointed.

Salary of
Assistant
Petty Con-
stables.

XX. That the Justices assembled at any Quarter Sessions may, on the Recommendation of any Three or more Justices assembled in Special Sessions for any Hundred or Division, from Time to Time fix the Amount of the Salaries to be paid to the Assistant Petty Constables appointed for such Hundred or Division, not exceeding the Sum of Sixty Pounds *per Annum* to any One Person.

Allowance
for Duty
performed

XXI. That the Salary of such Assistant Petty Constable shall be taken as a complete Remuneration for all Duty performed by him within

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within the Limits of the District to which he shall have been assigned; but with regard to any Duty performed beyond such Limits, whether the same shall have been performed in consequence of any Warrant issued by any Justice or not, the Justices assembled at Quarter Sessions may make such reasonable Allowances to him for his Expenses in the Performance of such Duty as they shall think fit, provided that such Allowances shall have been previously approved and recommended by Two Justices assembled in Special Sessions for the Hundred or Division in which the District is situate to which such Assistant Petty Constable shall have been appointed or assigned; and such Salary shall be paid out of the Rates by this Act authorized to be levied upon such Hundred or Division; but such Allowances shall be paid by the Treasurer of the County out of the public Stock or Funds of the said County, and he shall be allowed such Payments in his Accounts.

beyond
the Limits
of his own
District.

XXII. That all Fees which under or by virtue of any Act of Parliament or otherwise may be payable to any Constable for the Service of any Summons or Notice, or for the Execution of any Warrant or Order or otherwise, shall be accounted for and be paid over by the Special High Constable or Assistant Petty Constable by whom the same may be received to the Treasurer of the said County, to be by him applied towards the Payment of the Salaries of the Special High Constable and Assistant Petty Constables appointed for or assigned to the Hundred or Division within or in respect of which such Fees shall have arisen or become payable.

All Fees to
be accounted
for and paid
over to
County
Treasurer.

XXIII. That the Justices assembled at any Quarter Sessions may if they shall think fit, upon the Recommendation of the Justices assembled in Special Sessions for any Hundred or Division, when any Special High Constable or Assistant Petty Constable appointed for or acting within such Hundred or Division shall have been killed in the Execution of his Duty, or shall have died in consequence of Injuries received by him in the Execution of his Duty, leaving a Wife or Children or other Persons either wholly or partially dependent upon him for Support, allow to such Wife, Children, or other Persons, or to any of them, such Compensation, by the Payment either of a Sum in gross or of an annual Sum by way of Annuity, for such Period, and to be paid at such Times and in such Manner, as to such Justices shall seem fit; and all such Payments shall be made out of the Rates by this Act authorized to be levied upon the Hundred or Division for which such Constable shall have been appointed, or within which he shall at the Time of his Death have acted as aforesaid.

Allowance
to Families
of Consta-
bles killed in
Execution of
their Duty.

XXIV. That if any Special High Constable or Assistant Petty Constable shall while in the Execution of his Duty sustain any Injury,
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Allowance
to Constable
for Injury in.

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curred in the
Execution of
his Duty.

either to his Person or to his Clothing, it shall be lawful for the Justices assembled at any Quarter Sessions, upon the Recommendation of the Justices assembled in Special Sessions for the Hundred or Division for which such Special High Constable or Assistant Petty Constable shall have been appointed or within which he shall at the Time of such Injury have acted, to order, if they shall think fit, such Sum of Money to be paid to him by way of Compensation for such Injury as to the Justices assembled at Quarter Sessions shall seem right; and all such Payments shall be made out of the Rates by this Act authorized to be levied upon the Hundred or Division for which such Special High Constable or Assistant Petty Constable shall have been appointed or within which he shall have acted as aforesaid.

If One
Person be
appointed
for Two or
more Hun-
dreds, &c.
each Hun-
dred, &c. to
contribute
towards Ex-
penses.

XXV. That in case the same Person shall be appointed a Special High Constable for Two or more Hundreds or Divisions, the Salary and Allowances by way of Compensation by this Act directed or authorized to be paid to him or to his Wife or Children, or other Persons dependent upon him, shall be apportioned between such Two or more Hundreds or Divisions as the Justices assembled in Quarter Sessions shall direct.

Superannua-
tion Fund
may be pro-
vided.

XXVI. That it shall be lawful for the Justices assembled in Quarter Sessions, if they shall at any Time think it expedient so to do, to direct that a Superannuation Fund shall be established, by deducting from the Salary of every Special High Constable and Assistant Petty Constable, at the Time of every periodical Payment thereof, a Sum of such yearly Rate as such Justices shall direct, not being at a greater Rate than Two Pounds Ten Shillings in One hundred Pounds, which Sum so deducted, and also the Monies accruing from Fines imposed for Misconduct upon any Special High Constable or Assistant Petty Constable, shall from Time to Time be paid to or retained by the Treasurer of the said County, who shall keep a separate Account thereof, and the same shall be invested by him in the Name of such Person or Persons as the said Justices shall from Time to Time direct upon Government Security; and the Interest and Dividends thereof, or so much thereof as shall not be required for Payment of the Allowances by this Act authorized to be paid thereout, shall be likewise invested in like Manner and be allowed to accumulate; and the Security of the said Fund shall be guaranteed by the County; and any Deficiency which may arise in such Fund from the Failure or Default of any Banker or Broker, or other Person intrusted therewith for Investment or any other Cause, shall be made good out of the general Public Stock or Funds of the said County.

Superannua-
tion Allow-
ances.

XXVII. That the Justices assembled at any Quarter Sessions may, on the Recommendation of the Justices assembled in Special Sessions for

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for any Hundred or Division, order that any Special High Constable or Assistant Petty Constable appointed for such Hundred or Division, or assigned to any District within such Hundred or Division, shall be superannuated and be permitted to receive out of the Superannuation Fund such Allowance as such Justices upon such Recommendation as aforesaid shall direct, not exceeding the Proportions following; (that is to say,) if such Special High Constable or Assistant Petty Constable shall have served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Salary, if for Twenty Years or upwards an annual Sum not more than Two Thirds of his Salary: Provided nevertheless, that if any Special High Constable or any Assistant Petty Constable shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office, it shall be lawful for the Justices assembled at any Quarter Sessions, on the Recommendation of the Justices assembled in Special Sessions for the Hundred or Division for which such Special High Constable or Assistant Petty Constable shall have been appointed or assigned as aforesaid, to grant to him out of the Superannuation Fund such Allowance, not exceeding Two Thirds of his Pay, as to such Justices assembled at Quarter Sessions shall seem right, notwithstanding such Special High Constable or Assistant Petty Constable may not have served for the Period of Fifteen Years.

XXVIII. That nothing in this Act contained shall entitle any Special High Constable or Assistant Petty Constable absolutely to any Superannuation Allowance, notwithstanding a Superannuation Fund may have been established, nor prevent any Special High Constable or Assistant Petty Constable from being dismissed without any Superannuation Allowance.

Constables not to be entitled absolutely to any Superannuation Allowance.

XXIX. That if any Special High Constable or Assistant Petty Constable shall after having been removed from or having resigned his Office be again appointed a Special High Constable or Assistant Petty Constable, or if any Assistant Petty Constable shall be promoted to be a Special High Constable, the Period for which such Constable shall have previously served may, if the Justices assembled in Quarter Sessions shall so think fit, be reckoned and allowed as Part of the Time upon which his Superannuation Allowance shall be calculated.

Constables reappointed may have former Service reckoned in their Time.

XXX. That the Justices assembled at any Quarter Sessions may from Time to Time make such reasonable Allowances as they shall think fit for defraying any Expenses incurred by the Order or Direction of any Two or more Justices in Cases of Riot, Breaches of the Peace, and public Disturbances, and may from Time to Time order the Treasurer of the County to pay all such Allowances as aforesaid out of

Allowances to be made for Expenses incurred by Order of Justices during Riots, &c.

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of any Money in the Hands of such Treasurer, collected under or by virtue of the Rate or Assessment hereby authorized to be made upon the Hundred or Division in which any such Riot, Breach of the Peace, or public Disturbance may have happened, and such Treasurer is hereby authorized and required to pay the same when so ordered, and shall be allowed such Payments in his Accounts.

Treasurer to keep separate Accounts with each Hundred, and produce the same to Justices assembled at Quarter Sessions.

XXXI. That the Treasurer of the said County shall keep a separate and distinct Account of the several Sums by him received and paid by virtue of this Act from or in respect of each and every Hundred or Division, and the same shall be produced to and be examined and audited by the Justices assembled in Quarter Sessions once at least in every Year, 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 such Allowance by the said Justices shall be a sufficient Release and Discharge to such Treasurer; and the said Justices assembled in any Quarter Session 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 may pay Salaries out of the general County Rate, to be repaid out of the Hundred Rate.

XXXII. That the Treasurer of the said County shall and may (if the Justices assembled in Quarter Sessions shall so direct) pay the Salaries of all Special High Constables and Assistant Petty Constables, and all Allowances made to them, their Wives or Children, or other Persons dependent upon them, under the Provisions of this Act, out of the general public Stock or Funds of the said County, and the same shall be repaid to such general Stock or Funds out of the First Rate made under the Authority of this Act on the Hundreds or Divisions for or to which such Special High Constables or Assistant Petty Constables shall have been respectively appointed or assigned.

Rates to be made on each Hundred or Division for paying Constables Salaries and Allowances.

XXXIII. That for the Purpose of paying such Salaries and Allowances as are by this Act directed to be paid out of a Rate to be levied on any Hundred or Division, it shall be lawful for the Justices assembled at any Quarter Sessions from Time to Time, when and as Occasion shall require, to make and levy a Rate upon such Hundred or Division, and for that Purpose to assess and tax rateably and equally, according to the fair annual Value thereof, all Messuages, Lands, Tenements, and Hereditaments liable to the County Rate, whether parochial or extra-parochial, situate within such Hundred or Division, save and except as is herein-after provided; and such Rate shall be collected, recovered, and paid to the Treasurer of the County in the same Manner in all respects as County Rates are by Law directed to be collected, recovered, and paid; and the Money so collected and paid to the said Treasurer shall be by him applied in Payment of the Salaries

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Salaries of the Special High Constable and Assistant Petty Constable appointed for or assigned to such Hundred or Division, and also of the Allowances which may be made to such Special High Constables and Assistant Petty Constables, or their Wives or Children, or other Persons dependent upon them, and by this Act charged upon such Rate, or, as the Case may be, in reimbursing to the public Stock of the said County any Sum or Sums of Money which may by Order of the Justices assembled in Quarter Sessions have been advanced by the Treasurer of the said County, for the Purpose of paying such Salaries and Allowances.

XXXIV. That, except as herein-after provided, the Value of all Property rateable for the Purposes of this Act shall be computed according to the last Valuation for the Time being acted upon in assessing the County Rate or Rates in the Nature of a County Rate to which such Property is rateable. How Property rateable to be valued.

XXXV. That in case the Money to be raised within any of the said Hundreds or Divisions 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 Justices assembled in Quarter Sessions 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 shall be made upon a lower Fraction of a Pound Sterling than One Farthing, and that if under any such Rate 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 or Division within which the same shall have been raised, in aid of any future Rate thereon; and if the Money so raised shall be less than the Sum required, the Difference shall be paid by the Treasurer of the said County out of the public Stock of the said County, and be repaid to him out of the next Rate upon such Hundred or Division. Regulations as to Rates for small Sums.

XXXVI. That nothing in this Act contained shall extend to authorize the rating or assessing, for the Purposes of this Act, of any Messuages, Lands, Tenements, or Hereditaments within the Limits of any Borough incorporated under or by virtue of the Provisions contained in the Act of Fifth and Sixth *William* the Fourth, Chapter Seventy-six, or which shall be hereafter incorporated by any Charter granted in pursuance thereof, and maintaining its own Police, or within the Limits of any District or Place maintaining its own Police under the Authority of any Local Act of Parliament made or to be made: Provided that, in all Cases where any Part of a Township or Place maintaining its own Poor shall be partly within and partly Act not to apply to Municipal Corporations or Districts maintaining their own Police.

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without the Limits of any Borough, District, or Place to which the aforesaid Exemption applies, the Value of the rateable Property in that Portion of such Township or Place which is without the Limits of such Borough, District, or Place shall, for the Purposes of the Rating under this Act, be computed according to the last Valuation for the Time being made and acted upon for the Poor's Rate to which such Property shall be rateable, or upon the fair annual Value to which such Property would be legally assessed for the Poor's Rate.

No Special High Constable or Assistant Petty Constable to be engaged in any Trade.

XXXVII. That no Special High Constable or Assistant Petty Constable shall engage in or exercise any Trade or Profession, or hold any Office other than that of Special High Constable or Assistant Petty Constable, during the Period for which he shall serve as such Special High Constable or Assistant Petty Constable: Provided nevertheless, that nothing herein contained shall prevent or hinder any Special High Constable or Assistant Petty Constable from being appointed by the Court of Quarter Sessions, upon the Recommendation of the Justices assembled in Special Sessions for any Hundred or Division within which such Special High Constable or Assistant Petty Constable shall be acting, to the Charge of any Lock-up within the said County, and from receiving an extra Allowance or Salary for the same.

Constables not prevented from receiving Half Pay, &c.

XXXVIII. That the Office or Employment as a Special High Constable or Assistant Petty Constable shall not prevent the Holder thereof from receiving any Half Pay or Pension from Government.

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

XXXIX. 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 Her Majesty's Superior Courts of Record.

Existing Powers of Constables in the County not to be interfered with.

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

Appeal to Quarter Sessions.

XLI. 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 One Calendar Month next after the Cause

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Cause of Complaint shall have arisen, 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 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 next after such Notice enter into a Recognizance before some Justice, with sufficient Sureties, to try such Appeal and to abide the Order of and to pay such Costs as shall be awarded by the 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.

XLII. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression
 “The *Cheshire Constabulary Act, 1852.*”
 Short Title of Act.

XLIII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

The Words “Justices or Justices of the Peace” shall mean Justices of the Peace acting for the County Palatine of *Chester*:

The Words “Quarter Sessions” shall mean the General or Quarter Sessions of the Peace for the County Palatine of *Chester*, and shall include any Adjournment thereof:

The Word “Hundred” shall mean any Hundred of the County Palatine of *Chester*:

The Word “Division” shall mean any Division of a Hundred of the County Palatine of *Chester* for which Justices meet in Special Sessions.

XLIV. That the Expenses of obtaining and passing this Act or incident thereto shall be paid out of the County Stock or Funds of the County Palatine of *Chester*. Expenses of Act.

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