



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CIX.

An Act for the Appointment and Payment of
Parish Constables. [12th August 1842.]

WHEREAS it will increase the Security of Persons and Property if further Provision be made for the Appointment of fit Persons to act as Constables in the several Parishes of *England*, and if Power be given to pay them for the Performance of their Duties; 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, That after the Expiration of Eighty Days and before the Expiration of One hundred Days next after the passing of this Act, and on some Day after the Twenty-fourth Day of *March* and before the Ninth Day of *April* in each following Year, the Justices of the Peace of every County in *England* shall hold a Special Petty Session of the Peace in their several Divisions for the Appointment of Parochial Constables, of which Session due Notice shall be given to every Justice usually acting in that Division.

Justices to hold Special Sessions for appointing Constables.

Justices to issue Precepts to Overseers, requiring Lists of Men qualified to serve as Constables.

II. And be it enacted, That the Justices shall, within Thirty Days next after the passing of this Act, and within the first Seven Days of *February* in each following Year, issue a Precept, under the Hands of any Two of them, to the Overseers of each Parish within the Division, requiring them to make out and return, within Eighty Days next after the passing of this Act and before the Twenty-fourth Day of *March* in each following Year, a List in Writing of a competent Number of Men within their respective Parishes qualified and liable to serve as Constables, and also to perform all other Requisitions in the said Precepts contained; and with the said Precept shall be given Notice to the said Overseers of the Time and Place where such Special Session of the Peace as aforesaid will be holden.

Overseers to make out Lists of Persons qualified to serve.

III. And be it enacted, That the Overseers of every Parish, upon the Receipt of such Precept, shall summon a Meeting of the Inhabitants in Vestry to be holden within Fourteen Days after the Receipt of the said Precept; and the Vestry at such Meeting shall make out a List in Writing of such Number as shall be named in the Precept of Men residing within their Parish who shall be qualified and liable to serve as Constables, with the Christian Name and Surname, and with the true Place of Abode, the Title, Quality, Calling, or Business of each, written at full Length: Provided also, that it shall be lawful for the Vestry to annex to the said Return the Names of any Number of Men willing to serve the Office of Constable, and whom the Vestry will recommend to be appointed, although not having the Qualification herein-after mentioned.

Small Parishes and Extra-parochial Places may be annexed to any adjoining Parish.

IV. And be it enacted, That it shall be lawful for the Justices at a Special Petty Session of the Peace to be holden for that Purpose, at any convenient Time before the issuing of such Precept as aforesaid (of which last-mentioned Session due Notice shall be given to every Justice usually acting within the Division), to make an Order for uniting any Parish or Parishes, whenever they shall think it expedient, to any Parish adjoining thereto, or for the annexing of any Extra-parochial Places to any Parish adjoining thereto for the Purposes of this Act; and a Copy of such Order shall be served on the Overseers of every Parish so united, and also on the Overseers of such adjoining Parish and every such Extra-parochial Place so annexed, with the Precept herein-before mentioned; and every such Parish or Extra-parochial Place so united to any adjoining Parish shall thenceforward be deemed, for all the Purposes of this Act, to be a Part of such adjoining Parish; and the Inhabitants thereof shall be entitled to attend and vote at any Meeting in Vestry for the Purposes of this Act of the Inhabitants of the Parish to which such Parish is united as fully as if they were Inhabitants of the Parish where such Meeting is holden.

Who qualified to be Constables.

V. And be it enacted, That every able-bodied Man resident within the said Parish, between the Ages of Twenty-five Years and Fifty-five Years, rated to the Relief of the Poor, or to the County Rate,

Rate, on any Tenements of the net yearly Value of Four Pounds or upwards, except such Persons as shall be exempt or disqualified as herein-after mentioned, shall be qualified and liable to serve as Constable of that Parish.

VI. And be it enacted, That all Peers; all Members returned to serve in the Commons House of Parliament; all Judges of Her Majesty's Courts of Record at *Westminster*; all Justices of the Peace; all Deputy Lieutenants; all Clergymen in Holy Orders; all Priests of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law; all Persons who shall teach or preach in any Congregation of Protestant Dissenters, whose Place of Meeting is duly registered, and who shall follow no secular Occupation, except that of a Schoolmaster, producing a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Schoolmasters; all Serjeants and Barristers at Law actually practising; all Members of the Society of Doctors of Law and Advocates of the Civil Law actually practising; all Attornies, Solicitors, and Proctors duly admitted in any Court of Law or Equity, or of Ecclesiastical or Admiralty Jurisdiction, in which Attornies, Solicitors, and Proctors have usually been admitted, actually practising, and having duly taken out their annual Certificates; all Conveyancers and Special Pleaders below the Bar; all Officers of any such Courts actually exercising the Duties of their respective Offices; all Coroners, Gaolers, and Keepers of Houses of Correction; all Members and Licentiates of the Royal College of Physicians in *London*, actually practising; all Surgeons, being Members of one of the Royal Colleges of Surgeons in *London*, *Edinburgh*, or *Dublin*, and actually practising; all Apothecaries, having obtained a Certificate to practise as an Apothecary from the Master, Wardens, and Society of Apothecaries of the City of *London*, and actually practising; all Officers in Her Majesty's Navy or Army on Full Pay; all Persons enrolled and serving in any Corps of Yeomanry under Officers having Commissions from Her Majesty, or Lieutenants of Counties, or others specially authorized by Her Majesty for that Purpose; all Pilots licensed by the *Trinity House* of *Deptford Strond*, *Kingston-upon-Hull*, or *Newcastle-upon-Tyne*, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations; and all Pilots licensed by the Lord Warden of the Cinque Ports, or under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of Her Majesty; all Officers of Customs and Excise; all Sheriffs and Sheriff's Officers; all High Constables; the Clerks of all Boards of Guardians of the Poor, established under the Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*; the Masters of all Union Workhouses; all County or District Constables; all Parish Clerks; all Registrars and Superintendent Registrars of Births, Deaths, and Marriages; all Churchwardens, Overseers, and Relieving Officers, shall be freed and exempt from serving the Office of Constable under this Act.

Exemption
from serving
as Consta-
bles.

VII. And

Disqualifi-
cation from
serving as
Constables.

VII. And be it enacted, That all Licensed Victuallers and Persons licensed to deal in any exciseable Liquors or to sell Beer by Retail, all Gamekeepers, and all Persons who have been attainted of any Treason or Felony, or convicted of any infamous Crime, shall be disqualified from serving the Office of Constable under this Act.

Lists to be
fixed on
Church
Doors, and
also kept by
Overseers for
Inspection.

VIII. And be it enacted, That the Overseers of each Parish shall make out true Copies of the List so agreed to in Vestry; and where any of the Persons named in the said List shall have been chosen to serve, and shall have served, the Office of Constable in the said Parish, in Person or by Substitute, the Overseers shall set against his Name in the List the Date of the Year of such Service, and shall on the Three *Sundays* next before the Day limited for making their Return in this Year, and on the first Three *Sundays* in the Month of *March* in each following Year, fix a true Copy of such List upon the principal Door of every Church, Chapel, and other public Place of religious Worship within their Parish, having first subjoined to every such Copy a Notice, stating that all Objections to the List will be heard by the Justices of the Peace at a Time and Place to be mentioned in such Notice, and having also signed their Names at the Foot of such Copy, and shall likewise keep the original List, or a true Copy thereof, to be perused by any of the Inhabitants of their Parish at any reasonable Time during the Three Weeks next before the Day limited for making their Return in this Year, and during the first Three Weeks of the Month of *March* in each following Year, without any Fee or Reward, and on or before the Day limited for making their Return shall sign and return the original List to the Justices as required by the Precept.

Penalty on
Overseers for
neglecting
Returns, or
making false
Returns.

IX. And be it enacted, That every Overseer who shall neglect or refuse to sign and return such List, or to make out, sign, and publish such true Copies as aforesaid, or who shall knowingly leave out the Name of any Person who ought to be included therein, or who shall knowingly make a false Return of any Particular which ought to be comprised therein, shall, upon Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence a Sum not more than Five Pounds.

Overseers to
attend the
Special Ses-
sion.

X. And be it enacted, That the Overseers of each Parish shall attend the Special Session of the Peace to be holden for the Appointment of Constables in their Parish, and shall then and there verify the List so returned by them, and shall answer on Oath such Questions touching the same as shall be put to them, or any of them, by the Justices then present; and if any Man not qualified and liable to serve as Constable as aforesaid is inserted in any such List, it shall be lawful for the said Justices, upon being satisfied by the Oath of the Party complaining, or upon other Proof, or upon their own Knowledge, that he is not qualified and liable to serve as Constable, to strike his Name out of such List, and also to strike thereout the Names of Men disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other Infirmary of Body, from serving as Constable;

Constable; and when every such List shall be duly corrected at such Session, or at such Adjournment thereof, it shall be allowed by the Justices present, or Two of them at such Session, or such Adjournment, who shall sign the same, with their Allowance thereof.

XI. And be it enacted, That when any List shall have been allowed the Justices shall choose from the allowed List the Names of such Number of Persons as they shall deem necessary (having regard to the Extent and Population of the Parish) to act as Constables within the Parish during the Year then next following, and until other Constables shall be chosen and sworn to act in their Stead as Constables for such Parish: Provided always, that where any Person shall have been chosen to serve, and shall have served, the Office of Constable, either in Person or by Substitute, as herein-after provided, he shall not be liable to be again chosen until every other Person in the Parish liable and qualified to serve shall have also served the Office of Constable, either in Person or by Substitute.

Justices to choose Constables.

XII. And be it enacted, That the Justices shall cause the Persons so chosen to be summoned to appear before them on a Day to be fixed by such Justices, and shall cause to be administered to every such Person the following Oath; (that is to say,)

Constables to be sworn.

‘ I *A. B.* of *C.* do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Constable for the Parish of *D.* [*or* Parishes of *D. E.*, &c.] for the Year now next following, or until another Constable shall be sworn in my Stead, according to the best of my Skill and Knowledge. So help me GOD.’

Provided always, that if any qualified Person chosen as aforesaid shall be unwilling to serve the Office of Constable in Person, and shall find a Substitute, to be approved by the Justices, and willing to serve for him, the Person so chosen and unwilling to serve shall attend with his proposed Substitute at the Time and Place appointed for swearing in Constables; and the Justices, if they shall approve of such proposed Substitute, shall cause the Oath to be administered to him, instead of the Person so chosen and unwilling to serve; but the Service of any Person as Substitute for another Person shall not be reckoned as his own Service, so as to exempt him from being sooner chosen to serve in his own Person than otherwise he would have been liable to.

Substitutes may be allowed.

XIII. And be it enacted, That every Person qualified and liable to serve, and who shall be chosen by the Justices to serve, the Office of Constable, and shall be duly summoned to be sworn, and to take upon him the said Office, and who shall refuse, or, without reasonable Cause, to be allowed by the said Justices, neglect to attend and to be sworn as Constable, or to find a qualified Substitute to be sworn in his Stead, shall, upon Conviction thereof before Two Justices, forfeit and pay any Sum not more than Ten Pounds; and every Person who, after being sworn as Constable, shall refuse or

Penalty for refusing to act, or to find a Substitute.

wilfully neglect to act in the Execution of his Office, shall, upon Conviction thereof before Two Justices, forfeit and pay for every such Offence any Sum not more than Five Pounds.

List of Constables appointed in the Division to be published;

and Parish Lists to be affixed to the Church Doors.

Power of the Constables.

2 & 3 Vict. c. 93.

Provision in case of Vacancy.

XIV. And be it enacted, That within Fourteen Days after the Appointment and swearing of such Constables, the Clerk to the Justices shall send to every Justice usually acting within the Division, and also to the Clerk of the Peace, for the Purpose of being laid before the next Court of General or Quarter Sessions, a List containing the Names of all Constables so appointed in the Division, and the Parishes for which they have been appointed; and the Overseers of the Poor shall affix to the Door of their respective Parish Churches a List of the Names of the Constables appointed in their respective Parishes.

XV. And be it enacted, That the said Constables shall have within the whole County, and also within all Liberties and Franchises, and detached Parts of other Counties situated therein, and also in every County adjoining to the County in which they are appointed, all the Powers, Privileges, and Immunities, and shall be liable to all the Duties and Responsibilities, of a Constable within his Constablewick, but shall not be bound to act as a Constable beyond the Parish for which they are severally appointed and sworn, without the special Warrant of a Justice of the Peace: Provided always, that in those Counties in which any Chief Constable or Superintendent shall have been appointed under the Authority of an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace*, or of any Act passed for the Amendment thereof, the Constables appointed under this Act for any Parish within the District for which such Chief Constable or Superintendent shall have been appointed shall be subject to the Authority of such Chief Constable or Superintendent.

XVI. And be it enacted, That in case of the Death or Disqualification of any Constable during his Year of Office, of which the Overseers shall forthwith give Notice to a Justice of the Peace usually acting for the Division, or in case any Person who shall have been chosen Constable shall refuse or neglect as aforesaid to attend and be sworn, or to find a qualified Substitute to be sworn in his Stead, and shall have been fined for such Refusal or Neglect, the Person who has last served, and shall not then be disqualified or exempt, shall be bound to act in his Stead until another Constable shall be appointed and sworn to act for the Remainder of the Year, which shall be done at the next Petty Session of the Peace for the Division, of which Notice shall be given to all the Justices usually acting for the Division; and in case the Constable making the Vacancy was serving as Substitute for some other Person, the Justices shall summon the Person originally chosen to attend and be sworn, or to find another Substitute duly qualified to serve for the Remainder of the Year; or if the Person originally chosen shall be then disqualified, or shall have refused or neglected

as aforesaid to attend and be sworn, or to find a Substitute, or if the Constable making the Vacancy was serving after having been chosen, and not as a Substitute, the Justices at such Session shall choose another qualified Person, out of the allowed List then in force, to serve the Office of Constable during the Remainder of the Year, and shall proceed in all respects as in the original Appointment of Constables for that Year, and the Person so chosen shall be bound in like Manner, and subject to the same Penalty, to attend and be sworn, or to find a Substitute to be sworn in his Stead to serve for the Remainder of the Year; and if less than Two hundred Days shall have elapsed since the first Appointment of Constables for that Year, but not otherwise, the Service of the Person appointed to act for the Remainder of the Year shall be reckoned to him as Service for that Year; and in the first Year after the passing of this Act the Justices at the Time of first choosing Constables shall also choose Substitutes to serve in case of Vacancies during the Year of Office until another Appointment shall be made.

XVII. And be it enacted, That the Justices of the County in General or Quarter Session assembled shall from Time to Time, subject to the Approval of one of Her Majesty's Principal Secretaries of State, settle Tables of Fees and Allowances to the Clerks to the Justices for the Performance of their Duties under this Act, and to the Constables for the Service of Summons and Execution of Warrants, and for the Performance of such other occasional Duties which may be required of the said Constables, for which the said Justices shall think that Fees ought to be allowed; and whenever any Duty for which any such Fee or Allowance shall have been settled, and for which the Payment is not by Law charged upon the County Rates, shall have been performed by any Clerk or by any Constable appointed under this Act, the Amount of the Fee or Allowance shall be paid by the Overseers of the Parish in respect of which such Fee has become payable out of any Monies in their Hands collected for the Relief of the Poor, upon the Order of the Justices in Petty Session assembled for the Division, and under such Regulations as shall be made from Time to Time by the Justices in General or Quarter Session assembled, subject to the Approval of the Secretary of State.

Fees and Allowances.

XVIII. And be it enacted, That it shall be lawful for the Vestry assembled for the Purpose of making such Return as aforesaid to resolve that One or more paid Constables shall be appointed for their Parish; and if the Vestry shall so resolve, a Copy of the Resolution, and of the Amount of Salary which the Vestry shall resolve on paying to such Constable or Constables, shall be sent by the Overseers to the Justices, with the Return herein-before mentioned.

A Vestry may resolve to have paid Constables.

XIX. And be it enacted, That the Justices at the Session of the Peace holden for the Appointment of Constables, upon receiving from any Parish a Copy of any such Resolution as aforesaid, if they shall

Justices to appoint paid Constables.

In Parishes where paid Constables are appointed none other need be

Tenure of Appointment.

Salary to be paid out of the Poor Rate.

Constables not to be appointed in Courts Leet.

5 & 6 W. 4. c. 76.

3 & 4 W. 4. c. 90.

Lock-up Houses and Strong Rooms to be provided.

shall be satisfied with the Amount of Salary agreed to be paid, shall appoint so many paid Constables to act for that Parish as shall be agreed to by the Resolution, or if the same Resolution shall have been agreed to by more Parishes than one adjoining each other, may, if they shall think fit, appoint the same paid Constables to act conjointly for all such last-mentioned Parishes; and in every Parish in which a paid Constable shall be appointed under this Act the Justices, if they shall think fit, need not appoint any unpaid Constable, or may appoint a smaller Number of unpaid Constables than they had otherwise resolved on appointing for that Parish; and every paid Constable shall hold his Appointment until he shall resign or be dismissed for Misconduct by the Justices of the Division in Petty Session assembled, or until the Vestry shall rescind the Resolution for his Appointment at any Meeting of Vestry holden for making such Return as aforesaid.

XX. And be it enacted, That the Amount of the Salary to every such paid Constable shall be paid by the Overseers out of any Monies in their Hands collected for the Relief of the Poor.

XXI. And be it enacted, That after the passing of this Act no Petty Constable, Headborough, Borsholder, Tithingman, or Peace Officer of the like Description under any Name of Office, shall be appointed for any Parish, Township, or Vill within the Limits of this Act, except for the Performance of Duties unconnected with the Preservation of the Peace or with the Execution of this Act, at any Court Leet or Torn, or otherwise than under the Provisions of this Act, or under the Provisions of the said Act of the Third Year of the Reign of Her present Majesty, or of some Act passed for the Amendment thereof; but nothing herein contained shall be taken to prevent the Appointment of Special Constables, or to apply to the City of *London* or the Metropolitan Police District, or to any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or of any Charter granted in pursuance of that Act, or of any Act made for the Amendment thereof, or to any Parish, Town, or Place in which Rates are or shall be levied for the Payment of Constables, under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, making Provision for the lighting and watching of Parishes in *England and Wales*, or of any Local Act specially applying to such Parish, Town, or Place, and that nothing herein-before contained shall be taken to apply to the County Palatine of *Chester*.

XXII. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, if they shall think fit, to order that Lock-up Houses for the temporary Confinement of Persons taken into Custody by any Constable, and not yet committed for Trial, or in Execution of any Sentence, shall be provided in such Places within their County as the said Justices shall think fit; and for that Purpose to purchase and hold
Lands

Lands and Tenements, or to appropriate to that Purpose any Lands and Tenements belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation; or, instead of providing new Lock-up Houses, to order that the Lock-up Houses, Strong Rooms, or Cages belonging to any Parish be appropriated for the Purpose of this Act, and if necessary be enlarged or improved; and the Expence of building, hiring, or otherwise providing, repairing, and furnishing such Lock-up Houses shall be defrayed out of the County Rates: Provided always, that Notice of the Day and Hour at which any Business relates to providing, enlarging, or improving any such Lock-up House will begin at such Session shall be given by the Clerk of the Peace, with the Notice of holding the Session on the Requisition of any Five Justices acting for such County; and that no such Lock-up House shall be built or otherwise provided, enlarged, or improved, except upon such Plan as shall be approved by one of Her Majesty's Principal Secretaries of State: Provided also, that every such Lock-up House shall be within the Inspection of the Inspectors of Prisons.

XXIII. And be it enacted, That whenever the Justices shall have provided a Lock-up House under this Act, they shall also appoint a superintending Constable to have the Charge thereof, who shall have all the Powers and Immunities of a Parish Constable under this Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered by the said Justices, and under such Regulations as they shall make; and every such superintending Constable shall be entitled to hold his Office until dismissed by the Justices in General or Quarter Session assembled, and shall receive such Salary out of the County Rates as the Justices assembled as aforesaid shall order.

Superintendents to be appointed

XXIV. And be it enacted, That all Penalties herein made payable on Conviction of any Offender before Two Justices of the Peace may be levied, in case of Nonpayment thereof, with the Costs and Charges attending such Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of any Justice of the Peace of the County, Riding, or Place wherein such Conviction shall have taken place, with the reasonable Costs of such Distress and Sale; and the Overplus, if any, shall be returned to the Party whose Goods and Chattels shall have been dsitrained.

Recovery of Penalties.

XXV. And be it enacted, That all Penalties levied under this Act shall be applied in aid of the Poor Rates of the Parish in which the Offence shall have been committed for which such Penalties shall be levied.

Application of Penalties.

XXVI. And be it enacted, That in this Act the Word "County" shall be taken to extend to every Riding or Division of a County for which there is a separate Court of General or Quarter Sessions of Peace; and the Word "Parish" shall be taken to extend to every

Interpretation of Act.

Township or other District maintaining its own Poor, and also to every Extra-parochial Place which shall not be annexed to an adjoining Parish, for which Places the Justices in Petty Sessions assembled shall be empowered to appoint Persons to act as Overseers; and the Word "Overseers" shall be taken to extend to all Persons charged with collecting Rates for the Relief of the Poor in any Parish, and, in Extra-parochial Places not added to any adjoining Parish, to the Persons appointed by the Justices as aforesaid.

Act may be amended, &c. this Session.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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