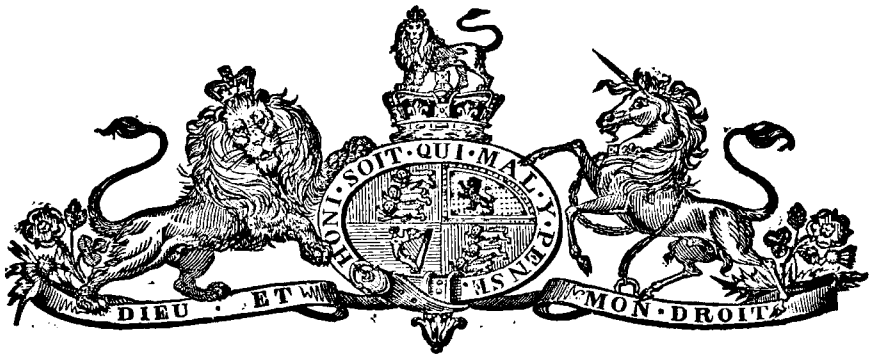


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. CXII.

An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of *Sudbury* and *Saint Alban*. [6th *August* 1861.]

WHEREAS by an Act of the Session of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Fifty-three, intituled *An Act for the Disfranchisement of* Sudbury, it is provided that the Borough of *Sudbury* in the County of *Suffolk* shall, from and after the passing of that Act, cease to return any Member or Members to serve in Parliament: And whereas by an Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Nine, intituled *An Act to disfranchise the Borough of* St. Albans, it is provided that the Borough of *St. Albans* in the County of *Hertford* shall, from and after the passing of that Act, cease to return any Members or Member to serve in Parliament: And whereas it is expedient to appropriate in manner herein-after mentioned the Four Seats vacated by the Disfranchisement of the said Boroughs: 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,

7 & 8 Vict. c. 53.

15 & 16 Vict. c. 9.

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

Division of West Riding of Yorkshire.

1. After the Dissolution of this present Parliament the West Riding of the County of *York* shall be divided into Two Divisions, to be called respectively the Northern and Southern Divisions; the Northern Division shall contain the Wapentakes of *Staincliffe* and *Ewecross*, *Claro*, *Skyrack*, and *Morley*; the Southern Division shall contain the Wapentakes of *Barkston Ash*, *Osgoldcross*, *trafforth* and *Tickhill*, *Staincross*, and *Agbrigg*.

Number of Members in future Elections.

2. In all future Parliaments there shall be Two Knights of the Shire to serve for each of the said Northern and Southern Divisions, and such Knights shall be chosen in the same Manner, and by the same Classes or Descriptions of Voters, and in respect of the same Rights of Voting, as if each such Division were a separate County; and all Enactments now in force applicable to Divisions of Counties returning Knights of the Shire to serve in Parliament shall apply to the Divisions hereby constituted.

Courts and Polling Places.

3. The Court for the Election of Knights of the Shire for the said Northern Division shall be held at *Leeds*, and the Court for the Election of Knights of the Shire of the said Southern Division shall be held at *Wakefield*; but the Justices of the Peace for the said West Riding, assembled at any Court of Quarter Sessions not later than the first to be holden after the Dissolution of the present Parliament, shall name the Polling Places for each of the said Northern and Southern Divisions, and divide such Divisions into convenient Districts for polling, and shall assign One of such Districts to every Polling Place named; and a List stating the Polling Places and describing the Districts assigned shall be lodged with the Clerk of the Peace of the West Riding, who shall forthwith cause Copies of such List to be printed, and shall deliver a Copy of such List to every Person who shall apply for the same, upon Payment of One Shilling for each Copy: Provided always, that nothing herein contained shall, as regards the Divisions constituted by this Act, affect the Power of altering from Time to Time Polling Places and Districts contained in the Act of the Session held in the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and two.

Provision in case of Dissolution before Construction of new Polling District.

4. In case of a Dissolution of the present Parliament, and a new Election, taking place before the Justices have named such Polling Places and assigned such Polling Districts as aforesaid, the Places then by Law appointed for taking the Poll for Elections of Knights of the Shire for the West Riding of *York*, which are situate in the respective Divisions constituted by this Act, shall be the Places for taking

taking the Poll at such Election for the Election of Knights of the Shire to serve in Parliament for the respective Divisions constituted as aforesaid, and the Districts assigned to such Polling Places shall be deemed to continue for the Purposes of such Election, subject to this Qualification: that if a Portion of any District assigned to any Polling Place is situate in a different Division from the Polling Place, the Sheriff shall, in his Proclamation of the Place and Time at which the Election of Members for either Division is to be held, declare at what Polling Place or Polling Places the Voters of any Parish or Township situate in such outlying Portion are to vote.

Voters for First General Election.

5. For the Purposes of the First General Election for the said Northern and Southern Divisions that takes place after the Dissolution of this present Parliament, the Clerk of the Peace of the said West Riding shall make a new Register of Voters by apportioning to each Division, according to the Situation in such Division of the Parishes or Townships, the several Persons appearing, by the existing Register, to be for the Time being Voters for the said West Riding, and the Voters for the said Northern and Southern Divisions respectively shall be determined by such new Register, and shall be entitled to vote accordingly, and the Clerk of the Peace of the said West Riding shall send Notice to the Overseers of each Parish and Township within the said West Riding of the Division for which the Voters of such Parish or Township are entitled to vote, and the said Overseer shall publish such Notice in manner directed by Law; and at such General Election as is mentioned in this Section all Persons shall vote in the Polling District in which their Qualifications are situate, unless they may have claimed, and be entitled by Law, to vote in some other Polling District within the same Division.

Voters at subsequent General Elections.

6. For the Purposes of all Elections subsequent to the First General Election held for the said Divisions after the Dissolution of this present Parliament, Registers of Voters shall be formed in respect of the Divisions of the said West Riding constituted under this Act, at the same Time and in like Manner as if they were Divisions of Counties now returning Members to serve in Parliament; but nothing in this Act shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters to vote at any Election of a Member of the West Riding in respect of any Vacancy that may take place before such Dissolution.

Additional Member for Southern Division of Lancashire.

7. After the passing of this Act the Southern Division of *Lancashire* shall be entitled to return Three Knights of the Shire, instead of Two, to serve in Parliament.

8. As

Provision for Election of such additional Member.

8. As soon as may be after the passing of this Act the Speaker of the House of Commons shall, without any Motion being made, or, if it be during the Recess, without receiving any such Notice as is required in the Case of an ordinary Vacancy, issue a Warrant to the Clerk of the Crown to make out a Writ for electing an additional Member of the House of Commons for the said Southern Division of *Lancashire*, and such Warrant shall be valid notwithstanding the Issue thereof during the Recess of the House of Commons by Prorogation or Adjournment, and the same Proceedings, as nearly as Circumstances admit, shall be had in pursuance of the Writ so made out as if the said Division had previously returned Three Members, instead of Two, to serve in Parliament, and a Vacancy had occurred in the Seat of One of the Members returned for such Division.

Birkenhead to form a Borough to return One Member.

9. *Birkenhead* in the County of *Cheshire* shall, for the Purposes of this Act, be a Borough, and shall from and after the First Day of *December* One thousand eight hundred and sixty-one return One Member to serve in Parliament; it shall as such Borough include the Places following; that is to say, the Extra-parochial Chapelry of *Birkenhead*, the several Townships of *Claughton*, *Tranmere*, and *Oxton*, and so much of the Township of *Higher Bebbington* as lies to the Eastward of the Road leading from *Higher Tranmere* to *Lower Bebbington*.

Provision for Appointment of Returning Officer for such Borough.

10. The Sheriff for the Time being of the County in which the Borough constituted by this Act is situate shall as soon as possible after the passing of this Act, and in every subsequent Year in the Month of *March*, by Writing under his Hand, to be delivered to the Clerk of the Peace of the County within One Week, and to be by such Clerk of the Peace filed and preserved with the Records of his Office, appoint for such Borough a fit Person being resident therein to be, and such Person so appointed shall accordingly be, the Returning Officer for such Borough until the Appointment to be made in the succeeding *March*; and the Provisions contained in Section Eleven of the Act of the Session of the Second and Third Years of King *William* the Fourth, Chapter Forty-five, providing for the Event of the Death or Incapacity of any Person appointed as Returning Officer for any Borough, as therein mentioned, and exempting any Person so appointed from serving again in the same Office, and disqualifying certain Persons from being so appointed, and Persons so appointed from being appointed Churchwardens or Overseers, shall extend and be applicable to and for the Appointment

ment of Returning Officer for the Borough constituted by this Act, and to the Returning Officer to be appointed for the same.

A Register of Voters to be formed in 1861 for such Borough.

11. Notwithstanding the Continuance of this present Parliament, a Register of Voters shall be formed in and after the Year One thousand eight hundred and sixty-one for the Borough constituted by this Act, in like Manner as if it were a Borough now returning a Member to serve in Parliament, with this Qualification, that for the Purposes of the Register of the said Borough to be formed in the Year One thousand eight hundred and sixty-one, the Act passed in the Session holden in the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, shall be construed as if the Month of *August* had been inserted therein in place of the Month of *June*, and the Month of *September* in the Place of the Month of *July*, and the Month of *October* in the Place of the Month of *August*, and the Month of *November* in the Place of the Month of *September*; and it shall be the Duty of the Revising Barrister to hold his Court for the Revision of the List of the Voters for the Borough between the Fourteenth Day of *November* and the Twenty-first Day of *November* One thousand eight hundred and sixty-one, instead of between the Fifteenth Day of *September* and the last Day of *October*, as in the said Act mentioned; and the printed Book or Books constituting the Register of Voters for the Borough of *Birkenhead* shall be delivered to the Returning Officer of the said Borough on or before the last Day of *November* as in the said Act mentioned; and the said Register shall be deemed to be in force from and after such last-mentioned Day.

Provisions consequent on Formation of such Borough.

12. No Person shall be registered in the Register of Voters formed after the passing of this Act for the County of *Cheshire* who would not be entitled to be so registered in case the Borough of *Birkenhead* were now a Borough returning a Member to serve in Parliament.

Provision as to such Borough in case of a Dissolution before its Register is in force.

13. In case a Dissolution of this present Parliament takes place before the Day at and from which the Register of Voters to be first made for the Borough constituted by this Act begins to be in force, the Writs for the Election of a Member to serve in Parliament for such Borough shall not be issued until such Register begins to be in force; but if no Dissolution of this present Parliament takes place before such last-mentioned Day, the Speaker of the House of Commons shall, without any Motion being made, or, if it be during the Recess, without receiving any such Notice as is required in the Case of an ordinary Vacancy, issue a Warrant to

the Clerk of the Crown to make out a Writ for the Election of One Member for the said Borough, and such Warrant shall be valid notwithstanding the Issue thereof during the Recess of the House of Commons by Prorogation or Adjournment, and the same Proceedings, as nearly as Circumstances admit, shall be had in pursuance of the Writ so made out as if the said Borough had previously returned a Member to Parliament, and a Vacancy had occurred in the Seat of such Member.

Writs, &c. to be made conformable to this Act.

14. All Warrants and Writs to be issued for the Election of Members to serve in Parliament, in pursuance of this Act, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Election Laws to remain in force.

15. Subject to the Provisions of this Act, all Laws, Statutes, Usages, Provisions, and Penalties now in force relating to the issuing of Writs, the Conduct of Elections, or otherwise respecting the Representation of the People in *England* and *Wales*, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to the Borough hereby constituted, as if it were now a Borough returning a Member to Parliament, and to the Divisions of Counties hereby authorized to return additional Members, as if they were now returning such additional Member.

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