ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act for the Appointment of a Stipendiary Magistrate for *Chatham* and *Sheerness* in the County of *Kent*. [25th *July* 1867.]

WHEREAS it is expedient that a Stipendiary Magistrate be appointed to act in and for the Town of *Chatham* within the Limits of the Parliamentary Borough of *Chatham* (in this Act referred to as *Chatham*), and in and for that Part of the Town of *Sheerness* within which The Local Government Act, 1858, is in force for the Time being (in this Act referred to as *Sheerness*):

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The *Chatham* and *Sheerness* Stipendiary Magistrate Act, 1867.

Appointment of Magistrate for Chatham and Sheerness.

2. It shall be lawful for Her Majesty, from Time to Time, by Warrant under Her Royal Sign Manual, to appoint a fit Person, being a Barrister of not less than Five Years standing, to be, during

during Her Majesty's Pleasure, Stipendiary Magistrate for *Chatham* and *Sheerness* and a Justice of the Peace for and within those Places.

Qualification of Magistrate.

3. It shall not be necessary for any Person so appointed to have any Qualification by Estate, but no Person disqualified to be a Justice of the Peace otherwise than in respect of Estate shall be so appointed.

Magistrate to take Oaths.

4. A Person so appointed shall not act as Magistrate under this Act until he has taken and subscribed before a Judge of One of the Superior Courts of Law at *Westminster* the Oaths required to be taken and subscribed by Justices of the Peace, except the Oath of Qualification.

Restriction on Magistrate acting as Justice.

5. The Magistrate shall not, by virtue of his Appointment under this Act, act as a Justice of the Peace at a Court of Gaol Delivery or General or Quarter Sessions, or in the making or levying of a County Rate.

Jurisdiction over Estuary of Thames.

6. The Jurisdiction of the Magistrate shall extend over the whole of the Waters of the Estuary of the River *Thames* below *Gravesend*, whether within the Body of the County of *Kent* or not, and everything done or happening in any Part of those Waters shall, in relation to the Exercise and Discharge of the Powers and Duties of the Magistrate, and to all Proceedings before and by him, and to all Orders and Acts made and done by him, and to all Proceedings, Orders, and Acts arising thereout or consequent thereon, be deemed to have been done or to have happened within the Body of the County of *Kent*.

Execution of Summons, &c. in County of Kent.

7. Every Summons or Warrant issued by the Magistrate in any Matter within his Jurisdiction may be served and executed by the Constable or Person to whom it is directed in any Part of the County of *Kent*, and within that County every such Summons or Warrant shall have the same Force as if it had been originally issued or subsequently endorsed by a Justice of the Peace for the County of *Kent*.

Clerk to Magistrate.

8. The Magistrate shall from Time to Time appoint a fit Person, being an Attorney in actual Practice, to be his Clerk, during his Pleasure, which Clerk shall do all such Work and transact all such Business as is usually done and transacted by Justices Clerks.

Clerk not to be concerned in Matters

9. The Clerk shall not be concerned, directly or indirectly, by himself or by any Person, in any Matter coming before the Magistrate,

trate, or in any Matter arising thereout or consequent thereon in any Court. before Magistrate.

10. The Magistrate and his Clerk shall be exempt and disqualified from being returned and from serving on any Jury or Inquest, and their Names shall not be inserted in any List of Men qualified and liable to serve as Jurors. Exemption from Juries.

11. There shall be provided, furnished, and maintained, both in *Chatham* and in *Sheerness*, a fit Court and Office for the Sittings of the Magistrate and the Transaction of his Business; and the Rent and Expenses of the Court and Office, and the Expenses of Law and other Books, Printing, and Stationery, and other Expenses connected with or incidental to the Discharge of the Duties of the Magistrate and Clerk, shall be paid and defrayed out of the Funds out of which the Expenses of the Administration of Justice by Justices of the Peace for the County of *Kent* are defrayed. Provision for Court, &c.

12. The Salary of the Magistrate shall be Seven hundred Pounds *per Annum*, and shall be charged on and paid out of the Consolidated Fund of the United Kingdom; and the Salary of the Clerk shall be such as the Commissioners of Her Majesty's Treasury direct, and shall be paid, under the Direction of the Commissioners of Her Majesty's Treasury, out of Money provided by Parliament. Salaries of Magistrate, &c.

13. The Clerk shall take such Fees as are for the Time being authorized to be taken by Justices Clerks in the County of *Kent*, and shall account for the same at such Times and in such Manner as the Commissioners of Her Majesty's Treasury direct; and the Sums received in respect of such Fees shall be paid to the Account of Her Majesty's Exchequer, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom. Fees to be taken by Clerk.

A Table of such Fees shall be kept affixed conspicuously in the Court.

The Magistrate may, for reasonable Cause, remit any Fee, wholly or in part.

14. The Magistrate may award such Costs as to him seem just to be paid to or by either of the Parties to any Charge or Complaint before him, whether a Warrant or Summons has issued or not. Power to award Costs.

15. All Fines, pecuniary Penalties, and Forfeitures imposed by the Magistrate, except those made payable to the Informer or to the Party aggrieved, or such Part of any of them as is made Application of Fines, &c.

so payable, and except those recoverable under any Act relating to the Customs, Excise, or other Branch of Her Majesty's Revenue, or to the Post Office, or Trade or Navigation, or under the Factory Acts, shall be recovered for and adjudged to be paid to the Use of Her Majesty, and the same shall be applied in such Manner as the Commissioners of Her Majesty's Treasury direct.

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