

ANNO NONO

GEORGII IV. REGIS.

CAP. XLIII.

An Act for the better Regulation of Divisions in the several Counties of *England* and *Wales*.

[15th *July* 1828.]

WHEREAS by divers Acts now in force it is enacted, that certain Matters and Things, in the same respectively mentioned, shall be transacted and determined within the Divisions or Limits within which the same shall arise, or the Parties therein concerned inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling within or near to, or usually acting within, such Divisions or Limits respectively: And whereas the Boundaries of such Divisions or Limits are in some Instances uncertain, and in many have become inconvenient to the Inhabitants within the same, from the Change or Increase of Trade or Population, or from other Causes: And whereas Doubts have arisen as to the Authority by which such Divisions or Limits may from Time to Time be constituted, defined, or altered; and it is expedient that such Doubts should be removed, and due Provision made for the constituting, defining, and regulating from Time to Time such Divisions or Limits, as the Convenience of the Inhabitants within the same may require; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time or Times after the *Michaelmas* Quarter Sessions next following the passing of this Act, it shall be lawful for any Two or more Justices of the Peace for any County, Riding, or Division in *England*

Justices to forward to the Clerk of the Peace a Statement of

the Townships, Places, &c. that would form a proper Division for which Special Sessions should be held.

England or *Wales*, having a separate Commission of the Peace, to transmit to the Clerk of the Peace a Statement in Writing, signed by such Justices, of the Parishes, Tithings, Townships, and Places within the same, which, in the Opinion of such Justices, would form together a convenient and a proper Division within and for which Special Sessions should thenceforward be held; or of any Parishes, Tithings, Townships, or Places, which, in the Opinion of such Justices, ought to be annexed, for the same Purposes, to any other Division in the said County than those or that of which at the Time of making such Statement they form Part; and that every such Statement shall, among other Things, set forth within what existing Divisions or Division, Limits or Limit, the several Parishes, Tithings, Townships, and Places enumerated in the same, are situated or deemed to be; and also whether One or more and what existing Divisions or Limits will be altered by such proposed new Divisions, or by the Change of any Place or Places from one Division to another; and also the Names of such Justices of the Peace as at the Date of such Statement are usually resident or acting as such within the Boundaries of such proposed new Division.

Statement to be laid before the Justices at the next Quarter Sessions, who are to adopt or reject the same.

II. And be it further enacted, That at the Quarter Sessions next following the Receipt of every such Statement, setting forth such Particulars as are above enumerated, and not otherwise, the Clerk of the Peace shall and he is hereby required to lay the same before such Justices of the Peace in such Sessions assembled; and the Justices of the Peace for such County, Riding, or Division, having such separate Commission of the Peace, shall and they are hereby required (except in the Cases herein-after provided for) to proceed, at the Quarter Sessions next following the laying of such Statement before them as aforesaid, to the Consideration thereof, and at their Discretion to adopt the same wholly or in part, or to reject the same altogether, or to adjourn their Determination thereupon to the next or any succeeding Quarter Sessions.

Clerk of the Peace to advertise Statement and other Particulars in the Newspapers.

III. And be it further enacted, That immediately after the Quarter Sessions at which such Statement shall have been first laid before the Justices of the Peace, the Clerk of the Peace shall cause to be published a Copy of such Statement in Three successive Numbers of One or more weekly Newspapers usually published or circulated within the same County, Riding, or Division, and in which the Advertisements of County Business are usually inserted; and at the Foot of such Copy shall also cause Notice to be given that such Statement has been laid before such Justices in pursuance of the Directions of this Act, and that the same will be taken into Consideration by the Court at the then next ensuing Quarter Sessions.

If Justices approve, an Order to be made for constituting a new Division, and the Clerk of the Peace to publish the same.

IV. And be it further enacted, That when and so often as the Justices of the Peace of any such County, Riding, or Division, having a separate Commission of the Peace, shall adopt wholly or in part any such Statement so laid before them, and shall determine to change any Parish, Tithing, Township, or Place, from one Division to another, or to constitute any new Division, within which Special Sessions shall thenceforward be holden, the said Justices of the Peace shall thereupon

upon make an Order for such Alteration, or for the constituting and defining such new Division, and in such last-mentioned Order shall particularly enumerate the several Parishes, Tithings, Townships, and Places to be comprised within such new Division, and shall also specify the Division or Divisions within which respectively any Parishes, Tithings, Townships, and Places, disannexed by such Order from any former Division, and not forming Part of such new Division, shall thenceforward be taken to be, and also shall affix to such new Division the Name of some principal and convenient Parish, Township, or Place within the same, and also shall, in either of such Orders, as the Case may be, particularly set down the Day from which such Order shall take effect; and the Clerk of the Peace for such County, Riding, or Division, shall forthwith publish a Copy of such Order in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall transmit a Copy of such Order to every High Constable within the Limits of such new or altered Division or Divisions.

No new Division to be constituted unless Five Justices at least shall be proved to be resident therein.

V. Provided always, and be it further enacted, That nothing in this Act shall be taken to authorize, and that it shall not be lawful for any Justices in any Court of Quarter Sessions to make any Order constituting such new Division, unless upon due Proof before them made in open Court upon Oath, that for Two Years next before the making of such Proof there have been, and at the Time of making the same there are, at the least, Five Justices of the Peace residing in or usually acting within the Boundary Line proposed to be the Limits of any such new Division.

New Divisions to be deemed lawful Divisions for holding Special or Petty Sessions, or other Meetings of Justices.

VI. And be it further enacted, That from and after the Day so specified in such Order, for the Term of Twenty-one Years, and until further Order of Sessions after the Expiration of that Time, and subject to no Alteration or Revision during such Term, except as herein-after provided, all Matters and Things which by Law are now or hereafter may be required to be, or which now are, usually transacted or determined within the Division within which the same shall have arisen, or the Parties therein concerned inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling or usually acting within the same, shall be transacted and determined, so far as the same Matters and Things arise within or concern the Inhabitants of such new or altered Division, or any of them, or the Persons exercising their Trade or Calling therein, within the Boundaries of such new or altered Division; and such new or altered Division shall thenceforward be, and be reputed and taken to be, for all Purposes, and in the Construction of all Statutes now in force or hereafter to be made, and containing no special Provision to the contrary, a lawful Division for the holding of Special Sessions; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby thenceforward required to give their Attendance to and upon such Justices of the Peace at any Time assembled in such Special Sessions, within the same Division, as fully and effectually as by Law they had been bound to do within any Division

Division reputed or taken before the passing of this Act to be a lawful and accustomed Division of Justices for the Purposes aforesaid.

Justices at Sessions to cause Enquiry into the Extent of Divisions, and alter the same, and affix Names thereto.

VII. Provided always, and be it further enacted, That at the Quarter Sessions next after the laying of any such Statement before the Justices in such Sessions assembled, it shall and may be lawful for such Justices, if they shall deem it expedient and proper, not to proceed to the single Consideration of such Statement, but instead thereof to cause to be made an Enquiry and Examination into the Boundary Lines, Extent, and other local Circumstances of all the existing and accustomed Divisions for the holding of Special Sessions within the Commission of such Justices; and at such or any succeeding Quarter Sessions, to which the Conclusion of such Enquiry and Examination may from Time to Time be adjourned, by Order of Sessions, to regulate, alter, new model, and subdivide all or any of such Divisions, in such Manner as shall appear to them proper and convenient, particularly specifying in such Order the Names of all such Divisions, whether newly constituted, altered, or unaltered, the several Parishes, Tithings, Townships, and Places to be comprised in each, and affixing or continuing to each the Name of some principal and convenient Parish, Township, or Place within the same.

Clerk of the Peace to publish a Copy of such Order.

VIII. And be it further enacted, That the Clerk of the Peace for any County, Riding, or Division in which such Order shall have been made as last aforesaid, shall forthwith publish a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also forthwith transmit, by the Post, a Copy of the same to the Churchwardens and Overseers of the Poor of each Parish within the said County, Riding, or Division, to be by them affixed on the principal Door of the Church of such Parish; and at the Foot of every such Copy so published or transmitted shall add a Notice specifying at what Time such Order will be enrolled as herein-after provided, and at what Time and in what Manner any Person or Persons, or Body Corporate, aggrieved by such Order, may petition against the same, or any Part thereof, as herein-after provided.

Order to specify a Time when it shall be enrolled.

Parties allowed to petition against such Order.

IX. And be it further enacted, That in every such Order, some Time, not earlier than the Fourth Quarter Sessions next after the making thereof, shall be provisionally specified, on which the same shall be enrolled as herein-after provided, subject to such Alteration as may thereafter be made either in the Particulars of the said Order, or in the Time of its Enrolment; and that at any Court of Quarter Sessions preceding such Time, it shall and may be lawful for any One or more Person or Persons, or Body Corporate, jointly or severally, to present a Petition in Writing to such Court, against all or any Part of such Order, and to produce Witnesses in support of such Petition; and the Justices at such Court assembled shall and they are hereby required to hear and determine, in a summary Way, the Merits of such Petition, and to amend such Order so far as may, upon such Hearing, appear proper and convenient: Provided always, that no such Petition shall be received or examined into, unless after due Proof that a Notice in Writing, specifying the Grounds thereof, which upon the Hearing shall alone be enquired into, hath been served,

served, Ten clear Days before the Commencement of such Sessions, upon One of the Overseers of the Poor, or the Tithingman or Constable, or Two substantial Housekeepers of the Parish, Tithing, Township, or Place respectively, as the Case may be, wherein such Petitioner or Petitioners shall be resident at the Time of presenting such Petition, and also lodged, Twenty clear Days before such Commencement, at the Office of the Clerk of the Peace, who shall and he is hereby required forthwith to transmit a Copy thereof to each of the Justices usually acting within or for the District or Places or Place named in such Notice.

Order to be enrolled as soon as Petitions against the same have been determined, and shall not be subject to Alteration for 10 Years.

X. And be it further enacted, That so soon as all such Petitions against such Order shall have been determined, and such Amendments made therein as shall have appeared necessary or proper, the Justices at such Quarter Sessions shall cause to be inserted therein some Day not earlier than One Month after such Sessions from which the same shall take effect, and shall cause the same Order to be enrolled, and the same shall remain an Order of Sessions, controlling any Order or Orders of Sessions heretofore made for the separate Constitution of any new Divisions, or the partial Alteration of any accustomed Divisions, under the former Provisions of this Act, and not subject itself to Revocation or Alteration of any kind for the Space of Ten Years thence next ensuing; and during such Ten Years no such Statement shall be received or Proceedings had thereon as above-mentioned, but during all that Time, and until further Order of Sessions after the Expiration of that Time, the several Divisions, as limited, modelled, or constituted in and by such Order, shall be and be taken to be, for all the Purposes in this Act mentioned, the lawful Divisions of such County, Riding, or Division, having such separate Commission of the Peace, for the Meetings of Justices in Special Sessions, under any Statute now in force, or hereafter to be made, and containing no special Provision to the contrary; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby required thenceforward, during the Time last above limited, to give their Attendance to and upon the Justices of the Peace at any Time assembled in such Special Sessions, within the same Divisions respectively, as fully and effectually as by Law they have been bound to do within any Division reputed and taken before the passing of this Act to be a lawful and accustomed Division for the Meetings of Justices for any of the Purposes aforesaid.

Clerk of Peace to publish Copy of Enrolment.

XI. And be it further enacted, That immediately after the Enrolment of such Order, the Clerk of the Peace shall and he is hereby required to cause to be published a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also transmit One Copy thereof to each Justice of the Peace dwelling within or usually acting within and for such County, Riding, or Division, having such separate Commission of the Peace.

Proceedings not to be quashed for Want of Form.

XII. And be it further enacted, That no Order to be made, nor any Proceeding to be had or taken, in pursuance of this Act, shall be quashed

quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Not to extend to Middlesex, &c.

XIII. And be it further enacted, That nothing in this Act contained shall extend or be construed or taken to extend to the County of *Middlesex* in *England*, or to *Scotland* or *Ireland*.

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