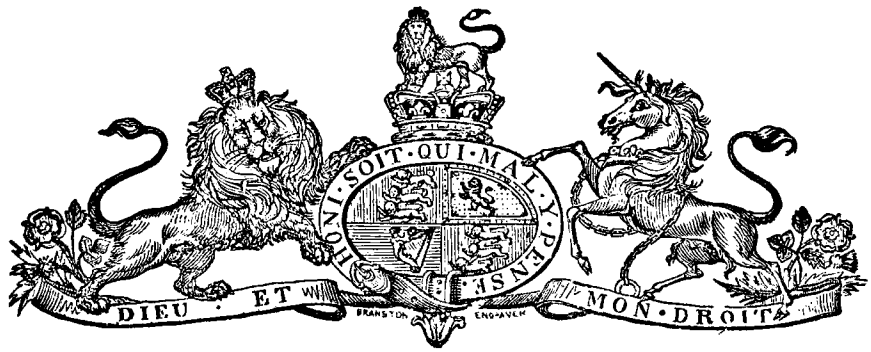


ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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CAP. XLVI.

An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in *Ireland*.

[1st *July* 1842.]

WHEREAS by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, Provision was made for making out on the Fifth Day of *September* in the first Year in which the said Act should come into operation in any Borough divided into Wards, Lists of all Persons entitled to be enrolled in the Burgess Roll according to the Provisions of the said Act: And whereas it is by the said Act also provided, that, on certain Days and within certain Times specified in the said Act, certain Matters should happen and be done with a view to the Revision of Burgess Lists before Barristers to be appointed by the Lord Lieutenant, the making of a Burgess Roll, and the holding of Elections of Town Councillors, Auditors, and Assessors before such Barristers, in the first Year in which the said Act should come into operation in any such Borough: And whereas Provision is made by the said Act for the Poor Law Commissioners certifying to the Lord Lieutenant the Day of the making of a Rate for the Relief of the destitute Poor in *Ireland* in any Borough named in the Schedule A. to the said Act annexed, and Provision is also made for the Lord Lieutenant declaring that, upon the Day happening next after the Expiration of Twelve Calendar Months from the Day to be so certified, the said Act should be in force in such Borough: 3 & 4 Vict. c. 108.

And whereas it is by the said Act also provided, that it should be lawful for the Lord Lieutenant of *Ireland*, if he should think fit, by the Advice of Her Majesty's Privy Council there, to order any convenient Day after the said Act should come into operation in any Borough for doing the several Matters required or authorized by the said Act to happen or to be done on the Fifth Day of *September* in the first Year in which the said Act should come into operation in that Borough, instead of the said Fifth Day of *September*; and it was thereby further provided, that in such Case all Matters mentioned in such Order should be done in the said Year on such Day as should be mentioned in that Behalf in such Order, as if the Day mentioned in such Order had in every Instance been mentioned in the said Act instead of the said Fifth Day of *September*, and not otherwise; and it was further provided, that all Things required or authorized by the said Act to happen or to be done on any other Day, or within any Time from or after any Day named in the said Act should be done in the said first Year, or such other Days and within such other Times as should have, in point of Time, whether prior or subsequent, the same Relation to the Day so ordered by the Lord Lieutenant, instead of the Fifth Day of *September*, as the Days and Time mentioned in the said Act had to the said Fifth Day of *September*, but if any such Day should fall on a *Sunday*, then on the following Day; but that no Person should be entitled to be enrolled in the Burgess Roll of any Borough in the first Year in which the said Act should come into operation in that Borough, unless he would have been entitled on the Fifth Day next before the Day so ordered by the Lord Lieutenant to have his Name included in some Churchwarden's List, if such List had been made out on the said Fifth Day next before the Day so ordered: And whereas it is expedient in any Borough where Lists with a view to the making of a Burgess Roll have been revised, and a Burgess Roll has been made, and an Election of Town Councillors has been held before any Barrister or Barristers appointed for that Purpose by the Lord Lieutenant of *Ireland*, as herein-after mentioned, that in any such Borough the said Act, and all Proceedings had with a view to its Operation, should have and be in full Force and Validity, notwithstanding any Matters or Things required or authorized by the said Act to happen or to be done shall not have happened or shall not have been done on the Days or within the Times required or authorized by the said Act: 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 in every Case in which in any Borough wherein the said Act is now in operation a Barrister or Barristers (appointed by the Lord Lieutenant of *Ireland* to revise the Lists of Burgesses, and to hold the Municipal Elections in or for such Borough, in the first Year of the Operation of the said Act in such Borough,) did revise Lists with a view to the making of a Burgess Roll for such Borough, and did make or cause to be made a Book or Roll purporting to be a Burgess Roll for such Borough, and did, by himself or themselves, or his or their lawful Deputy or Deputies, hold an Election of Aldermen and Town Councillors for such Borough, in every such Case the Persons who have been in fact elected Aldermen and Councillors at such Election shall be and shall be deemed and taken to have been duly elected under the Provisions of the said Act, at and from the Time when such Election did in fact take

The Acts 3 & 4 Vict. c. 108. and 3 & 4 Vict. c. 109. shall be deemed to have operation in any Borough in which, de facto, Burgess Lists shall have been revised, a Burgess Roll made, and the Municipal Elec-

place (of which Election the Declaration under the Hand or Hands of the said Barrister or Barristers, or his or their lawful Deputy or Deputies, shall be Evidence), and that all Matters and Things required by the said Act to happen or to be done previously to the first Election of Town Councillors in any Borough shall be deemed and taken to have happened and to have been done in the Borough in which such Election was so held previously to such Election, and that, from the Time when such Election was so held in such Borough, all the Provisions of the said Act, and of another Act passed in the same Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time* 'An Act to restrain the 'Alienation of Corporate Property in Ireland,' shall have Operation and shall apply, and shall be deemed and taken to have had Operation and to have applied, in and to such Borough in which such Election was so held, and in and to the County or Counties at large to which any Part or District of such Borough shall or might be added by virtue of the said last-mentioned Act; and that from the said Time when such Election was so held in such Borough all other Elections, and all Acts, Deeds, Contracts, Proceedings, Rules, Orders, Judgments, Sentences, Convictions, Awards, Presentments, Warrants, Executions, Matters, and Things heretofore *bonâ fide* made, directed, authorized, done, or performed by or under any Mayor, Town Council, Alderman, or Councillor so elected and acting *bonâ fide* under the said first-recited Act, or in or by any Court, or by any Judge, Assistant Barrister, Recorder, Grand Jury, Petit Jury, Arbitrator, Town Clerk, Treasurer, Churchwarden, or any Officer, Functionary, or Person whatsoever, shall have and shall be deemed and taken to have had the same Force and Validity which they would have or have had if such Election of Aldermen and Town Councillors had been duly held, and the several Matters and Things required or authorized by the said first-mentioned Act had duly happened and been done, according to the Provisions, Intent, and Meaning of the said first-mentioned Act, and no other Force or Validity.

tion of the Town Council been held by Barristers appointed by the Lord Lieutenant.

3 & 4 Vict. c. 109.

II. And be it enacted, That any Proceeding commenced before the passing of this Act in the Court of Queen's Bench (whether the same be still pending there, or a Writ of Error shall have been brought upon any Judgment therein,) for the Purpose of questioning the Validity of any Title to any Corporate Office, on the ground either that a valid Election of Town Councillors was held, or that a valid Election of Town Councillors was not held, in any Borough under the said last-mentioned Act, shall be discontinued immediately upon the passing of this Act, upon Payment of the Costs incurred up to that Time to the Party in such Proceeding whose Title was so questioned, such Costs to be taxed between Party and Party; and the Amount of such Costs, and of the other Costs incurred in such Proceeding by the Party paying the same, shall be paid to such last-mentioned Party by the Treasurer of said Borough out of the Borough Fund.

Provision for discontinuing Proceedings, questioning Elections, &c. under the Act 3 & 4 Vict. c. 108.

III. And whereas it was among other things enacted by the herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty, that from and after the passing of the

Removing Doubts as to Continuance in Office of

Judges of Courts of Conscience.

the said Act all the Powers, Authorities, and Jurisdictions of any existing Court for the Recovery of Small Debts, commonly called the Court of Conscience, in every Borough, whether established by Usage, Statute, or otherwise, should continue in the same Manner as if the said Act had not been passed, until the Lord Lieutenant should think proper to determine the same: And whereas Doubts have arisen, in some Cases, with respect to the Continuance in Office of the Judges and other Officers of such Courts respectively, and it is expedient that such Doubts should be removed; be it therefore and it is hereby declared and enacted, That every Person who at the Time of the passing of the said Act was a President or Judge or other Officer of any such Court shall be deemed to have continued in such Office and to have been such Officer, and shall continue in such Office and be and be deemed to be such Officer, and entitled to all the Fees and Emoluments thereof, until or unless such Court shall be determined or discontinued, or have been determined or discontinued, by Order of the said Lord Lieutenant, as by the said Act provided, in all Cases where the said recited Act has not otherwise provided for the Performance of the Duties of such President or Judge or other Officer of such Court of Conscience: Provided always, that upon the Determination or Discontinuance of any such Court of Conscience under or by virtue of the said Act all and every of the Powers, Authorities, and Jurisdictions of the President, or Judge or Judges, and other Officer or Officers of such Court respectively, shall wholly cease and determine, save only as to the Execution of any Decree or Decrees or Order or Orders of such Court theretofore lawfully made.

Proviso.

Justices of Counties at large to which Portions of Counties of Cities, &c. shall have been added, shall exercise Jurisdiction as Justices in the Portions so added.

IV. And whereas Doubts have arisen with respect to the Extent of the Jurisdiction of the Justices assigned or hereafter to be assigned to keep the Peace in and for the respective Counties at large to which any Portion, Place, or Precinct has been or hereafter may be added by virtue of the said recited Acts or either of them; be it therefore enacted, That from and after the passing of this Act the Justices assigned or hereafter to be assigned to keep the Peace in and for any County at large to which any Part or District of any County of a City or County of a Town shall have been added by virtue of the said Acts or either of them shall exercise the Jurisdiction of Justices of the Peace in and for such Part or District, as fully as by Law they and each of them can or ought to do in and for such County at large.

Interpretation of Act.

V. And be it enacted, That in the Construction of this Act the Words "Borough" and "Lord Lieutenant" shall have the like Meaning as it is provided that the same shall have in the said first-recited Act, and that, in describing any Person or Thing, any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there shall be something in the Subject or Context repugnant to such Construction.

Act may be altered this Session.

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

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