CAP. LXXIX.

An Act for making sundry Provisions with respect to Municipal Corporations in *England*. [15th *August* 1853.]

'WHEREAS the following Acts, to wit, the Acts of the Sixth and Seventh Years of King *William* the Fourth, Chapters One hundred and four and One hundred and five, of the Seventh Year of King *William* the Fourth and the First Year of Queen *Victoria*, Chapter Seventy-eight, of the Second and Third Years of Queen *Victoria*, Chapter Twenty-eight, of the Third and Fourth Years of Queen *Victoria*, Chapter Twenty-eight, of the Fourth and Fifth Years of Queen *Victoria*, Chapter Forty-eight, and of the Sixth and Seventh Years of Queen *Victoria*, Chapter Eighty-nine, or some of the Provisions thereof respectively, which might properly be made applicable as well to all the Municipal Corporations in *England* which have been erected since the passing of the Act of the Sixth Year of *William* the Fourth for regulating Municipal Corporations in *England* as to the Municipal Corporations specified in the Schedules to that Act, do not apply to such recently erected Municipal Corporations by reason of those Acts or Provisions being restricted in Terms to the Municipal Corporations specified in those Schedules: And whereas it is expedient that all Acts relating generally to the Municipal Corporations in *England* specified in those Schedules should apply as well to all Municipal Corporations in *England* erected after the passing of that Act, and that further Provision be made with respect to Municipal Corporations in *England*:' 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.

I. This Act may be cited for any Purpose as "The Municipal Corporation Act, 1853."

Acts applying to Corporations specified in Schedule of 5 & 6 W. 4. c. 76. to extend to Corporations erected after passing of that Act.

II. In every Case in which an existing or future Act, passed after the Act of the Sixth Year of *William* the Fourth, Chapter Seventy-six, for the Regulation of Municipal Corporations, or any Provision of any such Act, applies generally to the Municipal Corporations specified in the Schedules to that Act, or applies generally to Municipal Corporations in *England*, every such Act and every such Provision shall (except only so far as by any Act hereafter passed is otherwise expressly provided) extend and apply, not only to every Municipal Corporation in *England* specified in those Schedules, but also to every Municipal Corporation in *England* erected after the passing of that Act of the Sixth Year of *William* the Fourth, and whether erected by Charter under that Act or otherwise.

For the Validity of Matters to which newly erected Corporations are party or privy.

III. Every Matter to which any Municipal Corporation erected after the passing of that Act of the Sixth Year of *William* the Fourth has at any Time heretofore been or now is party or privy, and which would have been or would now be valid, if any Act, or any Provision of any Act passed after that Act, applying generally to the Municipal Corporations specified in the Schedules to that Act, or applying generally to Municipal Corporations in *England*, but not applying expressly to the Municipal Corporations then or thereafter so erected, had applied expressly to all Municipal Corporations then and thereafter so erected, shall to all Intents and Purposes, both in favour of and against such Municipal Corporations so erected, be as valid as if every such Act and every such Provision had applied expressly to every such Municipal Corporation then or thereafter so erected.

Act not to affect Actions commenced before 18th March 1853.

IV. Provided always, That this Act or anything therein contained shall not affect any Action, Suit, or other Proceeding at Law commenced at any Time before the Eighteenth Day of *March* One thousand eight hundred and fifty-three.

Boroughs appointing Inspectors of Weights and Measures not to be liable to contribute to County Rate in respect of

V. Every City, Borough, and Town Corporate in which an Inspector or Inspectors of Weights and Measures is or are now or hereafter lawfully appointed by the Recorder, Justices, or others having Jurisdiction in this Behalf, shall be exempt from contributing to the Expense of providing or transmitting for the Use of the County, Riding, Division, or Parts within which such Borough or Town Corporate is situate, Copies of the Imperial Standard Weights and Measures, or of the Stamps to be used by the Inspectors, or to the Remuneration to the Inspectors of Weights and Measures appointed for such County, Riding,

Weights and Measures in Counties.

Riding, Division, or Parts; and the Treasurer of every such County, Riding, Division, or Parts shall, out of the Account required by that Act of the Sixth Year of *William* the Fourth to be kept by him of all Sums of Money expended out of the County Rate for other Purposes than such Costs as therein mentioned, exclude such Expense and Remuneration as aforesaid, in like Manner as if the same had been by that Act excepted out of such Account; and the Amount to be paid to the Treasurer of such County, Riding, Division, or Parts by such Borough or Town Corporate shall be varied accordingly.

Town Councillors not disqualified from serving on Grand Juries in certain Boroughs.

VI. So much of that Act of the Sixth Year of *William* the Fourth as exempts or disqualifies Members of the Council for the Time being of every Borough in and for which a separate Court of Quarter Sessions of the Peace is holden, from serving on the Grand Jury at the Quarter Sessions held in and for such Borough, is hereby repealed, so far as respects every Borough which shall not contain Twelve thousand Inhabitants according to the last Census.

Power to Mayors to appoint Deputies in certain Cases.

VII. The Mayor of every City, Borough, and Town Corporate may from Time to Time appoint an Alderman or Councillor of such City, Borough, or Town Corporate to act as the Deputy Mayor during the Illness or Absence of the Mayor, and every such Appointment shall be signified in Writing to the Council, and shall be recorded in the Minutes of their Proceedings.

Power of Deputy appointed by a Mayor.

VIII. Every Deputy appointed by a Mayor under the Provisions of this Act may, during the Illness or Absence of the Mayor, lawfully do and perform all Acts which the Mayor in his official Capacity might himself do and perform: Provided always, that no such Deputy, not being a Justice of the Peace, shall act as a Justice of the Peace or in any judicial Capacity, nor shall he preside at any Meeting of the Council unless specially appointed by the Meeting so to do.

Town Clerk to sign Notice of Meeting to elect a Mayor on Vacancy.

IX. If it shall be necessary by reason of the Death, Resignation, or lawful Removal of the Mayor to convene a Meeting of the Council to supply the Vacancy, the Notice for such Meeting shall be signed by the Town Clerk.

In certain Boroughs Mayor may appoint a Substitute for presiding Alderman at Elections.

X. If in any City, Borough, or Town Corporate the Number of Aldermen does not exceed the Number of Wards, the Mayor shall, in case of the Illness or Incapacity to act of any Alderman at an Election, appoint a Councillor (not being a Councillor representing or enrolled on the Burgess List for the Ward within which the Election is to take place) to preside at such Election.

Extraordinary Vacancy to be filled up Ten Days after Notice to Mayor.

XI. If an extraordinary Vacancy shall happen in the Office of Councillor, Auditor, or Assessor, the Election to supply such Vacancy shall take place not later than Ten Days after Notice shall have been given to the Mayor or Town Clerk by any Two Burgesses, anything to the contrary notwithstanding.

Mayor may appoint Substitute for a deceased Assessor.

XII. If an extraordinary Vacancy shall happen in the Office of Assessor, the Election to supply such Vacancy shall be held before the Alderman of the Ward, the continuing Assessor, and such Burgess (not being a Burgess representing or enrolled on the Burgess List for that Ward) as the Mayor shall by Writing under his Hand appoint.

Result of Election of Aldermen how to be declared.

XIII. At every Election of Aldermen the Persons, not exceeding the Number of Aldermen then to be chosen, who shall have the greatest Number of Votes according to the Voting Papers signed by the Persons entitled to vote at such Election, and delivered to and openly read by the Mayor, shall be declared by the Mayor to be and thereupon shall be duly elected Aldermen: Provided always, that in every Case of an Equality of Votes the Mayor shall have a Casting Vote.

As to Matters required to be done by Overseers under 5 & 6 W. 4. c. 76.

XIV. Every Matter by that Act of the Sixth Year of *William* the Fourth, or by any Act amending the same, directed to be done by the Overseers of the Poor of any Parish, Township, or Place, may be lawfully done by the major Part of such Overseers; and whenever any Notice is by that Act, or any Act amending the same, required to be given to the Overseers of the Poor of any Parish, Township, or Place, such Notice may be delivered to any

any One of such Overseers, or may be left at his Place of Abode, or at his Office for transacting Parochial Business.

Act to extend to Cities, &c.

XV. This Act applies to every City, Borough, and Town Corporate in *England* specified in the Schedules to the Act of the Sixth Year of *William* the Fourth, Chapter Seventy-six, and to every Municipal Corporation in *England* erected after the passing of that Act, and whether erected by Charter under that Act or otherwise, and shall be construed and executed as if its Provisions formed Part of that Act, and the Acts from Time to Time in force amending or extending that Act.

CAP. LXXX.

An Act to facilitate Procedure in the Sheriff Courts in *Scotland*.

[15th *August* 1853.]

'WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland; and another Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate the Constitution, Jurisdiction, and Forms of Process in Sheriff Courts in* Scotland: And whereas it is expedient to facilitate Procedure in the Sheriff Courts in *Scotland*, and to make further Provision for the cheap and speedy Administration of Justice in the said Courts:' 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:

7 W. 4. & 1 Vict. c. 41.

1 & 2 Vict. c. 119.

Proceedings in ordinary Causes.

Short Form of Summons.

I. With respect to Cases in the Sheriff Court, other than those provided for by the first-recited Act as extended by this Act, be it enacted as follows:

The Summons shall be in the Form, as nearly as may be, of the Schedule (A.) annexed to this Act, and such short Form shall be equally effectual to all Intents and Purposes, including Arrestment on the Dependence where the Summons contains a Warrant to arrest in Terms of such Schedule, as the Forms at present in use.

Decree in absence.

Provision for reponing.

II. Where no Appearance shall be entered for the Defender the Sheriff may, at any Court held after the Day of Compearance, give Decree in Terms of such Summons, in like Manner as at present where no Appearance is made for the Defender, and such Decree shall be in all respects equivalent to a Decree in absence obtained under the Forms at present in use: Provided always, that the Defender may obtain himself reponed against such Decree, whether extracted or not, at any Time before Implement has followed thereon, or against such Part thereof as may not have been implemented, by lodging with the Sheriff Clerk a Reponing Note in the Form in Schedule (B.) annexed to this Act, and consigning therewith the Sum of Expenses decerned for, a Copy of which Note shall at the same Time be delivered or transmitted through the Post Office to the Pursuer or his Agent in the Action, and a Certificate by the Sheriff Clerk that such Note has been lodged shall operate as a Sist of Diligence; and where such Note shall have been lodged and Consignation made as aforesaid, the Sheriff shall pronounce a Judgment reponing the Defender, and shall also appoint the consigned Money to be paid over to the Pursuer, unless special Cause be shown to the contrary, and the Cause shall thereafter proceed in all respects as if Appearance were made therein, in manner herein-after provided, of the Date of such Judgment: Provided always, that where a Charge has been given, or any Step of Diligence has been taken on the Decree, prior to the Application to be reponed, it shall be competent to the Sheriff in the course of the Proceedings in the Cause to decern in favour of the Pursuer for the Expense of such Charge or Diligence, or such Part thereof as shall be just.

III. Where