ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XXXV.

An Act to amend the Law relating to Municipal Elections. [19th *April* 1859.]

WHEREAS it is expedient that the Law relating to Municipal Elections in *England* and *Wales* should be amended: 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, in this present Parliament assembled, and by the Authority of the same, as follows:

Division of Boroughs into Wards.

The Division of Boroughs into Wards may be altered.

I. If Two Thirds in Number of the Council of any Borough shall agree to petition and the Council shall thereupon petition Her Majesty for the Division of such Borough into Wards, or for the Alteration of the Number and Boundaries of the Wards into which any Borough is or from Time to Time shall be divided, it shall be lawful for Her Majesty from Time to Time, if She shall think fit, by Advice of Her Privy Council, to fix the Number of Wards into which such Boroughs shall be divided; and every Borough shall be divided into the Number of Wards mentioned in the Order in Council made on such Petition: Provided nevertheless, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the

same

same be taken into consideration by Her Privy Council, shall be published in the *London Gazette* One Month at least before such Petition shall be so considered.

Barrister may be appointed to set out Boundaries of Wards.

II. The senior Judge, or, in case of his Absence from the Kingdom, the next Judge in the Commission of Assize for the Summer Circuit next after any such Order in Council shall have been made, shall appoint a Barrister for the Purpose of determining the Boundaries of such Wards, and apportioning the Number of Councillors of the Borough among such Wards as herein-after mentioned.

Power to set out Boundaries of Wards.

III. The Provisions of Sections Thirty-nine, Forty, and Forty-two, and so much of Section Forty-three as remains unrepealed, of the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-six, shall extend to any such Division of a Borough into Wards, or to any such Alteration of the Number and Boundaries of the Wards into which any Borough is or may be from Time to Time divided, and the same Sections, and also the Provisions of the Tenth Section of the Act of the Seventh Year of the Reign of His late Majesty King *William* the Fourth and First of Her Majesty Queen *Victoria*, Chapter Seventy-eight, and of the Tenth Section of the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Seventy-nine, shall apply to every Election after such Division or Alteration; and the Barrister so to be appointed as aforesaid shall have all the Powers, Rights, and Privileges mentioned in Sections Thirty-nine, Forty, and Forty-two of the said Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six; and the Costs and Expenses thereby occasioned shall be paid and discharged, and such Barrister shall be remunerated at the Rate of Five Guineas for every Day he shall be so employed, over and above his travelling and other Expenses, out of the Borough Fund.

Provision for First Election after Division, &c.

IV. After the Declaration of the First *November* Election of Councillors after such Division or Alteration, all the Councillors for the Borough so divided, or for the Wards so altered, as the Case may be, shall go out of Office, and their whole Powers and Duties shall cease; provided nevertheless, that any of the Persons so going out of Office shall be eligible to be re-elected; and in the First Year after such Election of Councillors for the Borough so divided, or for the Wards so altered, as the Case may be, those who shall go out of Office shall be the Councillors who were elected by the smallest Number of Votes at such Election, and in the next Year those who shall go out of Office shall be the Councillors who were elected by the next smallest

smallest Number of Votes at such Election, the Majority of the whole Council always determining, where the Votes for any such Persons shall have been equal, or when there was no Poll, who shall be the Persons so to go out of Office.

Notice of Election.

Town Clerk to publish Notice.

V. Seven Days at least before the Day fixed for the Election of any Councillor or Councillors, the Town Clerk shall prepare, sign, and publish a Notice in the Form contained in Schedule (B.) to this Act annexed, or to the like Effect, by causing the same to be placed on the Door of the Town Hall and in some other conspicuous Parts of the Borough or Ward for which any such Election is to be held.

Election of Councillors.

Nomination of Candidates.

VI. At any Election of Councillors to be held for any Borough or Ward any Person entitled to vote may nominate for the Office of Councillor himself (if duly qualified), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected for the Borough or Ward, as the Case may be), and every such Nomination shall be in Writing, and shall state the Christian Names and Surnames of the Persons nominated, with their respective Places of Abode and Descriptions, and shall be signed by the Party nominating, and sent to the Town Clerk at least Two whole Days (*Sunday* excluded) before the Day of Election; and the Town Clerk shall at least One whole Day (*Sunday* excluded) before the said Day of Election cause the Christian Names and Surnames of the Persons so nominated, with such Statement of their respective Places of Abode and Descriptions, and with the Names of the Party nominating them, respectively to be printed and placed on the Door of the Town Hall, and in some other conspicuous Parts of the Borough or Ward for which such Election is to be held.

Nomination Papers.

VII. Any Nomination Paper may be in the Form contained in the Schedule to this Act annexed, or to the like Effect; and the Town Clerk shall provide so many Nomination Papers as may be required, and, at the Request of any Person entitled to nominate, shall fill up a Nomination Paper in due Form: Provided nevertheless, that such Paper shall be signed by the Person nominating.

Election of Councillors.

VIII. At any Election of Councillors to be held for any Borough or Ward:

1. If the Number of Persons so nominated shall exceed the Number to be elected,

The Councillors to be elected shall be elected from the Persons so nominated, and from them only:

2. If

2. If the Number of Persons so nominated shall be the same as the Number to be elected,

Such Persons shall be deemed to be elected; and the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of the Persons so elected, not later than Eleven of the Clock in the Morning of the said Day of Election:

3. If the Number of Persons so nominated shall be less than the Number to be elected,

Such Persons shall be deemed to be elected: Such of the retiring Councillors highest on the Poll at their Election, or, if the Poll were equal, or there were no Poll, such as shall be nominated by the Mayor, shall be deemed to be re-elected to make up the Number required to be elected: And the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of all the Persons so elected respectively, not later than Eleven of the Clock in the Morning of the said Day of Election:

4. If no Persons be so nominated,

The retiring Councillors shall be deemed to be re-elected, and the Mayor or Alderman and Two Assessors, as the Case may be, shall publish a List of the Names of all the Persons so elected, not later than Eleven of the Clock in the Morning of the said Day of Election.

Penalty for Personation of Voters.

IX. If, pending or after any Election of Councillors, Auditors, or Assessors, any Person shall personate or induce any other Person to personate any Person entitled to vote at such Election or whose Name is on the Burgess Roll then in force, or falsely assume to act in the Name or on behalf of any Person so entitled to vote, or wilfully make a false Answer to any of the Questions mentioned in Section Eighteen of this Act, he shall for every such Offence be liable, on Conviction before Two Justices in Petty Sessions, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

Penalty for forging Nomination or Voting Papers.

X. If, before, pending, or after any Election of Councillors, Auditors, or Assessors, any Person shall wilfully fabricate, in whole or in part, alter, deface, destroy, abstract, or purloin, any Nomination or Voting Paper after the same shall have been duly filled up, he shall for every such Offence be liable, on Conviction before Two Justices in Petty Sessions, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

XI. If

Penalty on Persons guilty of Bribery at Elections.

XI. If any Person at any Election of Mayor, Councillors, Auditors, or Assessors for any Borough shall be guilty of Bribery, he shall for every such Offence forfeit the Sum of Forty Shillings to any Person who shall sue for the same in the County Court, with full Costs of Suit; and any Person offending in any Case in which, under the Act or Acts for the Time being in force with respect to the Election of Members to serve in Parliament for Boroughs in *England* and *Wales*, the Name of the Offender may be expunged from the List of Voters, being lawfully convicted thereof, shall for the Term of Six Years be disabled to vote in any Election in such Borough, or in any Municipal or Parliamentary Election whatever, in any Part of the United Kingdom, and shall for such Term be disabled to hold, exercise, or enjoy any Office or Franchise to which he then shall or at any Time afterwards may be entitled as a Burgess of such Borough, as if such Person were naturally dead.

Definition of Bribery.

XII. The Word "Bribery" shall include anything committed or done before, at, after, or with respect to the Election of any Mayor, Councillors, Auditors, or Assessors, which, if committed or done before, at, after, or with respect to any Election of any Member to serve in Parliament, would render the Person committing or doing the same liable to any Pains, Penalties, Forfeitures, or Conviction for Bribery, Treating, undue Influence, corrupt Practices, or other Offence, under any Act or Acts for the Time being in force with respect to the Election of Members to serve in Parliament for Boroughs in *England* and *Wales*.

Appeal.

XIII. If any Person shall think himself aggrieved by any Conviction under this Act, he may appeal therefrom to the next Quarter Sessions of the Peace in and for the County within which is situate the City or Borough in which such Conviction took place, first giving reasonable Notice to the Mayor and Justice or Justices of the Peace, as the Case may be, of his Intention so to do, and entering into Recognizance to pay such Costs as may be awarded against him.

Time limited for Proceedings.

XIV. All Proceedings for enforcing any Pains, Penalties, Forfeitures, or Convictions under this Act shall be commenced within Six Calendar Months from the Time when the Matter of such Proceedings arose.

Title and Extent of Act.

Short Title.

XV. This Act may be cited for any Purpose as "The Municipal Corporation Act, 1859."

XVI. This

Extent of Act.

XVI. This Act shall apply to every City, Borough, and Town Corporate specified in the Schedules to the said first-mentioned Act, and to every Municipal Corporation in *England* and *Wales* 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.

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SCHEDULES.

SCHEDULE A.

ELECTION of Councillors for the [Ward of in the] Borough of to be held on the Day of A.D.

Nomination Paper.

Christian Name and Surname of Person nominated.	Place of Abode of Person nominated.	Description of Person nominated.	Christian Name and Surname of Nominator.	Address of Nominator.

Dated the Day of A.D.

(Signed)

SCHEDULE B.

Borough of
in the County of } to wit.

Election of Councillors for the [Ward of in the] Borough of in the County of

Take notice.

1. That an Election of [*Three*] Councillors will be held for the said Ward [*or* Borough] on the Day of A.D. in the said Ward [*or* Borough].

2. That any Person entitled to vote may nominate for the said Office himself (if duly qualified), or any other Person or Persons so qualified, not exceeding [*Three*] in Number.

3. That every such Nomination must be in Writing, and must state the Christian Names and Surnames of the Persons nominated, with their respective Places of Abode and Descriptions.

4. That

4. That any Nomination Paper must be signed by the Party nominating, and may be in the following Form or to the like Effect [*set out Form as given in Schedule*].

5. That all Nomination Papers must be delivered to the Town Clerk on or before the Day of next.

Dated this Day of , A.D.

(Signed) *A.B.*, Town Clerk.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.