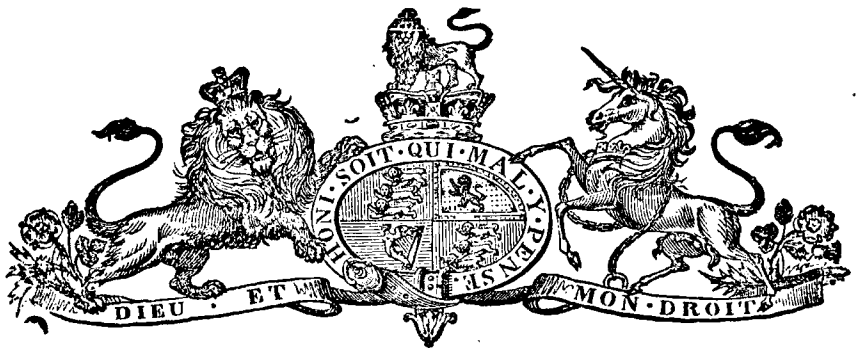


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act for amending the Municipal Corporations Act. [6th *August* 1861.]

WHEREAS it is expedient to amend in manner herein-after mentioned the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and herein-after referred to as the "Principal 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, as follows: 5 & 6 W. 4. c. 76.

1. This Act may be cited for all Purposes as "The Municipal Corporations Act Amendment Act, 1861." Short Title.

2. Whereas by the Fifty-seventh Section of the principal Act it is provided that the Mayor for the Time being of every Borough shall be a Justice of the Peace of and for such Borough, and shall continue to be such Justice of the Peace during the next succeeding Year after he has ceased to be Mayor, unless disqualified as therein-before mentioned; and that such Mayor shall, during the Time of his Mayoralty, have Precedence in all Places within the Borough: It is hereby enacted, That the Mayor of every Borough shall, during the Construction of Section 57 of 5 & 6 W. 4. c. 76.

Time of his Mayoralty, have Precedence over all Justices of the Peace acting in and for such Borough, and be entitled to take the Chair at all Meetings of Justices held within the Borough at which he may be present by virtue of his Office of Mayor, subject to these Provisoes; firstly, that the Mayor of a Borough shall not by virtue of this Section have any Precedence over the Justices of the Peace acting in and for the County, Riding, or Division of a County in which any such Borough is situate unless when acting in relation to the Business of such Borough, or over any Stipendiary Magistrate engaged in administering Justice; and secondly, that by virtue of this Section the Mayor of *Cambridge* shall not have any Precedence over the Vice-Chancellor of the University of *Cambridge*, and the Mayor of *Oxford* shall not have any Precedence over the Vice-Chancellor of the University of *Oxford*.

Amendment of Section 98 of 5 & 6 W. 4. c. 76.

3. Whereas by the Ninety-eighth Section of the Principal Act it is provided, that every Person assigned by Her Majesty's Commission to act as Justice in and for a Borough shall reside within the Borough for which he shall be so assigned, or within Seven Miles of the Borough, or of some Part thereof, during such Time as he shall act as a Justice of the Peace in and for such Borough; and by the Ninth Section of the Principal Act it is provided, that every Burgess shall be an Inhabitant Householder within the Borough, or within Seven Miles thereof: It is hereby enacted, That every such Justice shall be deemed to reside within such Borough if he occupies any House, Shop, Warehouse, or other Premises within the same.

Boroughs having a separate Commission of the Peace to be deemed Towns Corporate for the Purposes of the Alehouse Licensing Act.

4. Whereas by the Ninety-eighth Section of the Principal Act it is provided, that Her Majesty's Commission may be issued to certain Persons to act as Justices of the Peace in and for each of the several Boroughs therein mentioned: And whereas Doubts have arisen whether Boroughs having separate Commissions of the Peace but not having separate Courts of Quarter Sessions are "Towns Corporate" within the Meaning of the Act Ninth of *George* the Fourth, Session Two, Chapter Sixty-one, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, so as to give the Justices of such Boroughs Control over the granting or withdrawing Licences, and it is desirable that such Doubts should be removed: It is hereby declared, That in the Construction of the last-mentioned Act the Words "Town Corporate," and the Words "County or Place," and the Words "Division or Place," include every Borough in *England* having a separate Commission of the Peace, although it may not have a separate Court of Quarter Sessions; and that

that the Words "High Constable," where used in the same Act, include any Constable of any such Borough to whom the Justices of the same Borough may direct their Precept or Precepts under the same Act; and that all Licences hitherto granted, and all Transfers of Licences hitherto made in pursuance of the same Act, or of the Act of the Fifth and Sixth *Victoria*, Chapter Forty-four, or any other Act, by the Justices of any such Borough, are hereby declared to be valid and effectual to all Intents and Purposes.

Repeal of Sect. 112 of 5 & 6 W. 4. c. 76. and new Provisions enacted in lieu thereof.

5. Whereas by the One hundred and second Section of the Principal Act, it is enacted, that it shall not be lawful for the Justices of any Borough to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace for such Borough, or Partner of such Clerk of the Peace, or any Clerk or Person in the Employ of such Clerk of the Peace; and that it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the Prosecution of any Offender committed for Trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery, or General or Quarter Sessions; and that any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk, or in the Employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds as therein mentioned: And whereas the said Provisions have been found to be insufficient for preventing the Mischiefs thereby intended to be prevented: It is hereby enacted, That the said Provisions of the One hundred and second Section of the Principal Act shall be repealed; and from and after the passing of this Act it shall not be lawful for the Justices of any Borough to appoint or continue as their Clerk any Alderman or Councillor of such Borough, or the Clerk of the Peace of such Borough or of the County in which such Borough is situate, or the Partner of any such Clerk of the Peace; and it shall not be lawful for the Clerk to the Justices of any Borough, by himself or his Partner, or otherwise, to be directly or indirectly employed or interested in the Prosecution of any Offender committed for Trial by the Justices of such Borough or any of them at any Court of Gaol Delivery or General or Quarter Sessions; and any Person who shall in anywise offend in the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Treasurer of such Borough, to be paid over to the Credit and Account of the Borough Fund, and the other Moiety thereof, with Costs of Suit, to any Person who may sue for the same in any of Her Majesty's Courts of Record at *Westminster*:

Provided

Provided that nothing herein contained shall prevent the Justices of any Borough reappointing as their Clerk any Clerk of the Peace or Partner of such Clerk of the Peace of their Borough, or of the County in which such Borough is situate, who at the Time of the passing of this Act shall be, or who shall not at the Time of such Reappointment have ceased to be, the Clerk of such Justices.

Provisions of 22 & 23 Vict. c. 56 as to Appointment of Inspectors of Weights and Measures extended to Boroughs having a separate Commission of the Peace.

6. Whereas by the Fourth Section of an Act passed in the Session holden in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Fifty-six, intituled *An Act to amend an Act of the Fifth and Sixth Years of King* William *the Fourth, Chapter Sixty-three, relating to Weights and Measures*, certain Powers of appointing Inspectors of Weights and Measures are conferred on the Town Councils of all Municipal Boroughs in *England* and *Wales* incorporated under the Provisions of the Principal Act to which a separate Court of Quarter Sessions has been granted: And whereas it is expedient to extend such Provisions to the Town Councils of all Municipal Boroughs in *England* and *Wales* having a separate Commission of the Peace, although they may not have a separate Court of Quarter Sessions: It is hereby enacted, That all the Provisions of the said Fourth Section shall extend to Boroughs having a separate Commission of the Peace in the same Manner as if such Boroughs were therein included under the Description of "Boroughs to which a separate Court of Quarter Sessions has been "granted."

Not to affect 17 & 18 Vict. c. 20.

7. Nothing in this Act contained shall affect "The *Manchester* Division Stipendiary Act, 1854," or any Provision therein contained.

Construction of Act.

8. This Act shall be construed as One with the said principal Act.

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