CHAPTER xiv.

An Act for the appointment of a Stipendiary Magistrate for the Petty Sessional Division of Pontypridd in the county of Glamorgan; and for other purposes. [13th May 1872.] A.D. 1872.

WHEREAS the execution of the office of a justice of the peace within the petty sessional division of Pontypridd in the county of Glamorgan which consists of the hamlet of Glyntaff in the parish of Eglwysilan, the parishes of Llantrissant, Llantwitfardre, and Pentyrch, the parish of Llanwonno (except the ecclesiastical district of Saint Margaret), and the parish of Ystradyfodwg, (except the hamlet of Rhigos), has become difficult and burdensome owing to the great and increasing extent of the population, and the attendance of a sufficient number of justices of the peace for the prompt administration of justice within the said division cannot always be obtained:

And whereas it would tend to the more speedy and effectual administration of justice therein, the better protection of the persons and property of the inhabitants, and the advantage of the public, if provision were made by the authority of Parliament for the appointment of a stipendiary magistrate for the said petty sessional division:

May it therefore please Your Majesty that it may be enacted; and 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:

1. This Act may be cited for all purposes as "Pontypridd Stipendiary Magistrate's Act, 1872." Short title.

2. It shall be lawful for Her Majesty, if she shall think fit, by Warrant under Her Royal Sign Manual, to appoint a fit person to be during Her Majesty's pleasure a stipendiary magistrate and a Power to the Crown to appoint magistrate.

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justice of the peace within and for the said petty sessional division of Pontypridd, and in every case of vacancy of the office of stipendiary magistrate under this Act to appoint another fit person to that office, and every stipendiary magistrate appointed under this Act shall be entitled to the salary by this Act directed to be paid to him.

Qualification, &c. of magistrate.

3. Every person appointed a stipendiary magistrate under this Act shall be a barrister-at-law of not less than seven years' standing, and may while in office execute the office of a justice of the peace within and for the said division, although he may not have such qualification by estate as is or from time to time may be required by law in the case of other persons being justices of the peace for a county (provided such person be not disqualified by law to act as a justice of the peace for any other cause or upon any other account than in respect of estate), and shall while in office sit and act as a justice of the peace within and for the said division on all matters where one or more justices are by law now required and either alone or together with any other justice or justices of the peace having jurisdiction within the said division, and may act in the said divisionas justice of the peace at special session, or in relation to grants or transfers of licenses in the division, but except as aforesaid he shall not by virtue of his appointment under this Act act as a justice of the peace at any court of gaol delivery, or general or quarter sessions, or in making any assessment under this Act, or in making or levying any county rate or any rate in the nature of a county rate, nor shall he while in office as such stipendiary magistrate practice as a barrister.

Oath to be taken by magistrate.

4. No person so appointed shall act as a stipendiary magistrate or justice of the peace until he has taken and subscribed before a judge of one of the superior courts of common law at Westminster the oaths required to be taken and subscribed by justices of the peace except the oath of qualification.

Residence and attendance of magistrate.

5. Every magistrate appointed under this Act shall, while in office, reside within the said division and shall attend at the court to be provided for him at Pontypridd, as herein-after mentioned, or if and so long as no court is provided at some other place at Pontypridd for the despatch of business one day at least in every week, and also one day in every week within the parish of Llantrissant, and one day in every week within the parish of Ystradyfodwg from eleven of the clock in the forenoon to four of the clock in the afternoon, unless the business of the day be sooner disposed of, and also at all other times when any special occasion may require his

immediate services: Provided always that he shall not attend on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving unless in cases of urgent necessity, or when directed to attend by one of Her Majesty's Principal Secretaries of State.

Summonses, &c. may be executed within seven miles of the district.

6. Every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant issued by the stipendiary magistrate may be respectively served and executed within the county of Glamorgan.

Salary of magistrate.

7. A salary at the rate of six hundred pounds in each year shall be paid to every magistrate appointed under this Act, so long as he continues to discharge the duties of his office.

Appointment of clerk.

8. Every such magistrate may have a clerk to assist him in his duties, and the person who is now clerk to the justices of the said petty sessional division shall, if on the first appointment of magistrate under this Act that person be able and willing to undertake the duties of clerk under this Act, be the first clerk under this Act, and shall continue in office until he dies or is for good cause removed by the magistrate appointed and acting for the time being under this Act. And any such magistrate may thereafter from time to time at his pleasure appoint a clerk, and may for good cause remove the person hereby appointed the first clerk, and may from time to time at his pleasure remove any other clerk appointed by or under the authority of this Act. And every such clerk while in office shall attend (except in case of illness or other sufficient cause to be allowed by the said magistrate, who shall in such cases appoint a temporary deputy) at all official sittings of the magistrate appointed and acting under this Act.

Qualification of clerk.

9. No person shall be appointed clerk under this Act who is not an attorney-at-law in actual practice, and any clerk appointed under this Act shall not be concerned either by himself or partner in any matter before the stipendiary magistrate or (except by the direction of the said magistrate) in any proceeding arising thereout or consequent thereon in any other court on pain of dismissal.

Clerk's salary.

10. Every clerk appointed by or under the authority of this Act, shall while in office be allowed and paid a salary at the rate of three hundred pounds in each year in full recompense for his trouble and attendance in the execution of this Act, and shall not (on pain of dismissal) retain for his own use any fees whatever, or any money or moneys worth, in respect of anything whatever done by him in his office of clerk (except such proceedings in other courts,

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as he may in accordance with the provisions of this Act be concerned in).

Power to raise salaries.

11. Provided that if at any time or times hereafter it shall appear to the justices of the peace for the county of Glamorgan in general or quarter sessions assembled, that by reason of the increase of business to be transacted by the magistrate and clerk, or for any other sufficient reason the said salaries of six hundred pounds and three hundred pounds, or either of them are or is insufficient, and they shall present a memorial to one of Her Majesty's Principal Secretaries of State praying for an increase of the said salaries, or either of them, and stating their reasons for such increase, the said secretary may, if he thinks fit, by writing under his hand, raise the said salaries or either of them to any sums not exceeding the sums mentioned in the said memorial.

Magistrate and clerk exempt from serving on juries.

12. The magistrate and his clerk shall be exempt and disqualified from being returned and from serving on any jury or inquest, and their names shall not be inserted in any list of men qualified and liable to serve as jurors.

Salaries when payable, &c.

13. The salaries payable under this Act to the magistrate and his clerk shall be paid by equal quarterly payments on the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December in every year, and if any person entitled to any such salary enters upon his office on any day other than one of the four days above named he shall on the first of those four days which happens next after such entry be paid a proportionate part of his salary calculated from the time of such entry. And if any such person resigns, is removed, or dies on any day other than one of the four days above named he or his representatives shall be entitled to and shall be paid a proportionate part of his salary calculated from the last of the four days above named up to the time of his resignation, removal, or death.

Fees to be taken by clerk.

14. The clerk shall be entitled to and shall take all such fees as shall from time to time be authorised to be taken by clerks of justices acting for the county of Glamorgan: Provided that a copy of the table of fees shall be kept conspicuously affixed in the public court or office of the magistrate appointed and acting under this Act, and that such magistrate may, for reasonable cause, remit any such fees in part or in whole, and may award such costs as he deems meet to be paid to or by any or either of the parties to any charge or complaint whether or not a warrant or summons shall have been issued.

Clerk to pay over fees.

15. The clerk shall keep a clear and accurate account of all fees so received by him, and shall once in every quarter of a year deliver an account thereof and pay over the amount received to the treasurer of the county of Glamorgan, or to such other person as may for the time being be nominated by the justices of the peace for that county to receive the same, and such amount shall be applied in diminution of the rates charged with the expenses of the execution of this Act.

Audit of accounts.

Remuneration of treasurer.

16. The justices of the peace for the county of Glamorgan shall, at each of the quarter sessions of the county in each year, audit and settle the accounts of such treasurer or other person relating to moneys received and paid under this Act, and may allow to him for his trouble in the execution of this Act such salary as they think reasonable out of the rates charged with the expenses of the execution of this Act.

For providing offices.

17. The justices of the peace for the county of Glamorgan in general or quarter sessions assembled are hereby authorised to provide and furnish a suitable court or office at Pontypridd aforesaid (to be called the Pontypridd Police Office), and are also authorised, if they so think fit, to provide and furnish suitable offices at any other place or places within the Pontypridd petty sessional division for the transaction of the business of the magistrate appointed under this Act, and other justices acting in that division, and the expense thereof and of upholding the same, and the expenses of law and other books, printing, and stationery, and other expenses connected with or incidental to the discharge of the duties of the magistrate and clerk to such extent as the justices may from time to time direct shall be paid out of the rates charged with the expenses of the execution of this Act, or out of money borrowed under this Act.

Recognisances on petty charges.

18. Whenever any person charged with any offence for which, if proved, he might be summarily convicted, before a justice, shall be, without the warrant of a justice, in the custody of any constable acting within the said division during any time when the magistrate appointed under this Act is not sitting, the constable may, if he thinks fit (but without taking any fee or reward), take the recognizance of such person with or without sureties conditioned for the appearance of such person before the magistrate appointed and acting under this Act at his next sitting, and shall enter the particulars of every such recognizance in a book to be kept for the purpose. And every such recognizance, when endorsed by the said magistrate, shall be deemed to have been taken before, and shall have in all respects the same effect and consequences as if it had been taken before a justice of the peace.

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Assessment for expenses of Act.

19. The justices of the peace for the county of Glamorgan in general or quarter sessions assembled shall once or oftener in each year estimate the amount required for the purpose of paying the salaries by this Act authorised, and other the expenses of the execution of this Act, and the costs, charges, and expenses of, incident, and preliminary to the preparation, application for, and passing of this Act, and of repaying money borrowed under this Act and the interest thereof, and shall assess the amount upon and between the parishes, parts of parishes, and hamlet included within the Pontypridd petty sessional division according to the proportions in which those parishes, parts of parishes, and hamlet respectively contribute for the time being to the county rate for the county of Glamorgan.

Levy of rates.

20. The justices of the peace for the county of Glamorgan shall issue their precept to the overseers of the poor of the parishes and hamlet which are wholly or in part within the Pontypridd petty sessional division, and the said overseers respectively shall pay over the sums required from them by such precepts out of the poor's rates for the said parishes and hamlet to the treasurer of the county of Glamorgan, or to such other person as the justices of that county may appoint to receive the same, and shall pay over the same to him at or before the times at which county rates are usually paid to such treasurer by chief or high constables.

Purposes of Act to be deemed poor rate purposes, &c.

21. The purposes of this Act shall be deemed purposes for which poor rates may be levied in the said parishes and hamlet, and the amounts required for the purposes of this Act may be included in the assessments of such poor rates, and levied as part thereof, and either prospectively or retrospectively.

Provision as to rates in parts of parishes.

22. And whereas there is no separate poor's rate in the hamlet of Glyntaff, or in that part of the parish of Llanwonno which is included within the Pontypridd petty sessional division. Therefore the overseers of the poor of each of the said parishes of Eglwysilan and Llanwonno after every payment made by them under this Act, shall in the then next or some subsequent rate to be made by them for the relief of the poor, raise the amount of such payment by an additional assessment or rate to be made upon all messuages, lands, tenements, and hereditaments situate in that part of the parish of which they are overseers, which is within the said division. And every such additional assessment or rate shall be, and be deemed to be in addition to and part of the assessment or rate for the relief of the poor of the part of the parish which is within the said division and shall be made, levied, and raised in like manner as poor's rates are by law directed to be made, levied, and raised. And the said

overseers shall have in all respects the same powers, remedies, and protection for collecting the sums from time to time required to be levied by them as aforesaid as overseers of the poor have by law for collecting any sums due on account of poor rate, and every sum so collected shall be applied as part of the poor rate of the whole parish in part of which it is collected.

Power to borrow.

23. The justices of the peace for the county of Glamorgan in general or quarter sessions assembled may from time to time borrow any sums not exceeding in the whole two thousand pounds for the purpose of purchasing lands or buildings, or of erecting a court or office, or other the purposes of this Act, and for securing such loans, and the interest thereon may mortgage the rates or parts of rates to be levied under this Act, and the principal sums so borrowed shall, in addition to the interest thereon, be repaid out of the said rates or parts of rates by yearly instalments of not less than one-thirtieth part of those principal sums.

Expenses of Act.

24. All the costs, charges, and expenses of, incident, and preliminary to the preparation, application for, and passing of this Act shall be paid out of the moneys to be raised under the powers of this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1872.