'and of any Act for the Amendment of them or either of them, and it is expedient to 'ensure Uniformity of Practice at Petty Sessions in relation to such Complaints and 'Proceedings:' 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:

Provisions of recited Acts to apply to Complaints or Proceedings under 3&4 W.4. c. 68. and 6 & 7 W. 4. c. 38. in Cases specified.

1. From and after the passing of this Act the Provisions of the Petty Sessions (*Ireland*) Act, 1851, and of the Petty Sessions Clerks (*Ireland*) Act, 1858, (anything therein to the contrary notwithstanding,) shall apply to all Complaints or Proceedings under the Act of the Third and Fourth of *William* the Fourth, Chapter Sixty-eight, and the Act of the Sixth and Seventh of *William* the Fourth, Chapter Thirty-eight, and every Matter or Thing connected therewith, relating to Publicans keeping their Houses of Business open within prohibited Hours, or to Persons within such Hours tippling or gaming therein, or refusing to quit the same, or resisting the Entry of Parties by Law authorized to enter therein, or to Publicans allowing illegal Assemblies or Societies on their Premises, or hanging out Flags or Emblems therefrom, or to Persons found drunk in any public Place or Thoroughfare.

Short Title.

2. This Act may be cited as "The Petty Sessions (*Ireland*) Amendment Act, 1863."

CAP. XCVII.

An Act to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates.

[28th *July* 1863.]

'WHEREAS the Execution of the Office of Justice of the Peace within populous 'Cities and Places in *England* and *Wales* has become difficult and burdensome, the 'great and increasing Extent of the Populations therein, and the difficult and important 'legal Questions that arise under various Public and Local Acts, creating unreasonable 'Demands upon the Time of Justices: And whereas there is Reason to believe that such 'Cities and Places would secure the Services of Stipendiary Magistrates for the more 'speedy and effectual Execution of the said Office, the better Protection of the Persons 'and Properties of the Inhabitants, and the Advantage of the Public, if Provision were 'made by Authority of Parliament for the Appointment of such Magistrates:' 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.

1. This Act may be cited as "The Stipendiary Magistrates Act, 1863."

Interpretation of Terms.

2. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless they be repugnant to or inconsistent with the Context or Subject Matter in connexion with which they are used; that is to say,

The Words "City" or "Place" shall mean any City or Place, not a Municipal Corporation, wherein the Public Health Act, Local Government Act, or Local Improvement Act is or shall be in operation, and shall comprise the whole Area to which the Public Health Act, Local Government Act, or Local Improvement Act shall extend, provided there is a Population within such Area of Twenty-five thousand Persons; and provided such Place is not included in any District for which a Stipendiary Magistrate is acting by virtue of any Act of Parliament:

The Expression "Local Board" shall mean the Board appointed under any of such Acts:

The Word "County" shall mean County, Riding, Parts, Liberty, or Division:

The

The Word "Jurisdiction" shall include the entire Area of a City or Place to which any of such Acts shall extend:

This Act shall not extend to the City of *London*, or to any City or Place which is now incorporated or shall be incorporated under the Provisions of the Fifth and Sixth *William* the Fourth, Chapter Seventy-six, intituled *An Act for the Regulation of Municipal Corporations in* England *and* Wales.

Power to Local Board to make a Byelaw as to Salary to be fixed, on which Crown may appoint a Justice.

3. If any Local Board of any City or Place shall, by a Majority of not less than Two Thirds of the Number of such Board, think it expedient that a Stipendiary Magistrate should be appointed to execute the Office of a Justice of the Peace within any City or Place, such Local Board is hereby empowered, by a like Majority, to make a Byelaw or Minute fixing the Amount of the Salary which he is to receive in that Behalf, subject to the Approval of One of Her Majesty's Principal Secretaries of State, and such Byelaw or Minute shall be transmitted to One of Her Majesty's Principal Secretaries of State, and it shall be lawful thereupon for Her Majesty, if She shall think fit, to appoint a fit Person, being a Barrister-at-Law of not less than Five Years standing, to be, during Her Majesty's Pleasure, Police Magistrate and a Justice of the Peace for such City or Place, and to order that such Sum shall be paid quarterly out of the Local Improvement Rate of such City or Place as will be sufficient to pay such yearly Salary to the said Justice so assigned as aforesaid, not exceeding in the whole the Salary mentioned in such Byelaw or Minute so approved as aforesaid, clear of all Fees or Deductions, as to Her Majesty shall seem fit; and the Treasurer of such Local Board shall pay to the Justice so assigned as aforesaid, out of the Local Improvement Rates, the Salary so directed to be paid, by Four equal quarterly Payments, and in the same Proportion up to the Time of the Death of such Justice or his ceasing to act under such Assignment as aforesaid: Provided that in every Case of Vacancy of the Office of Police Magistrate in any City or Place aforesaid no new Appointment of Police Magistrate in such City or Place shall be made until the Local Board, in manner herein-before referred to, shall again make Application to One of Her Majesty's Principal Secretaries of State in that Behalf, and as in the Case of the First Appointment of a Police Magistrate in such City or Place.

Local Board to provide and furnish a Police Office.

4. The Local Board are hereby authorized and required to provide and furnish a fit and suitable Office, to be called the Police Office of the City or Place, for the Purpose of transacting the Business of the Justices of such City or Place, and to pay from Time to Time, out of the Local Improvement Rates, such Sums as may be necessary for providing, upholding, and furnishing, and for the necessary Expenses of such Police Office, provided that no Room in any House licensed as a Victualling House or Alehouse shall be used for the Purposes of any such Police Office.

Justice need not be qualified by Estate;

5. Any Person assigned to keep the Peace within any City or Place under the Provisions of this Act shall during the Continuance of such Assignment execute the Duties of a Justice of the Peace in and for the City and Place for which he shall have been so assigned, although he may not have such Qualification by Estate as is required by Law in the Case of other Persons being Justices of the Peace for a County, provided that 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 sit and act as a Justice of the Peace within such Jurisdiction as aforesaid on all Matters where One or more Justices are by Law now required either alone or together with any other Justice or Justices of the Peace of the City or Place wherein his Jurisdiction is situate; and that 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 any Justice of the Peace acting in and for any City or Place in any Matter within his Jurisdiction, may be respectively served and executed within any County in which the said City or Place shall be situate, or within any Distance not exceeding Seven Miles from such City or Place, and within such Limits as aforesaid, shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice of the Peace having Jurisdiction in the Place where the same shall be served or executed, any Law, Statute, Charter, or Usage to the contrary notwithstanding; and every such Summons

Summons and Warrant shall and may be lawfully served or executed within such Limits as aforesaid by the Constable or Special Constable to whom the same shall be directed: Provided nevertheless, that no such Person, by virtue of such Assignment, shall act as a Justice of the Peace at any Court of Gaol Delivery, or General or Quarter Sessons, or in making or levying any County Rate or Rate in the Nature of a County Rate.

but such Justice not to sit in Courts of Gaol Delivery.

6. It shall be lawful for such Magistrate and he is hereby required to appoint One fit and proper Person, being an Attorney-at-Law, in actual Practice as a Clerk, to be removable at his Pleasure, and as often as there shall be a Vacancy in the said Office of Clerk to the Magistrate by Death, Resignation, Removal, or otherwise; and such Clerk shall attend (except when prevented by Illness or some other sufficient Cause, to be allowed by such Magistrate, who shall appoint a temporary Deputy,) at all official Meetings and do all such Work and transact all such Business as is usually done and transacted by Justices Clerks; and he and his Successors shall be paid such yearly Salary as the Local Board shall appoint, subject to an Appeal to the Secretary of State, who is hereby empowered finally to determine the Amount of the said Salary, for his Time, Trouble, Attendance, and Expenses in the Execution of his said Office, by the Local Board, in Four quarterly Payments, as herein-before directed with reference to the Payment of the Salary of the said Magistrate; but he shall not be concerned, either by himself or Partner, in any Matter before the said Magistrate, or arising out of or consequent thereupon in any other Court, on Pain of Dismissal. Such Clerk shall receive and take all such Fees as are authorized to be taken by the Clerks to the Justices acting for the County within which the said City or Place is locally situate: Provided that a Copy of the Table of Fees shall be affixed in the Public Office of every Magistrate appointed under this Act, who may remit any Fees, in part or in whole, for reasonable Cause, and award such Costs as to him shall seem meet to be paid to or by either of the Parties to any Charge or Complaint, whether or not a Warrant or Summons shall have issued.

Power to Magistrate to appoint a Clerk, being an Attorney-at-Law.

Clerk disqualified from acting as Attorney in certain Cases.

As to Fees to be taken.

Power to remit Fees and award Costs.

7. Such Clerk shall pay over all Fees to the Treasurer of the Local Board once every Quarter of a Year, and shall keep Accounts of them in Writing, and shall at the same Time render to the Local Board an Account thereof. All such Fees, together with all Fines, Penalties, and Forfeitures herein-after referred to, shall be carried by the Treasurer to the Credit of the Local Improvement Rate; provided that it shall be lawful for the Local Board, if it should become necessary so to do, from Time to Time to make a Rate or Assessment not exceeding One Penny in the Pound in any One Year upon all Property rateable to the Improvement Rate within such City or Place for the Purpose of raising as much Money as, together with the said Fees, Fines, Penalties, and Forfeitures, shall be sufficient to pay the Salaries of the Magistrate and his Clerk, the Rent and all other Expenses of the Offices, and of Law or other Books, Printing, and Stationery, and of all other Charges and Expenses connected with or incidental to the Duties of the Magistrate or his Clerk, such Rate or Assessment to be made, levied, and enforced either with and as Part of such Improvement Rate or to be separately assessed, levied, and enforced, and with the same Powers and in the same Manner as the Improvement Rate. All Fines, Penalties, and Forfeitures imposed by such Magistrate, save and except those made payable to the Informer who shall sue for the same, or any Party aggrieved, and those recoverable under any Act relating to the Customs, Excise, or Post Office, or to Trade or Navigation, or any Branch of Her Majesty's Revenue, shall be recovered for and adjudged to be paid to the said Treasurer of the said Local Board, and shall be by him carried to the Credit of the Improvement Rate, and be applied as Part thereof: Provided that, if under any Local Watch Act such Fines, Penalties, and Forfeitures shall have been already appropriated, the same shall be applied as directed by such Local Act, anything herein contained to the contrary notwithstanding.

Clerk to pay over Fees to Treasurer.

Fees received to form One general Fund.

Power to Local Board to make Rates for Payment of Magistrate, &c.

Application of Fines and Penalties.

As to Penalties appropriated under Local Acts.