ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

C A P. XLVII.

An Act to repeal so much of an Act of the Ninth Year of the Reign of Her late Majesty Queen *Anne* as prevents the Re-election of Mayors of Parliamentary Boroughs and other annual Returning Officers. [4th *August* 1840.]

WHEREAS by an Act passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for rendering the Proceedings upon Writs of Mandamus and Informations in the Nature of a Quo warranto more speedy and effectual, and for the more easy trying and determining the Rights of Offices and Franchises in Corporations and Boroughs*, after reciting that "in divers Counties, Boroughs, Towns Corporate, and Cinque Ports, where the Mayor, Bailiff, or other Officer or Officers to whom it belonged to preside at the Election and make Return of any Member to serve in Parliament ought to be annually elected, the same Person had been re-elected into such Office for several Years successively, which had been found inconvenient," it was enacted "that no Person or Persons who had been or should be in such annual Office for One whole Year should be capable to be chosen into the same Office for the Year immediately ensuing; and that where any such annual Officer or Officers should be to continue for a Year, and 9 Ann. c. 20.

until

until some other Person or Persons should be chosen and sworn into such Office, if any such Officer or Officers should voluntarily and unlawfully obstruct and prevent the choosing another Person or Persons to succeed into such Office at the Time appointed for making another Choice, he or they should forfeit One hundred Pounds for every such Offence, to be recovered, with Costs of Suit, by such Person as would sue for the same, in any of Her Majesty's Courts of Record before mentioned, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law should be allowed, nor any more than One Imparlance; one Moiety thereof to Her Majesty, Her Heirs and Successors, and the other Moiety to him or them that would sue for the same:" And whereas such Provision has now become unnecessary and inexpedient: 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, That so much of the said Act of the Ninth Year of the Reign of Her late Majesty Queen *Anne* as is herein-before recited shall be and the same is hereby repealed.

Provision in recited Act repealed.

II. And be it enacted, That no Person who shall before the passing of this Act have been re-elected into any Office by virtue of which it belongs to him to preside at any Election or make Return of any Member to serve in Parliament shall be deemed to have been incapable of being chosen into such Office, or be liable to have his Right to exercise such Office questioned, by reason of so much of the said recited Act as is hereby repealed.

Election of the Returning Officers re-elected not to be questioned under the above Provision.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.