CHAP. 55.

An Act to shorten the Term of Residence required as a Qualification for the Municipal Franchise, and to make provision for other purposes. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to shorten the term of occupation and residence required as a qualification for the Municipal Franchise, and to make provision for other purposes:

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; that is to say,

Sect. 9. of 5 & 6 W. 4. c. 76. repealed.

One year's occupation to entitle persons to Municipal Franchise.

1. The ninth section of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, shall be repealed, and instead thereof be it enacted, that every person of full age who on the last day of July in any year shall have occupied any house, warehouse, counting-house, shop, or other building within any borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have resided within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions contained in the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the twentieth day of July in such year all such rates, including therein all borough rates, if any, directed to be paid under the provisions of the said Acts, as

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shall have become payable by him in respect of the said premises up to the preceding fifth day of January: Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes: Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who, within twelve calendar months next before the said last day of July, shall have received parochial relief or other alms: Provided also, that the respective distances mentioned in this Act shall be measured in the manner directed by section seventy-six of the Act of the session of the sixth and seventh years of Queen Victoria, chapter eighteen.

6 & 7 Vict. c. 18.

Saving rights under existing burgess roll.

2. Nothing in this Act contained shall affect any existing burgess roll, but every such roll shall continue in force until the first day of November one thousand eight hundred and sixty-nine.

Councillor or alderman may reside within fifteen miles of borough.

3. Any such occupier as aforesaid, who shall be rated in respect of premises as in this Act mentioned, shall be entitled to be elected a councillor or an alderman of any borough, if resident within fifteen miles of said borough, although by reason of his residence beyond seven miles of the borough he is not entitled to be on the burgess roll of such borough, provided that he is otherwise qualified to be on the burgess roll, and to be elected a councillor or an alderman for such borough, and the following enactments shall take effect with respect to such occupiers:

1. The overseers shall make out and publish a separate list containing the name of every such occupier at the same time and in the same manner as the burgess list, and all the provisions of the said Act of the fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same with respect to objections and claims shall, as nearly as circumstances admit, apply to such separate list.
2. The separate list so made out shall be revised in the like manner as the burgess list, and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll.

Qualification for aldermen and councillors.

4. When any borough, consisting of less than four wards, shall at any time hereafter be divided into a greater number of wards, the qualification for an alderman or councillor of such borough shall not be increased or altered in consequence of such division,

but shall continue the same as if such borough consisted of less than four wards. A.D. 1869.

Proprietors of shares in companies not to be deemed contractors, &c., and not to be disqualified from election to municipal offices by reason of such holding.

5. From and after the passing of this Act no person shall be deemed to have had or to have an interest in a contract or employment with, by, or on behalf of the council of any borough by reason only of his having had or having a share or interest in any railway company or in any company incorporated by Act of Parliament or by Royal Charter, or under "The Companies Act, 1862," and no councillor, alderman, or mayor in any municipal corporation shall be deemed to have been or to be disqualified to be elected or to be such councillor, alderman, or mayor by reason only of his having had or having any share or interest in any railway company or in any company incorporated by Act of Parliament or Royal Charter, or under "The Companies Act, 1862," but all elections of councillors, aldermen, or mayors as aforesaid shall be deemed and taken to have been and to be valid, notwithstanding any such share or interest as aforesaid.

Who may nominate for office of auditor and assessor.

6. At any election of auditors, revising assessors, or ward assessors, any person entitled to vote may nominate for the office of auditor or assessor, in like manner as such person can nominate for the office of councillor under and by virtue of the provisions in that behalf contained in the twenty-second Victoria, chapter thirty-five, and the proceedings in relation to such nomination and election shall be in all respects the same as are prescribed in the said Act in relation to the election of councillors.

Time for receipt of nominations.

7. Every nomination for the office of councillor, assessor, or auditor must be sent to the town clerk so that the same shall be received in his office before five o'clock in the afternoon of the last day on which any such nomination may by law be made.

Elections to supply extraordinary vacancies.

8. If an extraordinary vacancy shall happen in the office of assessor, and at the same time a vacancy shall exist or arise in the office of councillor which cannot be legally filled up before the vacant office of assessor has been or can be by law filled up, the election to supply such vacant office of councillor shall be held before the alderman of the ward, or the mayor where the borough is not divided into wards, the continuing assessor, and such burgess (not being a burgess representing or enrolled on the burgess list for that ward, if the borough is divided into wards), as the mayor shall by writing under his hand appoint.

Words importing the masculine

9. In this Act and the said recited Act of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the

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gender to include females.

Acts amending the same, wherever words occur which import the masculine gender the same shall be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, auditors, and assessors.

Act to be construed with 5 & 6 W. 4. c. 76, &c.

10. This Act shall be construed as one with the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, except so far as the same are altered or repealed by this Act, and the words used in this Act shall have the same meaning as in the said Acts.

Extent of Act.

11. This Act shall not apply to Scotland or Ireland.

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