Payment of any Sum or Sums of Money under and by virtue of the Provisions of an Act passed in the Parliament of *Ireland* held in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, intituled *An Act for Provision of Ministers in Cities and Corporate Towns, and making the Church of* Saint Andrew's *in the Suburbs of the City of* Dublin *presentative for ever*, or to any Charge in the Nature of Minister's Money, or to any other Ecclesiastical or Parochial Charge, or to any Payment or Charge whatsoever to which the said Parish or the Parishioners or Inhabitants thereof was not or were not subject before the passing of this Act; nor shall any thing in this Act entitle or authorize said Parish or the Parishioners or Inhabitants thereof to be exempt or discharged from the Payment of any Sum or Sums under said recited or any other Act, or any Charge in the Nature of Minister's Money, or any other Ecclesiastical or Parochial Charge, or any Payment or Charge whatsoever to which said Parish or the Parishioners or Inhabitants thereof was or were subject or liable before the passing of this Act; and this Act shall not be deemed or taken in any Manner to impose or create any Charge upon the said Parish or Parishioners, or to recognize or evidence the Existence of any such Charge, or to discharge said Parish or Parishioners from any Charge, or to negative or disprove the Existence of any such Charge, but the Rights, Perquisites, Revenues, and Fees, Charges, and Emoluments of the said Archdeacon of *Limerick* and his Successors Rectors of the said Parish of *Saint Michael* shall be and continue in as full Force and Effect in respect of said Perpetual Curate and his Successors, and said Parish and the Parishioners and Inhabitants thereof, as if this Act had not been passed, any thing herein contained to the contrary notwithstanding. 17 & 18 C. 2. (I.)

X. And be it enacted, That this Act shall be deemed and taken to be a Public Act. Public Act.

CAP. LXXXIX.

An Act to amend the Act for the Regulation of Municipal Corporations in *England* and *Wales*.

[24th *August* 1843.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Provisions were made for the Election of Corporate Officers in certain Boroughs, and for determining the Times and Manner of such Election; but the Provisions in the said Act have not in all Cases been duly complied with: And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in* England *and* Wales, it was among other things declared, 5 & 6 W. 4. c. 76. 1 Vict. c. 78.

'declared, that after the passing of that Act every Application 'to the Court of Queen's Bench, for the Purpose of calling 'upon any Person to show by what Warrant he claims to 'exercise the Office of Mayor, Alderman, Councillor, or Bur- 'gess in any Borough, shall be made before the End of Twelve 'Calendar Months after the Election, or the Time when the 'Person against whom such Application shall be directed shall 'have become disqualified, and not at any subsequent Time: 'And whereas Doubts have arisen whether, notwithstanding 'the said last-mentioned Enactment, Applications in the Nature 'of Quo warranto may not still be successfully made against 'any Person holding the Office of Mayor on the Ground that 'such Mayor was not duly qualified to be so elected Mayor by 'reason of some Defect or Informality in his previous Election 'to the Office of Alderman or Councillor, although more than 'Twelve Calendar Months may have elapsed since such Elec- 'tion to the Office so alleged to have been informal or defec- 'tive, and likewise against other Corporate Officers upon 'Grounds of the like Nature: And whereas also in certain 'Boroughs the Town Councils elected under the said recited 'Act omitted to appoint as therein directed who of the Alder- 'men first elected under that Act should go out of Office at the 'Expiration of the Term therein mentioned; And whereas also 'in some Boroughs, at the said First Election of Aldermen 'after the passing of the said first-recited Act, less than the 'full Number required by the said Act were elected to such 'Office by reason of Equality of Votes as to some of the Per- 'sons nominated, and at the Second Election of Aldermen, 'under the Provisions of the said first-recited Act, other 'Aldermen were elected to supply and make up such Defi- 'ciency, but by Inadvertence, and under a Mistake of Law, a 'greater Number were elected to such Office than ought to 'have been so elected, and great Inconvenience, Vexation, and 'Expence have been incurred and sustained by reason of the 'Premises, insomuch that the Functions of the Corporate 'Bodies in such Boroughs have been and are in effect sus- 'pended; and it is expedient to provide a Remedy for such 'Mischief: And whereas the said first-recited Act requires 'further Amendments:' 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 no Election of any Mayor of any of the Boroughs named in Schedules (A.) and (B.) of the said first-recited Act, or in any Borough to which a Charter of Incorporation may have been or may be hereafter granted under the Provisions of that Act and of the secondly recited Act, or either of them, which has already taken place, or shall hereafter take place, shall be liable to be questioned by reason of a Defect in the Title of such Person to the Office of Alderman or Councillor to which he may have been previously elected, unless Application shall have been made to the Court of Queen's Bench, calling

No Election of a Mayor in certain Boroughs to be called in question for Defect of Title unless by Quo warranto within 12 Months from the Election.

upon such Person to show Cause by what Warrant he claims to exercise such Office of Alderman or Councillor, within Twelve Calendar Months after such his Election to the said Office of Alderman or Councillor; and that from and after the passing of this Act every Election heretofore made, or hereafter to be made, to the Office of Mayor, Alderman, Councillor, or any other Corporate Officer, in any of the Boroughs aforesaid, which shall not be or have been called in question by such Application to the Court of Queen's Bench within Twelve Calendar Months from such Election, shall be deemed to have been to all Intents and Purposes a good and valid Election.

All Elections of Corporate Officers not so called in question to be deemed valid.

II. And be it enacted, That in any and every of the said Boroughs where a greater Number of Persons shall have been elected to and have taken upon themselves the Office of Alderman than is authorized by the said first-recited Act, or in which a greater Number than is authorized by the said first-recited Act shall claim to be Aldermen of the said Borough, the Council of such Borough shall, at the quarterly Meeting to be held on the Ninth Day of *November* next after the passing of this Act, before proceeding to the Election of the Mayor, or to any other Business, declare which of the said Persons so elected or claiming to be Aldermen, to the Number specified by the said first-recited Act, shall be the Aldermen of such Borough, and thereupon the Persons so declared shall be the Aldermen of such Borough, and the Person not included in the Number so declared shall from thence *ipso facto* cease to be Aldermen of the said Borough respectively, or to exercise any of the Functions of such Office.

Provision where a greater Number of Persons shall have been elected or claim to be Aldermen of any Borough than is authorized by 5 & 6 W. 4. c. 76.

III. And be it enacted, That in any and every Borough wherein it shall not have been declared by the Councillors thereof immediately after the First Election of Aldermen in the Year One thousand eight hundred and thirty-five who of the Aldermen so elected should go out of Office in the Year One thousand eight hundred and thirty-eight, and by reason of such Omission the Provisions of the said first-recited Act as to the Retirement and Election of Aldermen cannot be carried into effect, the Councillors of such Borough shall and may, at the said quarterly Meeting of the Council to be held on the Ninth Day of *November* next after the passing of this Act, declare and appoint who shall be the Aldermen who shall go out of Office on the Ninth Day of *November* in the Year One thousand eight hundred and forty-four, and the Persons so named shall be the Persons who shall then go out of Office accordingly.

Provision where no Declaration was made in the Year 1835 as to which of the Aldermen should first go out of Office.

IV. And be it enacted, That no Proceeding commenced before the passing of this Act and still pending in the Court of Queen's Bench against any Person claiming to be Mayor or Alderman of any of the aforesaid Boroughs upon any Ground which before the passing of this Act would have been sufficient to invalidate the Title of such Person, but which after the passing of this Act would not be sufficient for that Purpose, shall after the passing of this Act be further prosecuted: Provided always,

Provision as to Proceedings already commenced.

always, that the Prosecutor or Relator shall be entitled to receive from the Defendant in every such Proceeding all such Costs, to be taxed as between Attorney and Client according to the Practice of such Court, as have been *bonâ fide* incurred by such Prosecutor or Relator in such Proceeding before the passing of this Act.

Provision for expediting certain Proceedings by way of Mandamus and Quo warranto.

V. 'And whereas it is expedient to render certain Proceedings, by way of Quo warranto and Mandamus, so far as they affect Corporate Offices in Boroughs, more summary and expeditious;' be it therefore enacted, That from and after the passing of this Act, in all Cases of intended Application to the Court of Queen's Bench either for a Mandamus to proceed to an Election of any Corporate Officer or Officers in any of the aforesaid Boroughs, or for an Information in the Nature of a Quo warranto against any Person claiming to be a Corporate Officer of and in any of the said Boroughs, it shall be lawful for the Party intending to make such Application to give Notice in Writing thereof to the Party to be affected thereby at any Time not less than Ten Days before the Day in the said Notice specified for making such Application, in which Notice shall be set forth the Name and Description of the Party by whom such Application will be made, together with a Statement of the Grounds thereof, and at the same Time to deliver with such Notice a Copy of the Affidavits whereby the Application will be supported; and thereupon it shall be lawful for the said last-mentioned Party to show Cause in the first instance against such Application; and if no sufficient Cause be shown it shall be lawful for the said Court of Queen's Bench, on Proof of the due Service of such Notice and Statement, and of the Delivery of a Copy of such Affidavits as may be used for the Purpose of supporting such Application, to make the Rule for such Mandamus or Information absolute, if the said Court shall so think fit in the first instance, and also, if they shall so think fit, to direct that any Writ of Mandamus thereby ordered to be issued shall be peremptory in the first instance; and also that the Venue in any Information thereby ordered to be filed shall be laid in the County of *Middlesex*, or in the City of *London*, and that the Issue or Issues of Fact thereon, if any, shall be tried at the Sittings at Nisi Prius of the said Court at *Westminster* or in *London*, by a Jury of the same County or City respectively.

Office of the Treasurer not to be subject to annual Election, but to be during the Pleasure of the Council.

VI. 'And whereas the Office of Treasurer of and for the aforesaid Boroughs is an Office of great Trust, and an annual Appointment to such Office is inconvenient and unnecessary;' be it therefore enacted, That so much of the said herein-before first-recited Act as provides that the Council in every Borough shall in every Year appoint a fit Person to be Treasurer of such Borough shall be and the same is hereby repealed, and that the Council of every Borough shall, on the Ninth Day of *November* next after the passing of this Act, or on the Ninth Day of *November* next after such Borough shall be incorporated, appoint a fit Person, not being a Member of the Council, to be the

the Treasurer of such Borough, who shall thenceforth hold his Office during the Pleasure of the Council for the Time being; and on the happening of any Vacancy thereafter, by Death, Resignation, Amotion, or otherwise, the Council shall proceed to the Appointment of a Successor, either at any of the General Quarterly Meetings of the Council, or at a Special Meeting to be convened for that Purpose, so that in no Case such Appointment be delayed beyond Twenty-one Days from the happening of the Vacancy.

Provision for the Appointment of a Deputy Recorder in certain Cases.

VII. 'And whereas Inconvenience has arisen and may hereafter arise by reason that in the said first-recited Act no 'Provision is made for the holding of the Borough Sessions 'at the Time appointed, by public Notice for that Purpose, in 'case of the sudden Illness or unexpected and unavoidable 'Absence of the Recorder, on or immediately before the Day 'on which the Sessions for any Borough shall have been appointed to be held, or during the holding of such Sessions; 'and it is desirable to provide against such Inconvenience;' be it therefore enacted, That so much of the said first-recited Act as provides, "that in case of Sickness or unavoidable Absence the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Council of the said Borough, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing, and no longer or otherwise," be and the same is hereby repealed.

In case of Sickness or Absence the Recorder may appoint a Deputy Recorder.

VIII. And be it enacted, That in case of Sickness or unavoidable Absence the Recorder of any Borough shall be and he is hereby empowered, under his Hand and Seal, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such Sessions shall not be deemed to have been illegally held, nor the Acts of any Deputy Recorder invalidated, by reason of the Cause of the Absence of the Recorder not being deemed to be unavoidable within the Meaning of this Act.

CAP. XC.

An Act for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries. [24th *August* 1843.]

'WHEREAS by an Act passed in the Forty-first Year of 'the Reign of His late Majesty King *George* the Third, 'intituled *An Act for the better Regulation of Public Notaries* 41 G. 3. c. 79. '*in* England, it was amongst other things enacted, that from 'and after the First Day of *August* One thousand eight hundred 'and one no Person should be sworn, admitted, and enrolled 'as a Public Notary in *England* unless such Person should