



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CIV.

An Act to explain and amend certain Enactments contained respectively in the Acts for the Regulation of Municipal Corporations in *England and Wales*, and in *Ireland*. [10th August 1842.]

WHEREAS by an Act passed in the Session of Parliament held 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*, it is (amongst other things) enacted, that no Person shall be qualified to be elected or to be a Councillor or an Alderman of any Borough during such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of the Council of such Borough, during such Time as he shall hold any Office or Place of Profit, other than Mayor, in the Gift or Disposal of the Council of such Borough: And whereas by another Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in Ireland*, it is (amongst other things) enacted, that no Person shall be qualified to be elected or

5 & 6 W. 4.
c. 76.

3 & 4 Vict.
c. 108.

14 D to

to be a Councillor, or an Alderman, or a Municipal Commissioner of any such Borough, during such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of any such Council, Commissioners, or charitable Trustees of such Borough: And whereas Doubts have arisen as to the Extent and Meaning of the Words "Contract" and "Office or Place of Profit" in the said Enactments, and it is expedient that such Doubts should be removed: 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 from and after the passing of this Act the Word "Contract" in the said respective Enactments shall not extend or be construed to extend to any Lease, Sale, or Purchase of any Lands, Tenements, or Hereditaments, or to any Agreement for any such Lease, Sale, or Purchase, or for the Loan of Money, or to any Security for the Payment of Money only.

The Word
"Contract"
not to extend
to Leases,
Sales, &c.

Members of
Council not
to take part
in Discussion
if pecuniarily
interested.

II. And be it enacted, That it shall not be lawful for any Member of the Council of any Borough to vote or to take part in the Discussion of any Matter before the Council in which such Member shall, directly or indirectly, by himself or his Partner or Partners, have any pecuniary Interest.

Persons
against
whom Suits
have been
commenced
for Penalties
respecting
Contracts
may apply to
have the
same deter-
mined, upon
Payment of
the Costs.

III. And be it enacted, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Enactments (by reason of any Extension or Construction of the Word "Contract" therein contained beyond or different from what is herein enacted) to apply to the Court in which such original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of One of the Superior Courts at *Westminster* or *Dublin*, as the Case may be, for an Order that such Writ, Suit, Action, Bill, Complaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

Judges em-
powered to
order Suits
commenced

IV. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information sued out or commenced on or before the Eighth Day of *February* One thousand eight

eight hundred and forty-two shall have been renewed or continued before the passing of this Act, or upon which any Declaration shall have been filed or delivered, or other Proceeding had, after the said Eighth Day of *February*, and before the passing of this Act, it shall be lawful for such Court or Judge, upon such Application and Proof as aforesaid to make such Order as aforesaid for discontinuing the same, upon Payment of the Costs out of Pocket of all Proceedings had on or before the said Eighth Day of *February*, to be taxed as aforesaid, and of such Costs out of Pocket, if any, of any Proceedings had after the said Eighth Day of *February*, as the Court or Judge making such Order shall direct; and upon making such Order, and upon Payment or Tender of such Costs, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

before the 8th Feb. 1842 to be discontinued, upon Payment of Costs;

V. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out or commenced at any Time subsequent to the Eighth Day of *February* One thousand eight hundred and forty-two, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs, and upon making such Order such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

and Suits commenced subsequent to 8th Feb. 1842 to be discontinued, without Payment of Costs.

VI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Complaint, or Information, or any legal Proceeding of any Kind whatsoever, in which any Judgment shall have passed on or before the Day of the passing of this Act; but such Proceedings may be thereupon had and taken, and any such Judgment may be dealt with in all respects, as if this Act had not passed.

Act not to extend to any Action in which Judgment has passed.

VII. And be it enacted, That from and after the passing of this Act no Municipal Commissioner, Councillor, Alderman, or Mayor, in any Municipal Corporation within the Provisions of either of the said Acts, shall be deemed to have been or to be disqualified to be elected or to be such Municipal Commissioner, Councillor, Alderman, or Mayor, by reason only of his having or having had, directly or indirectly, by himself or his Partner, any Share or Interest in any Lease, Sale, or Purchase of any Lands, Tenements, or Hereditaments, or any Agreement for any such Lease, Sale, or Purchase, or for the Loan of Money, or in any Security for the Payment of Money only, but all Elections of Municipal Commissioners, Councillors, Aldermen, or Mayors, as aforesaid, shall be deemed and taken to be and to have been valid (unless in Cases where Judgment may have been obtained before the passing of this Act), notwithstanding any such Share or Interest in any Matters herein last aforesaid.

Councillors, &c. not to be disqualified on account of having an Interest in any Lease of Lands, &c.

VIII. And be it enacted, That from and after the passing of this Act the Office of Sheriff of any City, Town, County of a City or County of a Town, (wherein the Council are empowered by Law to appoint

Office of Sheriff not to be deemed an Office of Profit.

appoint a fit Person to execute the Office of Sheriff,) shall not be deemed to be an Office or Place of Profit within the Meaning of the said Act so as to create any Disqualification for any Office in the said Act mentioned.

Act may be amended

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.