

**CHAP. xc.**

An Act to amend "The Staffordshire Potteries Stipendiary Justice Act, 1839;" and for other purposes. A.D. 1871.

[29th June 1871.]

WHEREAS an Act was passed in the second year of the reign of Her present Majesty, intituled "An Act to provide for the more effectual execution of the office of a justice of the peace within and adjoining to the district called the Staffordshire Potteries, and for purposes connected therewith" (in this Act called "the Act of 1839"):

2 & 3 Vict.
c. 15.
(Public.)

And whereas the area of the parliamentary borough of Stoke-upon-Trent has been extended, and the population of that borough and of the district called the Staffordshire Potteries has greatly increased, and it is expedient to define and enlarge the powers and jurisdiction of the Commissioners and the stipendiary magistrate acting under the recited Act, and to extend the district within which such powers and jurisdiction may be exercised, and otherwise to amend that Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and 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; that is to say,

1. This Act may be cited as "The Staffordshire Potteries Stipendiary Justice Act, 1871," and shall be construed as one with the recited Act of 1839, and that Act may be cited as "The Staffordshire Potteries Stipendiary Justice Act, 1839," and that Act and this Act may be cited together as "The Staffordshire Potteries Stipendiary Justice Acts, 1839 and 1871."

Short title.
Construction
of Acts.

A.D. 1871.

Part of
10 & 11 Vict.
c. 16. incor-
porated.

2. The provisions of "The Commissioners Clauses Act, 1847," with respect to the several matters following; (that is to say,)

The meetings and other proceedings of the Commissioners, and their liabilities, except sections 40, 42, 43, 46, and 54;
The appointment and accountability of the officers of the Commissioners,

are, except where inconsistent with or expressly varied by this Act, incorporated with and form part of this Act.

Certain sec-
tions of
2 & 3 Vict.
c. 15. re-
pealed.
Interpreta-
tion of
terms.

3. Sections 15, 16, 17, and 18 of the Act of 1839 are hereby repealed.

4. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

The expression "the Commissioners" means the Commissioners appointed by this Act:

The expression "the magistrate" means the stipendiary justice acting under the Act of 1839 and this Act:

The expression "the district" means the limits of this Act as herein-after defined:

The expression "local public body" means any town council, local board of health, or local board within the district, or the ratepayers in vestry assembled of any parish or place within the district not included in any borough, or in the district of any local board of health or local board:

The expression "the local authority" means the town council, local board of health, or local board of any borough or district without the district, or the ratepayers in vestry assembled of any parish or place without the district not included in any borough, or in the district of any local board of health or local board.

Limits of
Act.

5. The limits of this Act are the area within which the powers, authorities, and jurisdiction of the Commissioners and the magistrate under the Act of 1839 and this Act may be exercised, and that area includes the following places; that is to say,

The parliamentary borough of Stoke-upon-Trent as defined by "The Boundaries Act, 1868," and the townships, liberties, or places of Trentham, Hanford, and Blurton, in the parish of Trentham; Normacott in the parish of Stone Clayton; Botteslow, Bucknall, and Bagnall, in the parish of Stoke-upon-Trent; Abbey Hulton in the parish of Burslem, the parish of

Norton-on-the-Moors, and the townships of Wolstanton, Chell, Chatterley, Brieyhurst, Oldcot (otherwise Oldcote), Ranscliff, Stadmoreslow, Thursfield, and Wedgwood, in the parish of Wolstanton; and so much of the hamlet of Talk-o'-th'-Hill, in the parish of Audley, as lies within the local government district of Kidsgrove, all in the county of Stafford,

A.D. 1871.

and which area is in this Act called "the district."

6. The jurisdiction of the magistrate shall also extend to all cases arising within the county of Stafford, within one mile outside the district measured along the nearest turnpike road or highway, which may be brought before him when sitting or acting within the district.

Jurisdiction
of magis-
trate.

7. Upon the petition of the local authority, Her Majesty, by and with the advice of her Privy Council, may from time to time order that any parish, township, district, or other place in the county of Stafford having a defined boundary, and adjoining or near to the district, shall be included in the district, and thereupon from the day mentioned in such order the provisions of the Act of 1839 and this Act shall extend to and apply to the places mentioned in such order as fully and effectually in all respects as if they had been by this Act included in the district: Provided that two months before presenting any petition, notice shall be given by the local authority of their intention to present such petition, and of the objects thereof, by advertisement to be inserted once in each of two consecutive weeks in some one or more newspapers circulating within the district and in the places proposed to be included therein.

Future ex-
tension of
district by
Order in
Council.

8. Sections 10 and 11 of the Act of 1839 are hereby repealed; and from and after the passing of this Act the respective mayors for the time being of the boroughs of Hanley and Longton and their respective last living predecessors in the office of mayor, the respective chief bailiffs for the time being of Burslem, Fenton, Stoke, and Tunstall, and their respective last living predecessors in the office of chief bailiff, and the respective chairmen for the time being of any existing or future local boards of health or local boards of districts within the district, and also the chief constables for the time being of the parishes of Norton-on-the-Moors and Wolstanton respectively, shall be and are hereby respectively appointed ex-officio Commissioners for the purposes of this Act: Provided always, that if any town or place within the district shall hereafter be included within a municipal borough, the mayor of such borough for the time being shall be, and in subsequent years his last living predecessor in the office of mayor shall be, thenceforth

Commis-
sioners.

A.D. 1871.
Duties of
auditors.

17. The auditors so nominated shall attend as soon as conveniently may be after the half-yearly meeting of the Commissioners to be held in the month of January in every year at the office of the Commissioners, or at some other convenient place to be appointed by the Commissioners, and from time to time shall, in the presence of the clerk to the Commissioners, proceed to audit the before-mentioned accounts for the year preceding the said meeting, and the Commissioners shall by their clerk produce and lay before such auditors the accounts, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and any person interested in the said accounts, either as a creditor of the Commissioners or as a ratepayer, may be present at the audit of the said accounts, by himself or his agent, and may make any objection to any part of such accounts, and if the said accounts be found correct such auditors shall sign the same in token of their allowance thereof; but if such auditors think there is just cause to disapprove of any part of the said accounts, they or any other person interested in the said accounts as aforesaid may appeal against any such parts of the said accounts as shall be so disapproved of to one of the two next quarter sessions in the county of Stafford, notice in writing of such appeal being given to the clerk of the Commissioners fourteen days at the least before the hearing of such appeal.

Court may
order pay-
ment of the
cost of the
appeal.

18. Upon the hearing of any such appeal the justices may make such order as they think fit, respecting the payment of the costs of the appellant out of the moneys coming to the hands of the Commissioners under this Act or otherwise, as they think fit, and such order shall be final.

Repeal of sec-
tion as to resi-
dence and
sittings of
magistrate.

19. Section 5 of the Act of 1839 is hereby repealed.

As to magis-
trate's atten-
dances and
sittings.

20. The magistrate shall from time to time fix, subject to the approval of the Commissioners, the places where and the days on and the times at which he will attend at those places for the hearing and dispatch of business, and if any difference arise between the Commissioners and the magistrate as to such places, days, or times, the same shall be referred to one of Her Majesty's Principal Secretaries of State, whose decision thereon shall be final, and the magistrate shall attend at the places on the days and at the times so fixed: Provided always, that the attendance of such magistrate may when requisite be supplied by any other justice of the peace for the county of Stafford: Provided also, that no such attendance shall be given on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, unless in cases of urgent necessity, or when it shall be directed by one of Her Majesty's Principal Secretaries of State.

21. Section 6 of the Act of 1839 shall be read and have effect as if “one thousand pounds” were therein substituted for “eight hundred pounds,” and such salary shall be paid by four equal quarterly payments, instead of at the fixed times of payment mentioned in that section. A.D. 1871.
Magistrate’s salary.

22. Section 7 of the Act of 1839 shall be read and have effect as if “not exceeding four hundred pounds” were therein substituted for “not exceeding two hundred and fifty pounds.” Salary of
magistrate’s
clerk.

23. Section 8 of the Act of 1839 is hereby repealed. Repeal of
section 8 of
Act of 1839.

24. Provided always, that the magistrate’s clerk shall not during his continuance in office as such clerk 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. Magistrate’s
clerk dis-
qualified as
an attorney
in certain
cases.

25. The Commissioners shall take sufficient security from the magistrate’s clerk for the faithful execution of the duties of his office. Magistrate’s
clerk to give
security.

26. The recognizances authorised to be taken by section 13 of the Act of 1839 may be for the appearance of any persons or person therein mentioned for further examination before the magistrate, either at his next public sitting within the district, or at any other public sitting of the magistrate to be holden at any time not exceeding eight days from the taking of such recognizance, and it shall not be necessary for the magistrate to appoint any constable specially to take such recognizances, but any recognizance may be taken by any superintendent or inspector of county constabulary or of any police force within the district, or before any sergeant acting for a superintendent or inspector. Recogni-
zance by the
police.

27. Any rate hereafter made for the purposes of the Act of 1839 and this Act shall be made upon the occupiers of all property within the district for the time being assessable to any rate for the relief of the poor, and shall be assessed upon the net annual value of such property ascertained by the rate for the relief of the poor made next before the making of any assessment under this Act, anything to the contrary in the Act of 1839 contained notwithstanding; and for the purpose of making any such assessment the Commissioners, or any person appointed by them so to do, may from time to time, at all reasonable times, inspect, take copies of, or make extracts from, any assessments on which any rate for the relief of the poor within the district is made, and any person having the custody of such last-mentioned assessments, or any rate or other book relative thereto, who shall refuse to permit such inspection, or the taking of any such As to the
making of
rates.

A.D. 1871. copy or extract, shall for every such offence be liable to a penalty not exceeding five pounds.

Repeal of
exemptions
from rates.

28. Section 25 of the Act of 1839 is hereby repealed.

Extension of
section 32 of
2 & 3 Vict.
c. 15. as to
collection of
rates.

29. The provision contained in section 32 of the Act of 1839 for facilitating the collection and receipt of rates, and for payment of such rates out of watching or lighting or improvement rates, shall extend to and include any rate made by any local public body, as well as to any rate made by the Commissioners in that section mentioned within the district.

Application
of penalties.

30. Section 36 of the Act of 1839 is hereby repealed, and in lieu thereof be it enacted, that all fines, penalties, and forfeitures imposed by the magistrate, either alone or together with any other justice or justices of the peace for the county, or in his absence by any justice or justices sitting on his behalf, save and except those fines, penalties, and forfeitures made payable to the informer who shall sue for the same, or any party aggrieved, and also save 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 treasurer of the Commissioners, and shall be applied in aid or reduction or substitution of the rates or assessments by the Act of 1839 and this Act authorised to be made, and for the other purposes of those Acts: Provided always, that the magistrate shall have the same powers as are now by law exerciseable by county justices of the peace of directing that in certain cases the said fines, penalties, and forfeitures, or some part thereof, shall be paid to the police superannuation fund of the county of Stafford: Provided also, that nothing in this section contained shall interfere with the payment of any fines, penalties, or forfeitures by law payable to any local authority or to any local public body: Provided also, that the application of all penalties, fines, and forfeitures heretofore made under the Act of 1839 shall be and is hereby confirmed, notwithstanding that such penalties, fines, and forfeitures may have been created or imposed by any Act passed subsequent to that Act.

Expenses
of Act.

31. All the costs, charges, and expenses attending or incident to the preparing, applying for, and passing of this Act shall be paid by the Commissioners out of any money now in their hands, or to be received by them under this Act or the Act of 1839.