

# QUEEN'S BENCH

## REPORTS.



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NEW SERIES.

VOL. XV.

CONTAINING THE CASES DETERMINED IN  
EASTER TERM, TRINITY TERM AND VACATION, AND MICHAELMAS  
TERM, XIII. AND XIV. VICTORIA.

WITH TABLES OF THE NAMES OF CASES ARGUED AND CITED,  
AND THE PRINCIPAL MATTERS.

LONDON:

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43. FLEET STREET.

1852.

10157

Queen's Bench.  
[1849.]

The QUEEN against The Inhabitants of the  
County of BRECON.

[Turnley,  
February 6th,  
1849.]

(In the Matter of GLASBURY Bridge.)

AT the general quarter sessions for the county of Brecon, October 1847, Richard Venables D. D., &c., a justice of the said county, upon his own view presented, under his hand and seal: That theretofore, and after the passing of stat. 7 & 8 Vict. c. 61., and on &c., a bridge called *Glasbury Bridge* was a common and public bridge, and that one part thereof was situate in the parish of *Glasbury* in the county of *Radnor*, and the other was situate in the same parish in the county of *Brecon*; and that the part situate in *Brecon*, on &c., and after the passing of stat. 7 & 8 Vict. c. 61., was out of repair; and that the inhabitants of the county

Stat. 5 & 6  
W. 4 c. 50.,  
repealing stat.  
13 G. 3. c. 78.,  
which enabled a  
single justice on  
his view to pre-  
sent a highway  
at quarter ses-  
sions for non-  
repair (s. 23),  
does not repeal  
the enactment  
of stat. 43 G. 3.  
c. 59. s. 1., ex-  
tending the en-  
actments of  
stat. 13 G. 3.  
c. 58. to county  
bridges so far  
as applicable  
thereto; and a

single justice may still present a county bridge. Presentment of a county bridge; appearance, and plea of Not guilty. Special verdict: that the bridge was across the river *W.* in the parish of *G.*: That parish *G.* is partly on the right bank and partly on the left bank of the river: That the whole of that part on the left bank always was in the county of *R.*: That until stat. 2 & 3 W. 4. c. 64. the boundary between the counties of *B.* and of *R.* was the mid-channel of the river to a point in parish *G.*, and thence inland to another point in the mid-channel; and that 470 acres of parish *G.*, between this inland boundary and the river, and the part of the river from the one point to the other, always, until stat. 2 & 3 W. 4. c. 64., were in the county of *R.*: That a portion of the bridge between the right bank and the centre of the river, and resting upon part of the above described 470 acres, was out of repair: and the doubt referred to the Court was, whether the defendants were guilty.

By stat. 2 & 3 W. 4. c. 64. and stat. 7 & 8 Vict. c. 61. the isolated portions of counties, described in schedule (M.) to stat. 2 & 3 W. 4. c. 64., are annexed, for all purposes, to the counties respectively mentioned in the fourth column of the schedule. The schedule describes "part of parish *G.*" as being an isolated part of *B.*, locally situate in *R.* or *R.*, and to be annexed to *B.* The verdict stated that there was no part of parish *G.*, to which this description could apply, if not to the 470 acres. Held:

1. That the description in the schedule must be understood to apply to the 470 acres which had been part of the county of *B.*, and that the statute made it part of the county of *B.*, and made the mid-channel the boundary between the counties.
2. That the liability to repair the bridge within this part of *G.* was, as an incident to the change, transferred to the inhabitants of *B.*

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of Brecon ought to repair that part. The presentment was removed into this Court by certiorari; and a rule nisi was obtained to quash it. In Hilary vacation, 1849 (a),

*Talfourd* Serjt. and *Keating* shewed cause. The question raised is, whether the power of a justice to present a county bridge out of repair has been taken away or not. Stat. 13 G. 3. c. 78. s. 24. empowered a single justice of the peace, either on his own view or on information, to present at quarter sessions any highway or bridge, not well and sufficiently repaired. There were earlier enactments on the same subject; but it is not necessary to refer to them. Stat. 13 G. 3. c. 78. related only to highways and to such bridges as, being repairable by the parish, were in the nature of highways; and it did not apply to county bridges. Then came stat. 43 G. 3. c. 59., relating to county bridges and other works repairable by the inhabitants of counties. By sections 1 and 2 of that act the enactments of stat. 13 G. 3. c. 78., relating to highways, are extended, and applied, so far as the same are applicable, to county bridges and the roads at the ends thereof, as fully and effectually, and to all intents and purposes, as if they were therein particularly repeated and reenacted. Then came stat. 5 & 6 W. 4. c. 50. s. 1., repealing stat. 13 G. 3. c. 78. The contention on the other side is, that the portion of stat. 43 G. 3. c. 59. which gives power to the justices to present county bridges, similar to the power given by stat. 13 G. 3. c. 78. as to highways, is also repealed. This is however neither the letter

(a) February 24. Before Lord Denman C. J. and Patteson J. (*Wightman* J. had gone to Chambers.)

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nor the spirit of stat. 5 & 6 W. 4. c. 50. By sect. 5 the word "highways" in that act is declared to mean bridges; but county bridges are expressly excepted. The statute leaves the law as to county bridges as it was; *Regina v. Merionethshire* (a).

*Alexander* and *Willes*, contrâ. The power of presentment given by stat. 13 G. 3. c. 78. s. 24. was not confined to bridges repairable by the parish. The words are general; and sect. 23 shews that the legislature contemplated a general law applicable to all bridges, whether repairable by the public, or *ratione tenuræ*, or otherwise. But many of the enactments of stat. 13 G. 3. c. 78. are in terms confined to highways; and stat. 43 G. 3. c. 59., when it extends the former enactments, must be construed to mean that such enactments as did not already apply to bridges should in future do so. Sect. 64 of stat. 13 G. 3. c. 78. applies exclusively to indictments for the non-repair of highways: and the decision in *Regina v. Merionethshire* (a), that sect. 64 was reenacted by stat. 43 G. 3. c. 59., and made applicable to indictments for non-repair of bridges, is quite consistent with this argument. It would be giving an unnecessary effect to general words if they were construed as reenacting enactments already in force. One justice, therefore, might before stat. 43 G. 3. c. 59. have presented a county bridge; so he might after that statute, up to the passing of stat. 5 & 6 W. 4. c. 50.: but the power was given by stat. 13 G. 3. c. 78. alone; and when that statute was repealed it was gone. Stat. 5 & 6 W. 4. c. 50. s. 99., in terms, abolishes the power

(a) 6 Q. B. 345.



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of presentment as to highways only: but s. 22 extends all things in the act contained, relating to highways, to county bridges.

*Cur. adv. vult.*

Lord DENMAN C. J., on a subsequent day in Hilary vacation (*February 8th*), 1849, delivered judgment.

We are of opinion that this case cannot be distinguished from the case of *Regina v. Merionethshire (a)*. The point established there was, that, notwithstanding the repeal of stat. 13 *G. 3. c. 78.*, such of the clauses in that act as are applicable are still to be taken and read as part of stat. 43 *G. 3. c. 59.*, which is not repealed, because the legislature has made them part of that latter act just as much as if they were actually written and printed in it. Now sect. 24 of stat. 13 *G. 3. c. 78.* is applicable to county bridges, and is therefore to be read as part of stat. 43 *G. 3. c. 59.*, and gives one justice power to present such bridges. The 99th section of stat. 5 & 6 *W. 4. c. 50* does not take away that power; because the word "highways" in that section is, by the interpretation clause, sect. 5, limited to bridges which are not county bridges. Neither can the 22d section have any such effect as is contended; that is, to shew that the legislature intended to repeal so much of stat. 43 *G. 3. c. 59.* as consists of clauses incorporated from stat. 13 *G. 3. c. 78.* That section 22 was necessary in order to apply the provisions of stat. 5 & 6 *W. 4. c. 50.* as to surveyors of highways and other matters to county bridges; since it will be found, on a comparison of the statutes 43 *G. 3. c. 59.* and 5 & 6 *W. 4. c. 50.*, that different powers and provisions are contained in

each of them; and, unless such a clause as sect. 22 had been introduced, the new powers and provisions of stat. 5 & 6 *W. 4. c. 50.* would not have been applicable to county bridges under stat. 43 *G. 3. c. 59.* So far as the provisions of stat. 5 & 6 *W. 4. c. 50.*, applicable to county bridges, are inconsistent with those of stat. 13 *G. 3. c. 78.*, similarly applicable, doubtless the latter would repeal the former, both being virtually incorporated into stat. 43 *G. 3. c. 59.*; but this particular provision as to presentment of a county bridge is not touched by any enactment of stat. 5 & 6 *W. 4. c. 50.* The judgment must be for the Crown, discharging the rule for quashing the presentment.

Rule discharged.

The defendants appeared and pleaded Not guilty, and the issue was tried before Rolfe B. at the Hereford Summer assizes 1849; when the jury, by a special verdict, found in substance as follows:

That the bridge is a common and public bridge over the river *Wye*, and is situate in the parish of *Glasbury*. That the parish contains about 8700 acres, of which a portion, consisting of about 2500 acres, is situate on the left bank of the *Wye*, and the residue on the right bank. That such portion of 2500 acres is, and always was, in the county of *Radnor*; and that no portion of the said parish situate on the said left bank is, or ever was, in the county of *Brecon*. That the *Wye* flows through the said parish in nearly a north easterly direction for about 2½ miles; and that the mid-channel of the river forms, and always formed, the boundary between the counties for a considerable distance both above and

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below the said parish, and also for about a mile of its course from the point where the river enters the said parish down to a point called *The Staunces*. That, before and at the time of the passing of stat. 2 & 3 W. 4. c. 64., the boundary of the said counties proceeded from the mid-channel to the right bank of the said river at *The Staunces*, and then, first in a south easterly direction for about a mile, and afterwards in a north easterly direction for about three quarters of a mile, through that portion of the said parish which is situate on the right bank to a place called *Healygare*, on the confines of the parish of *Llanigon* in the county of *Brecon* (which is a parish lying on the east and north eastern side of the parish of *Glasbury*), and then returned along the boundary of the said parishes of *Glasbury* and *Llanigon*, to the mid-channel of the said river at the point where the said river passes out of *Glasbury* parish. That the said boundary thus, up to the passing of the said act, included in the county of *Radnor* the remaining part of the said river *Wye* flowing through *Glasbury* parish, and about 470 acres of the said parish lying on the right bank; and that no other portion of the said parish of *Glasbury* on the right bank than the said 470 acres is, or ever was, in the county of *Radnor*. And that no part of the said parish of *Glasbury*, which, up to the passing of the said act of 2 & 3 W. 4., was situate in *Radnorshire*, was isolated or detached from the remainder of the said county, unless the said portion of 470 acres was so isolated or detached (a). That *Glasbury* parish church is situate within the last mentioned

(a) The special verdict was, during the course of the argument, by order of the Court and consent of the parties, amended, by inserting the words printed in italics. See post, p. 822. note (c).

part of the said parish; and that the principal portion of the village of *Glasbury* is situate partly in such last-mentioned part and partly in *Glasbury* parish on the left bank of the river. That the remainder of *Glasbury* parish on the right bank, over and above the said part thereof consisting of 470 acres, contains about 5700 acres; and that such last mentioned portion of the said parish adjoins the portion before mentioned as containing 470 acres, from the *Staunces* to the above mentioned confines of the parish of *Llanigon*, and is, and always was, in the county of *Brecon*; and no part of it is, or ever was, in the county of *Radnor*.

That the said bridge is built across the river at a point between *The Staunces* and the point where the boundary of the said counties, up to the passing of the said act of *William 4.*, returned to the mid-channel of the river as above mentioned. That the part of the said bridge which is stated in the presentment to be broken, ruinous &c., is the part which extends from the mid-channel of the said river to the abutment on the right bank; and that such part was, at the time in that behalf in the presentment mentioned, and still is, broken, ruinous &c. That the said bridge is a timber bridge, resting on thirteen timber piers with stone abutments at either end; and that the abutment on the right bank rises perpendicularly from the edge of the water in a line with the right bank of the river; and that there is no water way through or under such abutment, or except under the part of the bridge which is of timber. The last mentioned abutment and the road over it are in good repair.

That, before and until stat. 7 & 8 *Vict. c. 61.*, the said bridge was wholly within and repairable by the county

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of *Radnor*, and was repaired by the inhabitants of that county. That, before the passing of the said act of *William 4.*, all persons qualified as electors to vote for a knight of the shire in respect of property within the portion of the said parish above described as consisting of 470 acres always voted in respect of such property for a knight of the shire for the county of *Radnor*. That, ever since the passing of the said act of *W. 4.*, all persons qualified as electors to vote &c. in respect of property within the said 470 acres have been registered and have voted, in respect of such property, for a knight of the shire for the county of *Brecon*, and have not, nor has any of them, been registered or voted for a knight of the shire for the county of *Radnor*. That, since the passing of the said act of 7 & 8 *Vict.*, no part of the portion of the said parish above described as consisting of 470 acres has been assessed to the county rate for *Radnor*, nor to the county rate for *Brecon*. That the poor and highway rates made upon the inhabitants of the last mentioned portion have always been allowed by the justices for the county of *Radnor* and not by the justices for *Brecon*, and have been collected by and paid to the officers of that portion of the parish of *Glasbury* which is in *Radnorshire*. That the names of all persons residing within the last mentioned portion liable to serve on juries have always been inserted in the jury list for *Radnor*, and they have not been inserted in the list of jurors, nor served as such, for *Brecon*. That, until and at the time of the passing of the said act of 7 & 8 *Vict.*, births, deaths and marriages happening within the said portion were registered by the registrar for the parish of *Glasbury, Radnorshire*.

But whether, on the whole matter in manner aforesaid found, the defendants are guilty &c.

The special verdict was argued in this vacation (a).

*Whateley*, for the Crown. Stat. 2 & 3 *W. 4. c. 64. s. 26.* enacts that "the isolated parts of counties in *England* and *Wales* which are described in the schedule to this act annexed marked (M.) shall, as to the election of members to serve in parliament as knights of the shire, be considered as forming parts of the respective counties and divisions which are respectively mentioned in the fourth column of the said schedule (M.) in conjunction with the names of such isolated parts respectively." And stat. 7 & 8 *Vict. c. 61. s. 1.* enacts that "every part of any county in *England* or *Wales* which is detached from the main body of such county shall be considered for all purposes as forming part of that county of which it is considered a part for the purposes of the election of members to serve in parliament as knights of the shire, under" stat. 2 & 3 *W. 4. c. 64.* The inhabitants of the district in which a bridge is situate are by common law liable to repair it: and, though the place in which the bridge is situate was anciently a part of a different district, the inhabitants of which were formerly bound to repair the bridge, that makes no difference. So soon as the bridge has ceased to be a part of the one district and become a portion of the other, the common law liability is transferred from the inhabitants of the one to the inhabitants of the latter: the jurisdiction and the charge in respect of the locality go together; *Regina v. St. Peter's*,

(a) June 20th and 21st. Before Patteson, Coleridge and Erle Js.

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*York (a), Rex v. Norwich (b), Rex v. Gloucestershire (c).*  
The question therefore comes to be, whether the place in which the part out of repair is situate has become part of *Brecknockshire*. That depends on the construction of the portion of schedule (M.) attached to stat. 2 & 3 *W. 4. c. 64.* (sect. 26), in which the parish of *Glasbury* is mentioned (*d*).

The description is inaccurate; but the Legislature clearly meant to annex some portion of *Glasbury* parish to *Brecknockshire*. Then what is the part to which this description is applicable? It is either the 470 acres in question, a part which is isolated by the river, or nothing (*e*); and, though the description applied to this spot is inaccurate, it is not wholly inapplicable. Besides, stat. 2 & 3 *W. 4. c. 64. s. 38.* provides for "misnomer or inaccurate description." Then, if the part of *Glasbury* which is detached from *Radnor* by the river be the part meant by the statute, the boundary between the counties must, from the time of the passing

(a) 2 *Ld. Raym.* 1249.

(b) 1 *Str.* 177.

(c) 4 *A. & E.* 689.

(d) The portion of the schedule in question is as follows.

Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
Brecknockshire	Part of Glasbury Parish.	Brecknockshire or Radnorshire.	Brecknockshire.

(e) It was pointed out by the Court, that it did not appear on the special verdict but that there might be some other portion of the parish of *Glasbury*, precisely answering the description in schedule (M.). As it was admitted that such was not the fact, the verdict, at the suggestion of the Court and by consent, was amended, as stated *antè*, p. 818.

of the act, run along the middle of that river; and the right hand side of the bridge is therefore now in *Brecknockshire*, the inhabitants of which are consequently bound to repair that half of the bridge.

*Phipson*, *contra*. The description in schedule (M.) is not applicable to the 470 acres mentioned in the special verdict. The first column describes them as being in *Brecknockshire*: the special verdict finds the 470 acres to have been in *Radnorshire*: it appears by the third column to be in dispute whether the isolated part is in *Brecon* or *Radnor*: the 470 acres were never supposed to be in *Brecknockshire*. Sect. 26 applies to an isolated part of a county; the 470 acres are not isolated: they form a continuous part of *Radnorshire*, unless it is to be said that the bed of the river is not part of the county in which its banks are situate. It is said that the description, if not applicable to this spot, applies to nothing. It may be that it does not apply to any thing; such an error in an act of parliament is not unprecedented. Section 38 enacts that misnomer or misdescription of any subject matter of the act shall not hurt, provided the "same shall be so designated as to be commonly understood." This is perhaps surplusage; for the Court, in construing the act, would have applied that rule at any rate; but the prosecutor here asks of the Court, not to apply the description to a thing inaccurately described, but to reform the statute, and insert in it a description such as it is conjectured the legislature intended to insert. The Court has no jurisdiction to do so, even if it had the materials from whence to gather the intention of the legislature. [*Erle J.* In one sense this portion of

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*Glasbury* is an isolated portion of the county of *Radnor*. I do not know that it is absolutely necessary, in order to isolate or detach it, that the jurisdiction of a different sheriff should intervene. Then, the legislature having said that a portion of the parish of *Glasbury* locally situate in *Brecknockshire* or *Radnorshire* and isolated shall in future be part of the county of *Brecknock*, and there being no other portion of the parish of *Glasbury* to which this description can apply, we are driven to say, either, that the Legislature meant this portion of the parish, which may be said to be isolated by the river *Wye*, or that the statute is totally inoperative. Are not we bound to construe the act *ut res magis valeat quam pereat*?] If the river isolates this part of *Glasbury* from the rest of *Radnorshire*, the boundary must be the isolating river, and not its centre: and, as the bridge is found to be in good repair up to the edge of the river, the inhabitants of *Brecknockshire* have repaired all in their county.

Even if the county be enlarged, the liability to repair the bridge is not transferred; *Regina v. New Sarum* (a).

*Whateley* was not called upon to reply.

PATTESON J. It is not very easy to construe this act: but the special verdict, in its amended state, finds that, unless the description in schedule (M.) applies to the 470 acres which form part of the parish of *Glasbury*, it has no application to any part of the parish. We should not be justified in holding that the description is so inapplicable that the statute has no operation at all. The question is entirely what part of *Glasbury*

(a) 7 Q. B. 941.

parish is meant by the description in schedule (M.). In the third column the spot is described as being in "*Brecknockshire* or *Radnorshire*." I think that is hardly so much a misdescription of the spot as a misapprehension of the fact. The Legislature seems to have supposed that there was a dispute whether the 470 acres were in the one county or the other: and if such had been the fact the language used would have been proper enough. But, however that may be, mistake or none, if we can see that the Legislature intended to enact that these 470 acres should in future be in *Brecknockshire*, we must give effect to that intention. And, though this parcel of land is not isolated in the common acceptation of the word, I think it must be considered to have been the part intended by the legislature to be described in stat. 2 & 3 W. 4. c. 64. And, inasmuch as the *medium filum aque* was the ancient boundary of the counties down to the *Stannets*, where the spot in question begins, I think it must be fairly taken that the Legislature intended the boundary to continue along the *medium filum aque* so as to be consecutive. So that, if, after stat. 2 & 3 W. 4. c. 64., any one had a property of sufficient value in the soil of the river *Wye*, between the *medium filum aque* and these 470 acres, it would give him a vote in *Brecknockshire*. Then stat. 7 & 8 Vict. c. 61. s. 1. enacts that detached parts of counties shall be considered for all purposes as part of the counties of which they are part for election purposes. The word "detached" there must be taken to embrace "isolated." Then the place in question is now part of *Brecknockshire* for all purposes: and the cases first referred to shew that the burdens attached to the place are trans-

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ferred with it from the one county to the other. *Regina v. New Sarum (a)* is not really in point; for there the county included the whole borough, old and new, and the borough was not liable to repair bridges within it, even in the old part of the borough. I do not act on the supposition that the legislature intended to throw the burden of repairing this bridge on *Brecknockshire*. Probably, that was not in their contemplation; but it followed as a legal incident, when the bridge was made part of the county.

COLERIDGE J. The question really is, whether the description in stat. 2 & 3 *H.* 4. c. 64. applies to this piece of ground. Certainly it does not describe it accurately; but then to no other land can the description apply; and, unless we say that the act has no operation, we are driven to say that it is applicable to this. And I apply it to this the more readily, that sect. 38 shews that the Legislature were confessedly using inaccurate language. Then we get so far, that this parcel of ground, speaking generally, is now within the county of *Brecknock*. I was much struck by Mr. *Plipson's* ingenious argument, that the boundary should be along the bank of the river which isolates the spot; but I agree with my brother *Patteson*, that the intention of the legislature must have been to make the boundary along the middle course of the river.

ERLE J. I agree that, on the construction of stat. 2 & 3 *H.* 4. c. 64., we must hold that this portion of the parish of *Glasbury* was meant, though in common language it would not be called "isolated." Then we must

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take this to be the portion of *Glasbury* which is to go in future to *Brecknockshire*; and, as it is not actually isolated from *Radnorshire*, we are to fix the boundary for the future between the two counties. It is agreed that it must run along the river, either on the right bank, or the left bank, or in the middle. There being nothing in the act to take the case out of the general rule as to boundaries, I think that the line must, both for the parliamentary franchise and, since the later statute, for all purposes, be taken to be the ordinary one in such cases, namely, the middle of the boundary stream. It follows that half the bridge is to be repaired by the inhabitants of *Brecknockshire*.

Judgment for the Crown (a).

(a) Reported by C. Blackburn, Esq.



Pertinent parts of the Act of Parliament

C.64.

2° & 3° GULIELMI IV.

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Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
Flintshire -	Sundry other small Plots of Land in the following Townships respectively; namely, Overton Villa - - - Overton Foreign - - - Bangor - - - Worthenbury - - - Sutton - - -	Denbighshire - -	Flintshire.
Flintshire -	Parts of Marford and Hoseley Townships - - -	Denbighshire - -	Flintshire.
Flintshire -	Part of Hawarden Township -	Cheshire - -	Flintshire.
Glamorganshire -	Flat Holmes - - -	In the Bristol Channel	Glamorganshire.
Glamorganshire -	Barry Island - - -	In the Bristol Channel	Glamorganshire.
Brecknockshire -	Part of Glasbury Parish -	Brecknockshire or Radnorshire -	Brecknockshire.



C A P. LXIV.

An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in *England* and *Wales*, in so far as respects the Election of Members to serve in Parliament.

[11th July 1832.]

2 W. 4. c. 45.

‘ WHEREAS by an Act passed in this present Session of Parliament, and intituled *An Act to amend the Representation of the People in England and Wales*, it is (amongst other things) provided, that each of the Counties enumerated in the Schedule marked (F.) thereto annexed should be divided into Two Divisions, which Divisions should be settled and described by an Act to be passed for that Purpose in this present Parliament, which Act, when passed, should be deemed and taken to be Part of the Act now in recital as fully and effectually as if incorporated therewith; and that Two Knights of the Shire should be chosen for each Division of the said Counties; and that the Court for the Election of such Knights of the Shire should be held at the Place to be named for that Purpose in the Act so to be passed for settling and describing the Divisions of the said Counties: And whereas the Act so to be passed for settling and describing the Divisions of the said Counties. as in the said recited Act is mentioned, is this present Act: And whereas the several Counties enumerated in the said Schedule marked (F.) to the said recited Act annexed are the several Counties whereof the Divisions are herein-after settled and described:’ Be it therefore enacted by the King’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.

XXVI. And be it enacted, That the isolated Parts of Counties in *England* and *Wales* which are  
2 & 3 GUL. IV. 5 M

Provision for  
detached Parts  
of Counties.



described in the Schedule to this Act annexed marked (M.) shall, as to the Election of Members to serve in Parliament as Knights of the Shire, be considered as forming Parts of the respective Counties and Divisions which are respectively mentioned in the Fourth Column of the said Schedule (M.) in conjunction with the Names of such isolated Parts respectively; and that every Part of any County in *England* or *Wales* which is detached from the main Body of such County, but for which no special Provision is hereby made, shall be considered, for the Purposes of the Election of Members to serve in Parliament as Knights of the Shire, as forming Part of that County (not being a County Corporate), and of that Division, Riding, or Parts, whereby such detached Part shall be surrounded; but if any such detached Part shall be surrounded by Two or more Counties, or Divisions, Ridings, or Parts, then as forming Part of that County, or Division, Riding, or Parts, with which such detached Part shall have the longest common Boundary.

Provision for  
the detached  
Parts of Hun-  
dreds, &c.

XXVII. And be it further enacted, That as respects the Counties of *York* and *Lincoln*, and also the Counties herein-before divided, except the Counties of *Hants* and *Worcester*, every Portion of any Hundred, Ward, Wapentake, Rape, Lathe, or Liberty of any such County which is detached from the main Body of such Hundred, Ward, Wapentake, Rape, Lathe, or Liberty, and is also locally separated from that Division of the County to which such main Body is to belong under the Provisions contained in this Act or in the herein-before recited Act, but which is not subject to the Provisions lastly herein-before contained, shall, for the Purpose of the Election of Members to serve in Parliament as Knights of the Shire, be considered as forming Part of that Division, Parts, or Riding of the same County by which such detached Portion is surrounded or to which it adjoins.

Provision for  
Liberties, &c.

XXVIII. And be it enacted, That all Liberties, Franchises, and Places having a separate Jurisdiction, which are not herein-before expressly mentioned, (except the several Cities and Towns, and Counties thereof respectively, of *Bristol*, *Exeter*, *Lichfield*, *Norwich*, and *Nottingham*, and except the several Places by this Act comprised within the Boundaries thereof respectively,) shall, as to the Election of Members to serve in Parliament as Knights of the Shire, respectively be considered as included within the respective Divisions hereby established in which such Liberties, Franchises, and Places having a separate Jurisdiction shall be locally situated.

County Polling  
Places shall be  
such as are  
mentioned in  
Schedule (N.)  
to this Act.

XXIX. ' And whereas by the herein-before recited Act it is also provided, that the respective  
' Counties in *England* and *Wales*, and the respective Ridings, Parts, and Divisions of Counties, should  
' be divided into convenient Districts for polling, and that in each District should be appointed a  
' convenient Place for taking the Poll at all Elections of a Knight or Knights of the Shire to serve in  
' any future Parliament, and that such Districts and Places for taking the Poll should be settled and  
' appointed by the Act to be passed in this present Parliament for the Purpose of settling and describing  
' the Divisions of the Counties enumerated in the Schedule marked (F.) to the said recited Act  
' annexed, provided that no County, nor any Riding, Parts, or Division of a County, should have more



‘ than fifteen Districts and respective Places appointed for taking the Poll for such County, Riding,  
 ‘ Parts, or Division; and by the said recited Act it is also provided that the several Boroughs of *New*  
 ‘ *Shoreham, Criclade, Aylesbury, and East Retford*, as thereby defined, should be divided into  
 ‘ convenient Districts for polling, and that there should be appointed in each District a convenient  
 ‘ Place for taking the Poll at all Elections of Members to serve in any future Parliament for each of  
 ‘ the said Boroughs, which Districts and Places for taking the Poll should be settled and appointed by  
 ‘ an Act to be passed in this present Parliament;’ be it therefore enacted, That the Poll for Election  
 of Knights of the Shire shall be taken at such Places as in the Schedule to this Act annexed marked  
 (N.) are mentioned in conjunction with the Names of the Counties, and of the Ridings, Parts, and  
 Divisions of Counties, in which such Places are respectively situated.

Polling Dis-  
 tricts for Coun-  
 ties to be settled  
 by Justices.

XXX. And be it enacted, That the Justices of the Peace for every County in *England* and *Wales*,  
 and for each of the Ridings of *Yorkshire*, and for the Parts of *Lindsey*, and for the Parts of *Kesteven* and  
*Holland*, in *Lincolnshire*, assembled at the Quarter Sessions to be holden in the Month of *October* in the  
 present Year, or at some Special Sessions to be appointed by them so assembled as aforesaid which  
 shall be holden on or before the last Day of *October* in the present Year, shall divide their respective  
 Counties, and Ridings, Parts, and Divisions of Counties, into convenient Districts for polling, and shall  
 assign one of such Districts to every Polling Place mentioned in the said Schedule marked (N.) to this  
 Act annexed; and that a List describing the Districts named in every such Assignment, and naming  
 the Polling Places to which such Districts are respectively assigned, shall be lodged with the Clerk of  
 the Peace of the County, Riding, or Parts, who shall forthwith cause Copies of such List to be printed,  
 and shall deliver a Copy of such List to every Person who shall apply for the same, upon Payment of  
 One Shilling for each Copy.

In what Coun-  
 ties, &c. Places  
 having separate  
 Jurisdiction are  
 to be considered.

XXXI. Provided always, and be it enacted, That for the Purpose of assigning such Districts to every  
 Polling Place as aforesaid, every Liberty, Franchise, and Place having a separate or exclusive Juris-  
 diction shall be considered as being within that County, and within that Division, Riding, or Parts, in  
 which such Liberty, Franchise, or Place is placed by this Act, or by the Act herein-before recited. or in  
 which the same is locally situated: Provided nevertheless, that the Justices of the Peace for the *Isle of*  
*Ely*, assembled at the Quarter Sessions for the said *Isle of Ely* to be holden in the Month of *October*  
 in the present Year, or at some Special Sessions to be appointed by them, so assembled as aforesaid,  
 which shall be holden on or before the last Day of *October* in the present Year, shall divide the said  
*Isle of Ely* into convenient Districts for polling, and shall assign One of such Districts to every Polling  
 Place within the said *Isle of Ely* mentioned in the said Schedule (N.); and that a List describing the

Districts