



Metropolis Management Act 1855

1855 CHAPTER 120

Election of Vestries and Auditors in Parishes in Schedules (A.) and (B.)

I 1 & 2 W.4 c.60 repealed so far as regards Parishes in Schedules (A.) and (B.)

The Act of the Session hoi den in the First and Second Years of King *William* the Fourth, Chapter Sixty, "For the better Regulation of Vestries, and for the Appointment of Auditors of Accounts " in certain Parishes of *England* and *Wales*," shall be repealed, from and after the passing of this Act, so far as regards any Parish mentioned in either of the Schedules (A.) and (B.) to this Act: Provided always, that the Vestry and Auditors already elected for any such Parish under the said Act shall continue, to be such Vestry and Auditors until the First Election of Vestrymen and Auditors for such Parish under this Act has taken place, but no longer; and the Provisions of the said Act of King *William* the Fourth shall continue applicable to every such Vestry and to their Proceedings, and the Books in which, the same are entered, and to such Auditors and their Proceedings accordingly.

II Vestries in Parishes named in either of the Schedules (A.) and (B.) to consist of not less than 18 or more than 120 Persons qualified and elected as after provided.

The Vestry in every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall consist of a certain Number of Persons qualified and elected as herein provided; (that is to say,) Eighteen Vestrymen for every Parish in which the Number of rated Householders shall not exceed One thousand; and Six additional Vestrymen, that is, Twenty-four Vestrymen for every parish in which the Number of rated Householders shall exceed One thousand; and Twelve additional Vestrymen, that is, Thirty-six Vestrymen, for every Parish in which the Number of rated Householders shall exceed Two thousand; and so on at the Proportion of Twelve additional Vestrymen for every Thousand rated Householders : Provided always, that in no Case the Number of Vestrymen shall exceed One hundred and twenty: Provided also, that the Incumbent and Churchwardens of each such Parish shall constitute n Part of the Vestry, and shall vote therein, in addition to the elected Vestrymen: Provided also, that every District Rector now constituting in any such Parish a Part of the Vestry thereof

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shall continue to constitute a Part of the Vestry thereof under this Act: Provided also, that where in any Parish the whole Number of Persons qualified to be Vestryman shall not amount to Eighteen, the Vestry thereof shall consist of so many Persons as are so qualified, anything in this Act to the contrary notwithstanding.

III Such Parishes with more than 2,000 rated Householders to be divided into Wards.

Each of the said Parishes which at the Time of the passing of this Act contains more than Two thousand rated Householders shall be divided into Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose as herein provided to determine and set out, on or before the Tenth Day of *October* next, the Number, Extent, Limits, and Boundary Lines of such Wards, but so nevertheless that no Ward shall contain less than Five hundred rated, Householders, and that the whole Number of Wards in any Parish shall not exceed Eight; and the Person or Persons, setting out such Wards in any Parish shall apportion among the several Wards the Number of Vestrymen to be elected for such Parish, and shall, in assigning the Number of Vestrymen to each Ward, have regard, as far as in his or their Judgment it is practicable, as Well to the Number of Persons rated to the Relief of the Poor in each Ward as to the aggregate Amount of the Sums at which all such Persons are rated ; and the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three; and a Copy of the Particulars of such Division and Apportionment shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Vestry Clerk of the Parish to which such Division and Apportionment relate; and if Her Majesty, by the Advice of Her Privy Council, approve of such Division and Apportionment, the Particulars thereof shall be published in the *London Gazette* ; and the Parish shall, after such Publication be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered as herein provided; and the Number of Vestrymen assigned to each Ward shall be the Number to be elected for such Ward until altered as aforesaid: Provided always, that if Her Majesty, by Advice of Her Privy Council, do not approve such Division and Apportionment, such Publication as aforesaid shall nevertheless be made, and such Division and Apportionment be in force for the Purpose of any Election under the Provisions of this Act, until such Time as Her Majesty, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of such Parish into Wards, and of the Number of Vestrymen assigned to each Ward in manner hereinbefore mentioned: Provided also, that where any Parish is already divided into Wards under any Local Act such Parish shall be deemed to be divided into such Wards for the Purposes of this Act, without any Division of such Parish into Wards being made as hereinbefore provided, but the Number of Vestrymen to be elected for such Parish shall be apportioned as aforesaid among the Wards of such Parish by such Person or Persons as may be appointed for that Purpose as herein provided.

IV Power to Secretary of State to appoint Persons to set out the Wards, and apportion Number of Vestrymen to be elected.

One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the passing of this Act, appoint not more than Four fit Persons, the Names of such Person's to be published in the *London Gazette*, to set out the Wards into which the said Parishes are by this Act directed to be divided, and to apportion the Number of Vestrymen to be elected for such Parishes respectively among such Wards, and also to

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apportion the Number of Vestrymen to be elected for any Parish already divided into Wards as aforesaid among such Wards ; and any One or more of such Persons may be appointed to act as aforesaid separately from any other or others of them as such Secretary of State may see fit; and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at a Rate not exceeding the Sum of Five Guineas for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment in each Parish shall be determined and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid out of the Poor Rates of the Parish.

V If relative Amounts of Population of Wards vary in any future Census, the Numbers of Vestrymen maybe altered.

When at any Time, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the inhabited Houses in the several Wards of any Parish divided into Wards as aforesaid are found to have varied from those shown by the last previous Census, it shall be lawful for the Metropolitan Board of Works, upon the Application of the Vestry or any Ratepayers of such Parish, to alter the Number of Vestrymen assigned to such Wards or any of them, but so that the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three.

VI Qualification of Vestrymen.

The Vestry elected under this Act in any Parish shall consist of Persons rated or assessed to the Relief of the Poor upon a Rental of not less than Forty Pounds *per Annum* ; and no Person shall be capable of acting or being elected as One of such Vestry for any Parish unless he be the Occupier of a House, Lands, Tenements, or Hereditaments in such Parish, and be rated or assessed as aforesaid upon such Rental as aforesaid within such Parish: Provided always, that in any Parish in which the Number of Poor Rate Assessments at Forty Pounds or upwards does not exceed One Sixth of the whole Number of such Assessments it shall not be necessary, in order to qualify a Person to be a Vestryman, that the Amount of Rental upon which he is rated or assessed as aforesaid exceed Twenty-five Pounds: Provided also, that the joint Occupation of any such Premises as aforesaid, and a joint Rating in respect thereof, shall be sufficient to qualify each joint Occupier in case the Amount of Rental on which all such Occupiers are jointly rated will, when divided by the Number of Occupiers, give for each such Occupier a Sum not less than the Amount herein-before required.

VII As to the First Election of Vestrymen under this Act.

The First Election of Vestrymen under this Act in every Parish shall be holden in the Month of *November* next after the passing of this, Act, and between the Fifth and Twenty-first Days of that Month; and the Day on which such Election shall commence shall be appointed by the Churchwardens of the Parish, and Twenty-one Days previously to the Day of Election Notice of such Election shall be given in manner herein-after directed concerning Notice of Election of Vestrymen and Auditors, and the next such Election shall take place on such Day in the Month of *May* in the Year One thousand eight hundred and fifty-seven as the Vestry shall appoint, and every subsequent Election shall take place annually in the Month of *May* in every Year as the Vestry appoint.

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VIII The full Number of Vestrymen to be chosen at First Election, and existing Vestries superseded.

At the First such Election of Vestrymen as aforesaid for any Parish the full Number of Elective Vestrymen of which such Vestry is to consist as herein-before mentioned shall be elected, and such Vestrymen, with such other Persons as herein-before mentioned, shall forthwith be deemed to constitute the Vestry of such Parish, and shall supersede any existing Vestry therein, and exercise the Powers and Privileges held by such existing Vestry, save as in this Act otherwise provided; and the Authority of such Vestry may be pleaded before any Justice or Justices of the Peace or in any Court of Law in regard to all Parochial Property or Monies due, or Holdings or Contracts, or other Documents of the like Nature, under the Control or in the Keeping of such existing Vestry; and all Parish Officers or Boards shall account to them in like Manner as they are by Law liable to account to such existing Vestry.

IX As to the Term of Office of Vestrymen elected at First Election, and as to future Elections.

One Third of the Vestrymen first elected under this Act in any Parish, or, where such Parish is divided into Wards under this Act, in each Ward of such Parish, shall go out of Office at the Time appointed for the Election of Vestrymen in the Year One thousand eight hundred and fifty-seven, One other Third of them at the Time appointed for such Election in the Year One thousand eight hundred and fifty-eight, and the remaining Third at the Time appointed for such Election in the Year One thousand eight hundred and fifty-nine; and the Vestry shall, at some Meeting before the Time of the Election in One thousand eight hundred and fifty-seven, determine by Lot which of the Members first elected shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members from Time to Time elected at the annual Elections after the First Election shall go out of Office at the Time appointed for the annual Election in the Third following Year, except such Members as are elected to supply Vacancies occasioned otherwise than by Effluxion of Time; and such last-mentioned Members shall go out of Office at the respective Times when the Terms of Office of the Members in whose Places they are respectively elected would have expired by Effluxion of Time.

X Vacancies to be filled up at annual Elections.

At every Election of Vestrymen under this Act, except the First, for any Parish or any Ward of any Parish, the Parishioners of such Parish entitled to vote in such Election shall elect as many Vestrymen as there are Vacancies in the Vestry, or among the Vestrymen elected for such Ward, whether such Vacancies be occasioned by the Expiration of the Term of Office, or by Death or otherwise.

XI Appointment of Auditors of Accounts for Parishes in Schedules (A.) and (B.)

For every Parish mentioned in either of the Schedules (A.) and (B.) to this Act there shall be elected such Number as herein-after mentioned of the Ratepayers of the Parish who have signified in Writing their Assent to serve to be Auditors of Accounts, which Auditors shall be so elected at the same Times and in the same Manner as Members of the Vestry; and the Number of Ratepayers so to be elected Auditors in any Parish not divided into Wards under this Act shall be Five, and the Number of Ratepayers so to be elected Auditors in any Parish which is divided into Wards shall be the same

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as the Number of Wards, One Auditor being elected in each Ward : Provided always, that where the Number of Wards into which any Parish is divided exceeds Five, the Vestry of such Parish shall at their First Meeting after the Election of Auditors as aforesaid, in any Year, elect by Ballot from among such Auditors Five of them, and the Five Persons so elected by Ballot shall be the Auditors for such Parish exclusively of any other Person or Persons who may have been elected an Auditor or Auditors for such Parish under the Provisions herein contained; and a List of the Five Persons so elected by the Vestry shall be forthwith published by the Churchwardens in the Parish as herein provided: Provided also, that no Person shall be eligible to fill the Office of Auditor of Accounts who is not qualified to fill the Office of Vestryman for the Parish ; but no Person shall be eligible to fill the Office of Auditor who is a Member of the Vestry; and if any Person be chosen to be both a Member of the Vestry and Auditor of Accounts he shall be incapable of acting as a Vestryman.

XII As to the Term of Office of Auditors.

The Auditors first elected under this Act in any Parish as aforesaid shall go out of Office at the Time appointed for the Election of Vestrymen and Auditors in the Year One thousand eight hundred and fifty-seven, and the Auditors then elected and to be thereafter elected shall go out of Office at the Election of Vestrymen and Auditors in the Year next following their Election.

XIII Notice of Elections.

The Churchwardens of every Parish mentioned in either of the said Schedules (A.) and; (B.), which is not divided into Wards, shall, on some *Sunday* at least Twenty-one Bays previously to the Day of annual Election of Vestrymen, cause to be published in such Parish as, herein provided a Notice according to the following Form:

Parish of [*here insert Name of Parish*].

The Parishioners duly qualified according to the Provisions of the Act of the Session holden in the Eighteenth and Nineteenth Years of the Reign of Queen Victoria, intituled “An Act” [*here insert the Title of the Act*], are hereby required to meet at

on the Day of conformably to the Provisions of the said Act, and then and there to consider of and elect fit and proper Persons to be Vestrymen and Auditors of Accounts of the Parish of for the ensuing Year [*the Words “for the ensuing Year” to be omitted in the Notice of the First Election*]; that is to say,

Members of the Vestry,
Auditors of Accounts.

And the Churchwardens of every such Parish as aforesaid which is divided into Wards shall at the Time aforesaid cause to be published as herein provided, in each Ward of the Parish, a Notice according to the following Form :

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Parish of _____, Ward of [*inserting the Parish and Ward*].

The Parishioners duly qualified according to the Provisions of the Act of Parliament of the Session holden in the Eighteenth and Nineteenth Years of the Reign of Queen Victoria, intituled "An Act" [*here insert the Title of this Act*], are hereby required to meet at _____ on the _____ Day of _____, conformably to the Provisions of the said Act, and then and there to consider of and elect _____ fit and proper Persons to be Vestrymen and an Auditor of Accounts of the Parish of _____ for the Ward of _____ for the ensuing Year [*the Words "for the ensuing Year" to be omitted in the Notice of the First Election*]

XIV Churchwardens to appoint Persons to preside at Ward Elections.

Where any Parish is divided into Wards, the Churchwardens, Three clear Days at least before the Day of Election, shall appoint in Writing under their Hands a Person to preside at such Election as aforesaid; in each of the said Wards, except any Ward in which One of the Churchwardens shall preside, and notify such Appointment to the Vestry, Clerk of the Parish.

XV Rate Collectors to assist at the Elections.

The Rate Collectors, or Persons appointed by them, shall attend the Churchwardens and Persons presiding at Elections under this Act, and Inspectors of Votes, to assist in ascertaining that the Persons presenting themselves to vote are Parishioners rated to the Relief of the Poor in the Parish, or the respective Wards thereof, and duly qualified to vote at the Election.

XVI Form of Proceeding at Elections.

On the Day of Election of Vestrymen and Auditors in any Parish under this Act the Parishioners then rated to the Relief of the Poor in the Parish, or, where the Parish is divided into Wards under this Act, in the Ward thereof for which the Election is holden, and who are desirous of voting, shall meet at the Place appointed for such Election, and shall then and there nominate Two Ratepayers of the Parish, or (if the Parish be divided into Wards) of the Ward for which the Election is holden, as fit and proper Persons to be Inspectors of Votes; and the Churchwardens, or, in the Case of a Ward Election, such One of the Churchwardens as is present thereat, or, where One of the Churchwardens is not present, the Person appointed by them to preside thereat, shall, immediately after such Nomination as aforesaid by the Parishioners, nominate Two other such Ratepayers to be such Inspectors; and after such Nominations the said Parishioners shall elect such Persons duly qualified as may be there proposed for the Offices of Vestrymen and Auditors or Auditor; and the Chairman at such Meeting shall declare the Names of the Parishioners who have been elected by a Majority of Votes at such Meeting: Provided nevertheless, that no Person shall be entitled to join or vote in any such Election for any Parish, or any Ward of any Parish, or be deemed a Ratepayer thereof, or be entitled to do any Act as such under this Act, unless he

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have been rated in such Parish to the Relief of the Poor for One Year next before the Election, and have paid all Parochial Rates, Taxes, and Assessments due from him at the Time of so voting or acting, except such as have been made or become due within Six Months immediately preceding such voting or acting.

XVII Power to demand a Poll, which shall be taken by Ballot.

Provided always, That any Five Ratepayers may then and there, in Writing or otherwise, demand a Poll, which shall be taken by Ballot on the Day next following, and shall commence at Eight of the Clock in the Forenoon and close at such Hour as herein-after mentioned ; that is to say, at Six of the Clock in the Afternoon in the Case of any Election to be holden in *November* One thousand eight hundred and fifty-five, and at Eight of the Clock in the Afternoon in all other Cases; each Ratepayer depositing as herein-after provided Two folded Papers, One of which Papers shall contain the Names of the Persons for whom such Parishioner may vote as fit and proper to be Members of the Vestry, and the other shall contain the Names or Name of the Persons or Person for whom such Parishioner may vote as fit and proper- to be Auditors or Auditor of Accounts; and each Ratepayer, shall have. One Vote, and no more for the Members of the Vestry, and One Vote and no more for the Auditors or Auditor of Accounts to be chosen in the said Parish or Ward.

XVIII Duty of Inspectors of Votes.

The Persons voting shall deposit such folded Papers in Two separate Sets of Balloting Glasses or Boxes, One Set for Voting Papers for Members of Vestry, and another Set for the Voting Papers for Auditors or an Auditor ; and the said Balloting Glasses or Boxes shall be closed at the Time herein-before fixed for the closing of the Poll; and the Inspectors for the Parish or Ward (as the Case may be) shall forthwith meet together, and proceed to examine the said Votes, and if necessary shall continue the Examination by Adjournments from Day to Day, not exceeding Two Days (*Sunday* excepted), until they have decided upon the Persons duly qualified according to the Provisions of this Act who may have been chosen to fill the aforesaid Offices,

XIX Provision for Case of Equality of Votes.

In case an Equality of Votes appear to the aforesaid Inspectors to be given for any Two or more Persons to fill either of the said Offices, the Inspectors shall decide by Lot upon the Person to be chosen.

XX If in the Interval between Elections the Vestry of any Parish be reduced below Two Thirds, the Vacancies to be filled up as herein named.

If in the Interval between any Election under this Act of Vestrymen in any Parish and the Time at which the next Election would in the Absence of this Enactment have taken place the Number of such Vestrymen be reduced below Two Thirds of the full Number, so many Vestrymen as may be requisite for filling up such Number shall be forthwith elected in like Manner as in the Case of the annual Election of such Vestrymen, and the Provisions of this Act shall be applicable in the Case of such Election accordingly, save that the Notice of Election shall be varied from the Form prescribed by this Act so far as may be necessary, and where such Parish is divided into Wards under this Act each Ward shall supply the Vacancies among the Members elected for the same; and every Vestryman elected under this Enactment shall go out of Office at the Time when

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the Term of Office of the Person in whose Place he is elected would have expired by Effluxion of Time.

XXI Penalty for forging or falsifying any Voting Paper or obstructing the Election.

If any Person knowingly personate and falsely assume to vote in the Name of any Parishioner entitled to vote in any Election under this Act, or forge or in any way falsify any Name or Writing in any Paper purporting to contain the Vote or Votes of any Parishioner voting in any such Election, or by any Contrivance attempt to obstruct or prevent the Purposes of any such Election, the Person so offending shall, upon Conviction before any Two or more Justices of the Peace having Jurisdiction in the Parish, be liable to a Penalty of not less than Ten and not more than Fifty Pounds, and in default of Payment thereof shall be imprisoned for a Term not exceeding Six nor less than Three Months.

XXII A List of Persons elected Vestrymen and Auditors by Parishioners to be published.

The Inspectors shall, immediately after they have decided upon whom the aforesaid Elections have fallen, deliver to the Churchwardens, or to One of them, or other the Person presiding at the Election, a List of the Persons chosen by the Parishioners to act as Vestrymen and Auditors or an Auditor of Accounts; and the said List, or a Copy thereof, shall be published in the Parish as herein provided.

XXIII Penalty on Inspector for making incorrect Return.

If any Inspector wilfully make or cause to be made an incorrect Return of the said Votes, every such Offender shall, upon Information laid by any Person before Two or more Justices of the Peace having Jurisdiction in the Parish, and upon Conviction for such Offence, be liable to a Penalty of not less than Twenty-five Pounds and not exceeding Fifty Pounds.

XXIV Vestries to provide Places for holding Elections, and pay Expenses of taking Poll, &c.

The Vestry of every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall provide such Places as may be requisite for holding Elections of Vestrymen and Auditors under this Act, and taking the Poll thereat; and the Expenses of providing such Places, of publishing Notices, of taking the Poll, and of making the Return at Elections of Vestrymen and Auditors, shall be paid out of the Poor Rates of the Parish by Order of the Vestry: Provided always, that the Places requiring to be provided for the First Election under this Act of Vestrymen and Auditors in any Parish shall be provided by the Churchwardens, and the Expenses of providing the same shall be paid out of the Poor Rates, upon their Order.

XXV As to Parishes having no Churchwardens.

The Provisions herein-before contained shall, so far as concerns any Parish in either of the said Schedules (A.) and (B.) in which there are no Churchwardens, be construed as referring to the Overseers of the Poor instead of the Churchwardens.

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XXVI How Notices and Lists to be published.

Every Notice and List herein-before required to be published in any Parish or Ward of any Parish shall be so published by being fixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church and Public Chapel in such Parish or Ward, including Places of Public Worship which do not belong to the Established Church, and if there be no such Building as aforesaid, then in some public and conspicuous Situation within such Parish or Ward.

XXVII Churchwardens, &c. not complying with Act guilty of Misdemeanor.

If any Churchwarden, Overseer, Rate Collector, or other Parish Officer refuse or neglect to call any Meeting, or give any Notice, or do any other Act required of him under the Provisions of this Act, he shall be deemed guilty of a Misdemeanor.

XXVIII Quorum of Vestries.

All Powers or Duties to be performed by the Vestry of any Parish under this Act may be exercised and performed respectively by the major Part of such Vestry assembled at any Meeting, there being not less than Five Vestrymen present at a Meeting of a Vestry which consists of not more than Eighteen elected Vestrymen, and not being less than Seven Vestrymen present at a Meeting of a Vestry which consists of Twenty-four elected Vestrymen and no more, and not being less than Nine Vestrymen present at a Meeting of a Vestry which consists of Thirty-six elected Vestrymen or upwards; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Vestrymen present, and the Vestry may act notwithstanding any Vacancies therein.

XXIX Meetings not to be holden in the Church.

In any Case in which the Vestry-room of any such Parish as aforesaid is not sufficiently large and commodious for any Vestry Meeting, such Meeting shall be held elsewhere within the said Parish, but not in the Church or Chapel thereof.

XXX Meeting to elect a Chairman.

At every Meeting of any Vestry under this Act, in the Absence of the Persons authorized by Law or Custom to take the Chair, the Members present shall elect a Chairman for the Occasion before proceeding to other Business, and the Chairman, in case of an Equality of Votes on any Question, shall have a Second or Casting Vote.