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An Act for the better Administration of the Borough Fund in certain Boroughs. [20th *August* 1836.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Provision was made for the Payment of the Rents and Profits of the Real and Personal Estate of the Mayor, Aldermen, and Burgesses of certain Boroughs named in the Schedules (A.) and (B.) to the said Act annexed, and also for the Payment of certain Penalties to a Fund to be called in each Case "The Borough Fund" of that Borough: And whereas certain Difficulties have occurred in putting the said Act into execution, and certain Penalties have been imposed, which ought not to be imposed, for the Benefit of the said Borough Fund: 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, That from and after the passing of this Act it shall be lawful for the Council of any Borough named in the said Schedules to execute from Time to Time any Deed or Obligation in the Name of the Body Corporate whose Council they are, for securing Repayment and Satisfaction of any Debt or Obligation contracted by or on behalf of the said Body Corporate before the passing of the said Act for regulating Corporations.

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New Securities may be given for old Debts.

II. And be it enacted, That the Power of Disposition given to the Council of any Body Corporate in the Instances of Demises for

Extending the Power of Disposition given to the

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Council as to certain Demises; and the Power allowed to be exercised over the Lands, &c. with the Approbation of the Treasury.

Seventy-five Years, authorized by the said Act, shall extend to the Demise or Lease thereof, either at a reserved Rent or a Fine, or both, as the Council shall think fit; and the Power of Disposition allowed by the said Act over the Lands, Tenements, and Hereditaments of such Body Corporate, to be exercised with the Approbation of the Lords Commissioners of His Majesty's Treasury or any Three of them, shall extend to the Disposition of such Lands, Tenements, and Hereditaments, with such Approbation as aforesaid, whether by way of absolute Sale, or by way of Exchange, Mortgage, or Charge, Demise or Lease, and to every other Disposition of the same whatsoever which shall be so approved of as aforesaid.

Treasurer of a Borough may apply Proceeds of Sales as herein mentioned.

III. And be it enacted, That nothing in the said Act contained shall be construed to restrain the Treasurer of any Borough, under the Direction of the Council, from applying the Proceeds of the Sale of any Advowson, or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment, directed by the said Act, which shall have been paid to him, or any Part thereof, towards the Liquidation of any Debt contracted before the passing of the said Act by the Body Corporate named in the said Schedules in conjunction with such Borough.

Persons assigned to keep the Peace in any Borough may act as Justices in levying County Rates made before May 1836.

IV. And whereas by the said Act it is provided, that no Person assigned to keep the Peace within any Borough, Town, or City under the Provisions of the said Act shall by virtue of such Assignment act as a Justice of the Peace in making or levying any County Rate, or Rate in the Nature of a County Rate; be it enacted, That, notwithstanding any thing in the said Act contained, it shall be lawful for any such Person to act as a Justice of Peace in levying any County Rate, or Rate in the Nature of a County Rate, which shall have been legally made previously to the First Day of *May* One thousand eight hundred and thirty-six.

Mayor may issue his Warrant for levying Borough Rate, &c.

V. And be it enacted, That in any Case in which, for the Purpose of levying any County Rate, a Warrant might be lawfully issued by One or more Justices of the Peace, a Warrant may be lawfully issued in the like Case by the Mayor of any Borough named in the said Schedules, under his Hand and the Corporate Seal of the said Borough, whether the Matter of such Warrant relates to the Borough Rate or to the Watch Rate; and that in every Case in which in a Matter relating to the County Rate a Warrant is required to be directed to or issued by a High Constable, such Warrant may in a like Matter relating to the Borough Rate or Watch Rate be directed to or issued by the High Constable of the Borough, or any Borough Officer of the like Description, or by any Person or Persons who may have been or may hereafter be appointed by the Council of the Borough for the Purpose of collecting the said Borough Rate or Watch Rate, or either of them.

Burgesses competent Witnesses.

VI. And be it enacted, That no Burgess of any Borough named in the said Schedules shall be deemed an incompetent Witness in any Suit or Proceeding at Law or in Equity by reason of his being a Member

a Member of such Body Corporate, or interested in the Borough Fund of any Borough.

Mayor, &c. if enrolled on Burgess Roll not liable to Penalty for so acting.

VII. And be it enacted, That, notwithstanding any thing in the said Act contained, no Person enrolled on the Burgess Roll for the Time being of any Borough named in the Schedules to the said Act, and who shall act as Mayor, Alderman, or Councillor, Auditor or Assessor, of such Borough, shall be liable to any Penalty for so acting on the Ground that he was not entitled to be on the Burgess List of such Borough.

Corporate Offices may be resigned on Payment of the Fine.

Proviso for Persons refusing on consciensious Grounds.

VIII. And whereas no Provision is made in the said Act for resigning any Corporate Office on Payment of a Fine or otherwise; be it enacted, That every Person elected into any Corporate Office in any of the said Boroughs may at any Time resign such Office on Payment of the Fine which he would have been liable to pay for Non-acceptance of the same Office; provided that no Person enabled by Law to make an Affirmation instead of taking an Oath shall be liable to any Fine for Non-acceptance of Office in any Borough by reason of his Refusal on conscientious Grounds to take any Oath or make any Declaration required by the said Act, or to take upon himself the Duties of such Office.

Reservation of Exemption from Tolls enjoyed by Persons in virtue of other than Corporate Rights.

IX. And be it enacted, That nothing contained in the said Act for regulating Corporations shall be construed to alter or affect the Right of any Person claiming Discharge or Exemption from Tolls levied in whole or in part by or to the Use of any Body Corporate by virtue of any Title to such Discharge or Exemption other than as an Inhabitant of any Borough, or as a Citizen, Freeman, or Burgess, or as a Member by any Name whatsoever of any Body Corporate named in the said Schedules, or as the Widow or Kindred of any such Inhabitant, Citizen, Freeman, Burgess, or Member of such Body Corporate.

Accounts of Corporations to be transmitted to Secretary of State, and Abstracts laid before Parliament.

X. And be it enacted, That the Council of each Borough, Town, or City named in the said Schedules, or in which a Body Corporate of Mayor, Aldermen, and Burgesses may be created under the Provisions of the said Act, shall, before the First Day of *March* in each Year, transmit to One of His Majesty's Principal Secretaries of State a Statement of all Monies received and expended on account of the Mayor, Aldermen, and Burgesses of that Borough, Town, or City within the Year preceding, which Statement shall be prepared in such Form and Manner as the Secretary of State shall direct, and such Accounts shall refer to the Year ended upon the First of *January* of the Year in which such Account is hereby required to be so transmitted; and an Abstract of such Statements and Accounts, under general Heads, shall be laid before both Houses of Parliament during their Sitting in the same Year in which they are hereby required to be transmitted as aforesaid.

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