ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxxi.

An Act for the Regulation of the Municipal Corporation of the Borough of *Hedon* in the East Riding of the County of *York*, and for the Improvement of the Borough; and for other Purposes.

[15th *May* 1860.]

WHEREAS the existing Borough of *Hedon* is a Corporate Borough by Charter, and certain of the Inhabitants of the existing Borough are a Body Politic and Corporate, known by the Name of the Mayor, Bailiffs, and Burgesses of the Borough of *Hedon*, and the said Mayor and Bailiffs are or claim to be, by virtue of their Offices, Justices of the Peace and as such exercise exclusive magisterial Jurisdiction within the said Borough, and hold a separate Court of Quarter Sessions in and for the said Borough, and the said Borough is exempt from County Rates: And whereas the said Mayor, Bailiffs, and Burgesses levy or claim Power to levy Tolls upon Horses and other Animals, Stage Coaches, Waggons, Carts, and other Vehicles, Corn, Provisions, and other Matters entering or brought into the said existing Borough: And whereas the said Borough is co-extensive with the Parish of *Hedon*: And whereas the Burgesses consist only of the Freemen of the Borough: And whereas it is expedient that Provision should be made for altering the Constitution of and for regulating the said Body Politic and

Corporate: And whereas it is expedient to abolish the exclusive magisterial Jurisdiction of the said Mayor and Bailiffs, the said separate Court of Quarter Sessions, and the Exemption of the said Borough from County Rates: And whereas it is expedient to abolish the Tolls now levied or claimed by the said Mayor, Bailiffs, and Burgesses as aforesaid: And whereas it is expedient that Provisions should be made for the better paving, cleansing, lighting, watching, draining, regulating, managing, and improving the said Borough, and for repairing the Streets and Highways within the same: And whereas the Objects aforesaid cannot be effected 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,)

Short Title.

I. This Act may be cited for all Purposes as "*Hedon* Corporation and Borough Improvement Act, 1860."

Interpretation of Terms.

II. 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; (that is to say,)

The Expression "the Borough" means the Borough of *Hedon*:

The Expression "the new Corporation" means the Body Corporate called the "Mayor, Aldermen, and Burgesses of the Borough of *Hedon*" as constituted by this Act:

The Expression "the old Corporation" means the Mayor, Bailiffs, and Burgesses of the Borough as existing before the passing of this Act:

The Expression "the Council" means the Council of the Borough as constituted by this Act:

The Expression "the Municipal Corporations Act" means the Act (5 and 6 *William* IV., Chapter 76,) to provide for the Regulation of Municipal Corporations in *England* and *Wales*:

The Expression "the General Municipal Acts" includes the Municipal Corporations Act and all Acts passed or to be passed amending that Act, or relating to any of the Subject Matters of that Act, or affecting Boroughs named in the Schedules to that Act.

The Inhabitant Householders of the Borough incorporated.

III. All Male Persons being from Time to Time Inhabitant Householders of the Borough, of full Age, and having, in respect of Occupancy and rating, the Qualifications required for Burgesses by the Municipal Corporations Act, shall henceforth for ever be One Body Politic and Corporate in Deed, Fact, and Name, and that Body Corporate shall be called the Mayor, Aldermen, and Burgesses of the Borough of *Hedon*.

IV. The

Corporation to have perpetual Succession, and all the Privileges of a Municipal Corporation.

IV. The new Corporation shall have perpetual Succession and a Common Seal, and be for ever hereafter able and capable in Law to have and exercise and do and suffer all the Acts, Powers, Authorities, Immunities, and Privileges which are now held and enjoyed, done and suffered by the several Boroughs and Bodies Corporate named or referred to in the Schedule (A.) annexed to the Municipal Corporations Act, in like Manner, and subject to the same Provisions (except in so far as the same are varied or altered by or inconsistent with this Act), and as fully and amply to all Intents and Purposes whatsoever as if the Borough of *Hedon* had been named or referred to in that Schedule.

Provisions of the Acts for regulating Municipal Corporations in England and Wales extended to the Borough.

V. All the Powers and Provisions of the General Municipal Acts (except in so far as the same are altered or otherwise provided for by this Act) shall extend and apply to the Inhabitants of the Borough and to the Purposes of this Act, and may and shall be put in force accordingly; and in the Municipal Corporations Act, as applied for the Purposes of this Act, the Expression "the present Year" and all analogous Expressions shall mean the Year of our Lord in which this Act is passed; and wherever the passing of that Act is mentioned or referred to, the passing of this Act or a Reference to the passing of this Act shall be deemed to be substituted: Provided always, that in the Second Section of the Municipal Corporations Act "the Day of the passing of this Act" shall, for the Purposes of this Act, be substituted for the Fifth Day of *June*: Provided also, that the Powers given by the Section of the Municipal Corporations Act numbered 140 may be exercised if any of the Provisions of this Act are not carried into effect within the Periods specified and limited in that Behalf, either by reason of Impossibility or of Failure or Miscarriage: Provided also, that when any Day by this Act or the Municipal Corporations Act specified for any Purpose, or as the last Day for any Purpose, shall fall on a *Sunday* or Day appointed for a public Fast or Holiday, the Day next following such *Sunday*, Fast, or Holiday shall be deemed the Day or (as the Case may be) the last Day for such Purpose.

As to Rights of Burgesses.

VI. Provided always, That notwithstanding anything in this Act or the Municipal Corporation Acts contained to the contrary, the resident Freemen or Burgesses of the Borough and the resident Widows of Freemen or Burgesses who have been or might hereafter have been admitted a Freeman or Burgess of the Borough if this Act had not been passed, and any Person who is or hereafter may be a Son of a Freeman or Burgess, or who has been or hereafter may be bound an Apprentice to a resident Freeman or Burgess, shall have and enjoy, and be entitled to acquire and enjoy, the same Rights and Benefits of Occupation, User, and Depasturing of the Common and Pasture Lands and other Lands within the Borough as the Burgesses and the Widows of Burgesses while so resident heretofore have had, used, and enjoyed the same, or would

would or could have had, used, and enjoyed the same if this Act had not been passed.

Constitution of the Council of the Borough.

VII. From and after the Declaration of the First Election of Councillors for the Borough under the Provisions of this Act the Council of the Borough shall consist of a Mayor, Three Aldermen, and Nine Councillors, to be respectively elected at such Times and Places and in such and the like Manner as the Mayor, Aldermen, and Councillors for the Boroughs named in the Schedules to the said Municipal Corporation Act, except as herein-after mentioned, and except that the First Mayor, Aldermen, and Councillors, and the First Auditors and Assessors, for the Borough to be elected under the Provisions of this Act, shall be respectively elected at such Times and in such Manner as herein-after mentioned, and that One of such Aldermen shall go out of Office in every Second Year; and the Mayor, Aldermen, and Councillors, Auditors and Assessors, so from Time to Time elected for the Borough, shall respectively (except as in this Act otherwise provided) have the same Qualifications, and have, exercise, and enjoy all the Powers, Immunities, and Privileges, and be subject to the same Duties, Penalties, Liabilities, and Disqualifications, as the Mayor, Aldermen, and Councillors, and Auditors and Assessors, of the several Boroughs enumerated in the Schedules to the Municipal Corporations Act, so far as the same are applicable to the Borough.

Qualification of Aldermen and Councillors.

VIII. Any Person who shall be entitled to be on the Burgess List of the Borough may be elected an Alderman or Councillor for the Borough who shall be seised or possessed of Real or Personal Estate, or both, to the Amount of Five hundred Pounds, or be rated to the Relief of the Poor in the Borough upon the annual Value of not less than Ten Pounds, provided that in all respects, except Property or Rating, he be qualified as required by the Municipal Corporations Act.

Qualification of the Burgesses of the Borough.

IX. The Title and Qualification of the Burgesses of the Borough shall, subject to the Provisions of this Act, be the same with regard to the Borough as the Title and Qualification of the Burgesses of the Boroughs named in the Schedules to the Municipal Corporations Act are with regard to such Boroughs, exactly as if the Borough had been named in the said Schedule (A.) to that Act, and all Persons having that Title and Qualification (with respect to the Borough) shall be entitled to be enrolled on the first Burgess List to be made out as herein-after provided.

Enrolling Officer.

X. The Town Clerk of the Borough, and in case of his Death, Incapacity, Refusal, or Default, then any Person to be nominated in this Behalf by the Clerk of the Peace for the Time being of the East Riding of the County of *York*, by Writing under his Hand, shall be the Enrolling

Enrolling Officer for the Purposes of this Act, and shall continue in such Office until the Completion of the Burgess Roll as herein-after provided.

List of Persons entitled to be Burgesses to be made out.

XI. The Enrolling Officer shall, on or before the Fifth Day of *September* One thousand eight hundred and sixty, make out an alphabetical List (to be called the Burgess List) of all Persons who shall possess the Title and Qualification of Burgesses of the Borough under this Act, and shall sign such List, and cause a Copy of it to be fixed on or near the Door of the Town Hall, or in some other public and conspicuous Situation within the Borough, on every Day (except *Sunday*) during the Week ending the Fifteenth Day of *September* One thousand eight hundred and sixty.

Persons omitted from the Burgess List to give Notice according to Form No. 2. in Schedule.

Power to object to Persons not entitled to be on the List.

XII. Every Person whose Name shall have been omitted from such Burgess List, and who shall claim to have his Name inserted therein, shall, on or before the said Fifteenth Day of *September* One thousand eight hundred and sixty, give Notice thereof to the Enrolling Officer in Writing, according to the Form Number Two in the Schedule (D.) annexed to the Municipal Corporations Act, or to the like Effect; and every Person whose Name shall have been inserted in such Burgess List may object to any other Person as not being entitled to have his Name retained in the said Burgess List; and every Person so objecting shall, on or before the said Fifteenth Day of *September*, give to the Enrolling Officer, and also give to the Person so objected to, or leave on the Premises which in such Burgess List shall appear to be his Qualification, Notice thereof in Writing, according to the Form Number Three in the said Schedule (D.), or to the like Effect; and the Enrolling Officer shall include the Names of all Persons so claiming to be inserted in the said Burgess List in a List according to the Form Number Four in the said Schedule (D.), and shall also include the Names of all Persons so objected to as not entitled to be retained on the said Burgess List in a List according to the Form Number Five in the said Schedule (D.), and shall cause Copies of such several Lists to be fixed on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough, during the Eight Days next before the First Day of *October* One thousand eight hundred and sixty.

List of Claimants and of Persons objected to to be published.

List to be revised, &c.

XIII. A Barrister-at-Law of not less than Five Years Standing to be appointed by the Senior Judge, or in case of his Absence from the Kingdom, the next Judge in the Commission of Assize for the Summer Circuit for the County of *York* for the Year One thousand eight hundred and sixty, shall, between the First Day of *October* One thousand eight hundred and sixty and the Fifteenth Day of *October* One thousand eight hundred and sixty, both Days inclusive, hold an open Court within the Borough for the Purpose of revising, and shall revise, the said Burgess List, as well as the said List of Claimants, and of Persons objected

objected to, in the Manner directed in the Municipal Corporations Act or in any other of the General Municipal Acts, having first given Three clear Days Notice of the Holding of such Court to be fixed on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough.

Powers of the Revising Barrister.

XIV. Such Barrister-at-Law shall have and may exercise the same Powers with respect to and for the Purpose of revising the said Lists as by the Municipal Corporations Act are given for the like Purpose to the Mayor and Assessors of any Borough, and shall be paid out of the Borough Fund the same Fees and Expenses as if he had been appointed to revise, and had revised, such Lists under the Provisions of that Act.

Lists, when revised, to be signed, &c.

XV. The Burgess List so revised shall be signed by the said Barrister-at-Law in the Manner required by the Municipal Corporations Act, and shall be delivered to the Enrolling Officer.

First Burgess Roll, how to be made out.

XVI. The Enrolling Officer shall make out from the Burgess List so revised a Burgess Roll of the Burgesses of the Borough, and shall cause such Burgess Roll to be completed on or before the Twenty-second Day of *October* One thousand eight hundred and sixty, and such Burgess Roll shall be the Burgess Roll of the Burgesses of the Borough entitled to vote in the Choice of Councillors, Auditors, and Assessors of the Borough at any Election or Elections which may take place in the Borough between the First Day of *November* inclusive One thousand eight hundred and sixty and the First Day of *November* One thousand eight hundred and sixty-one.

Times, &c. of holding First Election under this Act.

XVII. The First Elections of the Mayor, Aldermen, and Councillors, Auditors and Assessors, for the Borough under the Provisions of this Act, shall be respectively holden as follows; (that is to say,) the First Election of Councillors shall be holden on the First Day of *November* One thousand eight hundred and sixty, the First Aldermen shall be elected by the Councillors of the Borough on the Ninth Day of *November* One thousand eight hundred and sixty, and the Councillors immediately after the First Election of Aldermen shall name One Alderman who shall go out of Office upon the Ninth Day of *November* in the Year of our Lord One thousand eight hundred and sixty-two, and One Alderman who shall go out of Office on the Ninth Day of *November* One thousand eight hundred and sixty-four, and thereafter the Alderman who shall go out of Office shall always be the Alderman who has held that Office for the longest Time without Re-election; the First Mayor of the Borough to be elected under the Provisions of this Act shall be elected by and out of the Councillors of the Borough on the Ninth Day of *November* One thousand eight hundred and sixty, and the First Election of Auditors and Assessors for the Borough under the Provisions of this Act shall take place

place on the First Day of *March* in the Year of our Lord One thousand eight hundred and sixty-one.

Appointment of Returning Officer to act at First Election.

XVIII. The Town Clerk of the Borough, or in case of his Death, Incapacity, Refusal, or Default, then any Person to be nominated in this Behalf by the Clerk of the Peace for the Time being of the East Riding of the County of *York*, by Writing under his Hand, shall act as Returning Officer at such First Election of Councillors, Aldermen, and Mayor of the Borough, and at any subsequent Election which may take place, or which it may be necessary to hold, before a valid Election can be held in the Borough under and according to the Provisions of this Act and of the Municipal Corporations Act, and shall have and exercise the same Powers as by that Act are given to the Mayor and Assessors and to an Alderman and Assessors at Elections of Councillors for the Boroughs named in the Schedules to that Act annexed.

Expenses of such Officers.

XIX. All reasonable Expenses which shall be incurred by the Enrolling Officer or the Returning Officer in preparing the Burgess Roll herein-before mentioned, and in or about the said Elections, shall be repaid to them respectively by the Treasurer of the Borough out of the Borough Fund.

Enrolling and Returning Officer not disqualified.

XX. No Person shall be disqualified for the Office of Councillor, Alderman, or Mayor of the Borough by reason only of his filling or having filled the Office of Enrolling Officer and Returning Officer for the Purposes of this Act, or either of those Offices.

Evidence of their Death, &c.

XXI. A Certificate, under the Hands of any Three Inhabitant Householders of the Borough, of the Death, Incapacity, Refusal, or Default of any Enrolling Officer or Returning Officer appointed by or under the Powers of this Act, shall, for the Purposes of this Act, be Evidence of the Fact thereby certified.

Repeal of all Laws, &c. inconsistent with this Act.

XXII. Except as in this Act otherwise specially provided, so much of all Laws and Usages, Customs, Powers, Prescriptions, Rights, and Privileges, and so much of all Royal and other Charters, Grants, and Letters Patent now in force relating to the Borough of *Hedon*, or to the Inhabitants thereof, or to the Body Corporate called the Mayor, Bailiffs, and Burgesses of the Borough of *Hedon*, or any of them, as are contrary to or inconsistent with the Provisions of this Act, shall from the Time of the passing of this Act be and the same are hereby repealed and annulled.

Present Mayor, &c. to continue in Office until Elections take

XXIII. Provided always, That notwithstanding anything in this Act contained, the present Aldermen of the Borough shall continue in Office until the Declaration of the First Election of Councillors of the Borough under the Provisions of this Act, and shall then go out of Office, and the present

place under Provisions of this Act.

present Mayor and Bailiffs of the Borough shall continue in Office until the Election of the First Mayor under the Provisions of this Act, and shall then go out of Office, and (subject to the Provisions of this Act) when the present Aldermen and Bailiffs and Mayor respectively shall so go out of Office their whole Powers and Duties shall cease: Provided nevertheless, that they or any of them, being duly qualified, may be elected Councillors or Aldermen, and any One of them may be elected Mayor, at the First Elections under this Act.

Council to execute this Act.

XXIV. This Act shall be carried into execution by the new Corporation acting by their Council.

Property of old Corporation vested in new Corporation.

XXV. From and after the First Election of Mayor and Aldermen under this Act all the public Buildings, Messuages, Lands, and Hereditaments, of whatever Tenure or Description, whether corporeal or incorporeal, which shall immediately before that Day belong to or be vested in the old Corporation, or any Members of the old Corporation in their official Capacity, or in any Person or Persons in trust for the old Corporation or for any Members thereof in their official Capacity, and all Tolls, Stallages, Rights, Powers, and Privileges (except such as are by this Act abolished) which are now vested in the old Corporation, and also all the Chattels, Monies, Securities for Money, Charters, Grants, Letters Patent, Records, Deeds, Books, Writings, Maps, Plans, and Personal Estate whatsoever, and the Benefit of all Covenants and all Claims which shall then belong to or to be vested in the old Corporation or any Members of the old Corporation in their official Capacity, shall be and the same are hereby vested in the new Corporation for the like respective Estates, Rights, and Interests (but subject to any Trusts, Mortgages, or Charges affecting the same, and also subject to the Second Section of the Municipal Corporations Act, so far as that Section is applicable thereto), and shall be capable of being enforced by them in like Manner as the same would have remained or been so vested in, or would have belonged to, or might have been enforced by the old Corporation if this Act had not been passed; and all Persons who shall then owe or be subject to any Liability, whether immediate or future, to pay any Money to the old Corporation, shall pay the same, with all Interest (if any) due or to accrue due thereon, to the Treasurer of the Borough; and all Monies so received by the new Corporation or the Treasurer shall be carried to the Account of the Borough Fund: Provided always, that every Alienation, Sale, Mortgage, Charge, Demise, Lease, or other Disposition of any Lands, Tenements, Hereditaments, Monies, Securities, Real or Personal Estate or Effects made between the passing of this Act and the said First Election of Mayor and Aldermen under this Act by the old Corporation or any Member thereof, or any Person holding in trust for the old Corporation or any Member thereof, shall (unless made *bonâ fide* in or for the Discharge of Debts then due and payable) be absolutely void and of no Effect.

XXVI. Pro-

No Freedom to be acquired by Gift or Purchase.

XXVI. Provided always, That from and after the passing of this Act no Person shall be elected, made, or admitted a Burgess or Freeman of the Borough by Gift or Purchase.

Debts of old Corporation to be paid by new Corporation.

XXVII. From and after the First Election of Mayor and Aldermen under this Act all Bonds, Debts, Mortgages, Annuities, Monies, and Securities for Money (if any) which before that Time were lawfully given, contracted, and payable by the old Corporation shall, together with all Interest due or to accrue due thereon, be paid by the new Corporation, and may be recovered from them in like Manner (*mutatis mutandis*) as the same could have been recovered from the old Corporation previous to the said Ninth Day of *November* One thousand eight hundred and sixty.

Persons who have acted under old Corporation to account for Moneys and deliver up Books.

Penalty for Refusal.

XXVIII. Immediately from and after the First Election of Mayor and Aldermen under this Act all Officers and Persons acting under or appointed by the old Corporation who shall have in their Custody, Power, or Possession any Money, Books, Papers, Writings, or Property belonging to the old Corporation shall pay and deliver up the same to the Council of the new Corporation, or to such Person or Persons as the Council shall appoint to receive the same; and the Council shall have the same Remedy against every such Officer or Person to recover the same as is by the Municipal Corporations Act provided in the Case of Officers appointed by the Council.

Subsisting Contracts may be enforced against new Corporation.

XXIX. From and after the First Election of Mayor and Aldermen under this Act all Contracts, Bonds, Assurances, Engagements, Acts, and Proceedings lawfully entered into, made, done, or transacted by, and all Forfeitures and Penalties imposed on, and all Liabilities whatsoever lawfully incurred by the old Corporation before that Day shall be binding on and may be enforced by and against the new Corporation, and all Persons interested therein, as fully as before that Day they would have been binding on and might have been enforced against the old Corporation and such other Persons respectively.

Actions brought by or against old Corporation not to abate.

XXX. No Action, Suit, Prosecution, or other Proceeding whatever commenced or liable to be commenced by or against the old Corporation shall abate, cease, or be discontinued or prejudically affected by this Act, but the same shall continue or commence and take effect, both in favour of and against the new Corporation, in the same Manner in all respects as the same would have continued, been commenced, and taken effect in relation to the old Corporation if this Act had not been passed, the new Corporation being in reference to the Matters aforesaid, from and after the First Election of Mayor and Aldermen under this Act, in all respects substituted in place of the old Corporation.

Present and future Rights and Liabilities saved.

XXXI. Provided always, That, except as in this Act otherwise provided, everything before the First Election of Mayor and Aldermen under this Act lawfully done and suffered respectively by or with reference to the old Corporation shall be as valid and effectual as if this Act were not passed, and this Act shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if this Act were not passed, would be incident to or consequent on any and every Thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the new Corporation shall, to all Intents and Purposes, represent the old Corporation: Provided also, that the Generality of this Enactment shall not be confined or restricted by any special Provisions in this Act contained.

Penalty upon Officers, &c. being interested in Contracts or taking Fees improperly.

XXXII. No Officer or Servant appointed or employed by or under the new Corporation shall in anywise be concerned or interested in any Bargain or Contract made with them for the Purposes of this Act, or of the General Municipal Act; and if any such Officer or Servant be so concerned or interested, or shall, under Colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under the new Corporation or their Council, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Abolition of Town Tolls.

XXXIII. Upon and from the First Election of Mayor and Aldermen under this Act all Tolls now or heretofore levied or claimed by the old Corporation upon or in respect of Horses and other Animals, Stage Coaches, Waggons, Carts, and other Vehicles, Corn, Provisions, and other Matters entering or brought into the Borough, and all Powers of demanding, levying, or recovering those Tolls, are by this Act extinguished and abolished: Provided always, that all Mortgages or Charges of or affecting those Tolls at the Time of their Abolition shall thenceforth attach upon the Borough Fund and Borough Rate in the same Manner and to the same Extent as immediately before such Abolition those Mortgages or Charges attached upon the Tolls so abolished.

Existing Justices of the Peace continued in Office for a Time.

XXXIV. Notwithstanding anything in this Act or the Municipal Corporations Act contained, all Persons who at the Time of the passing of this Act were Justices of the Peace in or for the Borough shall continue to have and exercise all the Powers which at that Time they had as such Justices until the Ninth Day of *November* One thousand eight hundred and sixty, and on that Day all their Powers and Duties as such Justices shall cease: Provided always, that the Mayor of the Borough

who

who shall then go out of Office shall, for the Purpose of the Municipal Corporations Act and this Act, be deemed to be the Mayor for the last preceding Year, and, as the ex-Mayor, shall and may act as a Justice of the Peace in and for the Borough as therein provided.

Separate Quarter Sessions discontinued.

XXXV. Upon and from the Ninth Day of *November* One thousand eight hundred and sixty the separate Court of General or Quarter Sessions of the Peace now or heretofore holden in and for the Borough shall be discontinued and cease to be holden, and thenceforth all such Business Matters and Things as were or might or ought to have been usually heard, decided, or transacted at such General or Quarter Sessions by the Justices of the Peace and the Juries there assembled respectively shall and may be heard, decided, and transacted by the General or Quarter Sessions of the Peace for the East Riding of the County of *York*, and by the Justices of the Peace and Juries there assembled respectively.

Application of Municipal Corporations Act to this Act.

XXXVI. With reference to the Change of Jurisdiction, the Removal and Trial of Prisoners, and all other Matters connected with such Change, the Municipal Corporations Act shall, for the Purposes of this Act, be read as if the Eighth Day of *November* One thousand eight hundred and sixty were throughout named or referred to instead of the First Day of *May* One thousand eight hundred and thirty-six.

County Justices to have Jurisdiction in Borough.

XXXVII. Upon and from the Ninth Day of *November* One thousand eight hundred and sixty the Justices assigned, or thereafter to be assigned, to keep the Peace in and for the East Riding of the County of *York*, shall exercise the Jurisdiction of Justices of the Peace in and for the Borough as fully as by Law they and each of them can or ought to do in and for the East Riding.

Mayor and ex-Mayor to be Justices of the Peace.

XXXVIII. The Mayor from Time to Time of the Borough, and the Person who during the last preceding Year shall have been Mayor of the Borough, shall be and may act as Justices of the Peace in and for the Borough, although they respectively may not have such Qualification by Estate as is or may be required by Law in the Case of Persons being Justices of the Peace for a County; provided that they respectively be not disqualified by Law to act as Justices of the Peace for any other Cause or upon any other Account than in respect of Estate.

Borough to be liable to County Rates.

XXXIX. Upon and from the Ninth Day of *November* One thousand eight hundred and sixty it shall be lawful for the Justices of the Peace for the East Riding of the County of *York* to assess all Messuages, Lands, Tenements, and Hereditaments within the Borough to all County Rates and all other Rates in the Nature of or which may by Law be raised as County Rates, and to levy all County Rates and other Rates so assessed upon those Messuages, Lands, Tenements, and Hereditaments

in

in the same Manner as upon any other Messuages, Lands, Tenements, and Hereditaments within the East Riding, and to recover the same accordingly.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated.

XL. "The Towns Improvement Clauses Act, 1847," (except the Provisions of that Act herein-after specified,) is incorporated with this Act; and in construing that Act as incorporated with this Act the Expression "the Commissioners" shall mean the Council: Provided always, that the following Clauses and Provisions of that Act are not incorporated with this Act; (to wit,)

So much of Sections VII. and XII. as requires any Approval of the Appointment, Salary, and Removal of the Local Surveyor and the Officer of Health:

Section L. relating to Turnpike Roads, so much of Section CXXI. as requires any Approval of the Works thereby authorized, and any local Inquiry:

Sections CLVIII. and CLIX. relating to the General Sewer Rate and the borrowing of Money by Mortgage thereof:

The Proviso to Section CLXVII. relating to the Mode of rating certain Descriptions of Land (which is in this Act otherwise provided for).

Borough Rate and Borough Fund applicable to certain Purposes of Act.

XLI. The Payment of the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, and of the Principal and Interest of any Monies borrowed under the Powers of this Act, the setting apart of a Sinking Fund for that Purpose, and the Execution of the Objects and Powers of this Act and the incorporated Acts, are and shall be deemed Purposes to which the Borough Fund and Borough Rate are applicable, and for which the Borough Rate may be assessed and levied and (when and so far as necessary) shall be included in the Estimates for that Rate accordingly: Provided always, that the Borough Rate shall not exceed in any One Year One Shilling and Sixpence in the Pound on the annual Value of the Property assessable to that Rate.

Occupiers of Arable Land, &c. to be assessed at only One Fourth of annual Value.

XLII. Provided always, That the Occupiers of any Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands or Market Gardens, Garden Allotments, or Nursery Grounds, Tithes, Tithe Rentcharges, Moduses, Compositions, real and other Payments in lieu of Tithe, Land covered with Water or used only as a Canal or Towing Path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed to the Borough Rate at One Fourth Part only of the net annual Value thereof.

Power for the new Corporation to borrow Money for

XLIII. The new Corporation may from Time to Time take up and borrow, on Bond under their Common Seal, or on Mortgage under that Seal of the Borough Fund, and of the Lands, Rents, Revenues, Tolls, Property, and Effects whatsoever by this Act vested in the new Corporation,

poration, or hereafter to be acquired by the new Corporation under the Powers of this Act, (subject and without Prejudice to all, if any, prior Mortgages, Debts, and Engagements affecting the same and in addition thereto,) any Sums of Money not exceeding in the whole One thousand Pounds for the Purposes of this Act; and the Principal Sum secured by any such Bond, and the Interest thereon, as well as the Principal and Interest Monies secured by any such Mortgage, shall be payable out of the Borough Fund and Borough Rate, and shall be and be deemed Purposes to which that Fund and that Rate are applicable: Provided always, that the whole of the Sums borrowed under this Act, and the Interest accruing due from Time to Time, shall be discharged within Thirty Years from the Time of the passing of this Act. the Purposes of this Act.

XLIV. In order to discharge the Principal Money borrowed on Bond or Mortgage under this Act, and which the new Corporation are by the Provisions of this Act required to pay off within the Term of Thirty Years, the new Corporation shall every Year (after Payment of the Interest thereon) apply out of the Borough Fund a Sum of not less than Three Pounds *per Centum* on the total Amount of all Principal Monies so borrowed as aforesaid in paying off those Principal Monies. Sinking Fund to be provided.

XLV. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity requiring to be served upon the new Corporation or upon the Council, or upon any Committee thereof, may be lawfully served by delivering the same personally to the Town Clerk, or Person acting as and for the Town Clerk, or leaving the same at the Office of the Town Clerk. Service of Summons, &c.

XLVI. Any Summons, Demand, or Notice, or other such Document, under or for the Purposes of this Act, the General Municipal Act, or "The Towns Improvement Clauses Act, 1847," may be in Writing or Print, or partly in Writing and partly in Print, and, if requiring Authentication by the new Corporation, the Signature thereof by the Town Clerk shall be a sufficient Authentication. Authentication of Notices.

XLVII. Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given by the new Corporation, and may be stated either in the Body of the Information, Summons, Warrant, or Notice, or in a Schedule thereto. Several Names in One Warrant.

XLVIII. Any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of any Rate or Sum be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice or Justices issuing such Warrant, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum. Costs of Distress.

Expenses of Act.

XLIX. The Costs, Charges, and Expenses of and incident to the obtaining and passing this Act shall be paid by the new Corporation out of the Monies coming to the Hands of their Treasurer under this Act and the General Municipal Acts.

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