ANNO SEPTIMO

GULIELMI IV. REGIS.

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Cap. i.

An Act to enable the Corporation of *Leicester* to apply the Proceeds of their Real Estates in payment of Money borrowed for the Purchase and Enlargement of the Gaol and House of Correction for the Borough of *Leicester*.

[18th *March* 1837.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act* 4 G. 4. c. 64.
for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England *and* Wales: And whereas an Act was passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act* 5 G. 4. c. 85.
for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England *and* Wales: And whereas an Act was passed in the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable Justices of the Peace in* England *in certain Cases* 6 G. 4. c. 40.
to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting: And whereas under and by virtue of the Powers contained in the said Acts several Sums of Money, amounting in the whole to the Sum of Fourteen thousand Pounds, were borrowed in the Years One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, One thousand eight hun-

dred and thirty, and One thousand eight hundred and thirty-one, for the Purpose of defraying the Expences attending the Purchase and Enlargement of the present Gaol and House of Correction for the Borough of *Leicester*, and which said Sums were secured, with Interest, by Mortgage of the Rates of the said Borough, as directed in the said several Acts or some or one of them, and which said Sum of Fourteen thousand Pounds will be reduced to the Sum of Eleven thousand Pounds, or thereabouts, by Monies arising by Sale of the old Borough Gaol and House of Correction, and other Hereditaments, under the Powers of the said Acts or one of them: And whereas by an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it is enacted, that the Rents and Profits of all Hereditaments, and the Dividends, Interest, and annual Produce of all Monies, Dues, Chattels, and valuable Securities belonging or payable to any Body Corporate named in conjunction with the Borough in the Schedules (A.) and (B.) to the said Act annexed, should be paid to the Treasurer of such Borough, and that all the Monies which he should so receive should be carried by him to the Account of a Fund to be called "The Borough Fund;" and that such Fund, subject to the Payment of any lawful Debt due from such Body Corporate to any Person which should have been contracted before the passing of the said Act, and unredeemed, should be applied for the Purposes of the said Act: And whereas prior to the passing of the said last-mentioned Act the Corporation of the Borough of *Leicester* were possessed of Real and Personal Estates, which they held in Trust for the Public Good of the said Borough within its then Boundary, and by the Operation of the said Act the Rents and Profits of the said Estates are to be carried to the Account of the Borough Fund of the said Borough: And whereas by the Provisions of the said last-mentioned Act Parts of several Parishes and divers Places theretofore within the County of *Leicester* are added to the said Borough of *Leicester*, and therewith compose or form the Borough of *Leicester*, and will participate in the said Borough Fund, and in the Use and Enjoyment of the said Gaol and House of Correction: And whereas the Real Estates of the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* (being the Body Corporate named in the said Schedule (A.) to the said last-mentioned Act annexed in conjunction with the said Borough,) are greatly more than sufficient to pay and discharge all the lawful Debts due and owing from them, and it is expedient that Power should be given to the said Mayor, Aldermen, and Burgesses of the said Borough of *Leicester* to sell or dispose of so much of the Real Estates of the said Mayor, Aldermen, and Burgesses as will enable them to pay off and discharge the Sum of Eleven thousand Pounds, being Part of the said Monies so borrowed upon the Credit of the Rates of the said Borough, and to pay and satisfy the Interest of the said Monies so borrowed as aforesaid until the Principal shall have been discharged by and out of the Rents and annual Profits of the Real Estates of the said Mayor, Aldermen, and Burgesses; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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

5 & 6 W. 4. c. 76.

the same, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough of *Leicester*, by and out of their Real Estates or any Part thereof, to pay off and discharge such Part of the Debt now remaining due under and by virtue of the said recited Acts, or some or one of them, as shall amount to the Sum of Eleven thousand Pounds, and for such Purpose to contract for and to sell, either by public Auction or private Contract, and either at One or more Time or Times, and either in One or more Lot or Lots, and by any Deed or Deeds under the Common Seal of the said Mayor, Aldermen, and Burgesses to convey to the Purchaser or respective Purchasers such Part of the Lands, Tenements, and Hereditaments vested in the said Mayor, Aldermen, and Burgesses as shall be sufficient to raise the aforesaid Sum of Eleven thousand Pounds or any Part thereof; and all Contracts, Sales, and Conveyances which may be made by virtue of this Act may be according to the following Form, or in such other Form as the said Mayor, Aldermen, and Burgesses, and the Purchaser or respective Purchasers, may agree; (that is to say,)

The Corporation empowered to sell the Whole or Part of their Estates, and pay off the Money borrowed under any of the recited Acts.

Form of Conveyance.

'THIS Indenture, made the Day of in the Year
'of our Lord between the Mayor, Aldermen, and
'Burgesses of the Borough of *Leicester* of the one Part, and *A. B.*
'of the other Part, witnesseth, That in pursuance of an Act passed in
'the Seventh Year of the Reign of His Majesty King *William* the Fourth,
'intituled [*here set forth the Title of this Act*], and in consideration of
'the Sum of to the said Mayor, Aldermen, and
'Burgesses paid by the said *A. B.* at the Time of the Execution of
'these Presents as and for the Purchase Money for the Hereditaments
'herein-after described, the said Mayor, Aldermen, and Burgesses do
'hereby convey to the said *A. B.* his Heirs and
'Assigns, all [*describing the Premises to be conveyed*], and all such
'Estate, Right, Title, and Interest in or to the same Premises and
'every Part thereof as the said Mayor, Aldermen, and Burgesses are
'now seised or possessed of, to have and to hold the said Premises unto
'the said *A. B.* and his Heirs to the Use of [*describing the*
'*Uses to which the Purchaser requires the Premises to be conveyed*]; and
'the said [*here insert any Covenants by either Party*]. In witness whereof
'the said Mayor, Aldermen, and Burgesses have hereunto affixed their
'Common Seal, and the said *A. B.* [*or* the said other Parties] hath [*or*
'have] hereunto set his [*or* their] Hand and Seal [*or* Hands and Seals]
'the Day and Year first above written.'

Treasurer to give a Receipt for the Purchase Money.

And all Conveyances which shall be made by the said Mayor, Aldermen, and Burgesses under the Authority of this Act shall be good, valid, and effectual Conveyances to all Intents and Purposes; and upon Payment of the Money which shall be contracted or agreed to be paid for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, it shall be lawful for the Treasurer for the Time being of the said Borough to sign and give a Receipt for the Sum of Money therein expressed and acknowledged to be received; and all and every the Purchaser or Purchasers of any such Lands, Tenements, and Hereditaments, and his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall hold and enjoy the same freed and discharged of and from all Debts, Payments, and Charges to which the same are rendered liable or subject under and by virtue of the Provisions of the said Act of the Fifth and Sixth Years of His present Majesty; and no such Purchaser, his Heirs,

Purchaser not liable for the Application.

Executors, Administrators, or Assigns, shall be bound to see to the Application of his, her, or their Purchase Money or respective Purchase Monies, or to inquire into the Necessity or Propriety of any such Sale, or be affected by express Notice that any such Sale was unnecessary or improper.

Interest to be paid until the the Principal is paid off.

II. And be it further enacted, That it shall and may be lawful to and for the Council for the said Borough of *Leicester*, by and out of the Rents and annual Profits of the Real Estates of the said Mayor, Aldermen, and Burgesses, or any Part thereof, to pay and satisfy the Interest of the said Sum of Eleven thousand Pounds or any Part thereof until the Principal of the said Sum shall have been paid off and discharged as aforesaid, and for such Purpose to pay and apply a competent Part of the said Rents and Profits to the Treasurer of the said Borough, to be placed to an Account to be called "The Gaol Fund," and to make Orders from Time to Time on the Treasurer of the said Borough for Payment of the said Interest out of the said Fund.

Money may be raised by Mortgage.

III. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, at any Time before the said Sum of Eleven thousand Pounds shall have been paid off and discharged under the Powers contained in this Act, to raise and levy, by Mortgage of the Lands, Tenements, and Hereditaments of the said Mayor, Aldermen, and Burgesses, or any Part thereof, the Sum of Eleven thousand Pounds, or such Part thereof as the Council for the said Borough shall think advisable, and either in one or in several Sums, and either at one or at several Time or Times, and to pay off and discharge the said Sum of Eleven thousand Pounds so as aforesaid borrowed on the Credit of the Rates of the said Borough by and out of the Monies to be raised by any such Mortgage or Mortgages, and for that Purpose, by any Deed or Deeds under the Common Seal of the said Mayor, Aldermen, and Burgesses, to mortgage in Fee or for any Term or Number of Years the Lands, Tenements, and Hereditaments of the said Mayor, Aldermen, and Burgesses, or any Part or Parts thereof, for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven thousand Pounds; and all Mortgages which shall be made by the said Mayor, Aldermen, and Burgesses under the Authority of this Act shall be good, valid, and effectual to all Intents and Purposes, and may be transferred by the Person or Persons to whom the same shall have been made, his or her Executors or Administrators, or who shall be entitled to the Money thereby secured, to any Person or Persons whomsoever; and upon Payment of the Money agreed to be advanced on any such Mortgage or Mortgages of any such Lands, Tenements, or Hereditaments as aforesaid, it shall be lawful for the Treasurer for the Time being of the said Borough to sign and give a Receipt for the Sum of Money therein expressed and acknowledged to be received; and no such Mortgagee, his or her Heirs, Executors, Administrators, or Assigns, shall be bound to see to the Application of his, her, or their Mortgage Money or respective Mortgage Monies, or to inquire into the Necessity or Propriety of any such Mortgage, or be affected by express Notice that any such Mortgage was unnecessary or improper; and all Sum and Sums of Money which shall be so raised by Mortgage shall be paid and satisfied by and out of the Monies to arise by such Sale or Sales as aforesaid, and in the meantime the Interest thereof

shall be paid and discharged out of the Rents and Profits of the said Lands, Tenements, and Hereditaments, or any Part thereof, as the same shall become due.

Act not to give better Title to the Lands than existed before the passing thereof.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to give to the said Mayor, Aldermen, and Burgesses any further or better Title to any Lands, Tenements, and Hereditaments which they may now claim or be seised or be possessed of, than they had before the passing of this Act, or could or might have had in case this Act had not been passed.

For paying the Expences of the Act.

V. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Mayor, Aldermen, and Burgesses of the said Borough out of the said Borough Fund, or out of any Monies that may arise under the Powers of this Act.

Public Act.

VI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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