

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to amend the Acts concerning Municipal Corporations in *England*. [17th *August* 1857.]

WHEREAS by Section Seventy-five of the Act passed in the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, "to provide "for the Regulation of Municipal Corporations in *England* and "*Wales*," it was provided, that the Trustees appointed under any Act of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough named in One of the Schedules (A.) and (B.) to the Act now in recital, or Part thereof, might if it should seem to them expedient transfer all the Powers vested in them as such Trustees by any such Act to the Body Corporate of such Borough, and the Body Corporate of such Borough should thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act of Parliament; provided always, that no such Transfer should be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) to the Act now in recital which relate to the Town of *Cambridge* without the Consent of the Chancellor, Masters, and Scholars of the University of *Cambridge*: And whereas Doubts have arisen as to the Construction of the said Section, and it is expedient to amend the same as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

5 & 6 W. 4. c. 76.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 75. of 5 & 6 W. 4. c. 76. repealed.

I. The herein-before recited Enactment shall be repealed, save so far as relates to any Transfer made thereunder before the passing of this Act.

Powers, Property, and Liabilities of Trustees for paving, &c. may be, on the Grant of a Charter of Incorporation under 5 & 6 W. 4. c. 76., transferred to the Body Corporate of the Borough.

II. The Trustees appointed or acting by or under any Act of Parliament for paving, lighting, supplying with Water or Gas, or cleansing, watching, regulating, or improving, or for providing or maintaining a Cemetery or Market in or for any Borough named in One of the said Schedules to the said Act of the Fifth and Sixth of King *William* the Fourth, or to which a Charter of Incorporation has been since the passing of such Act or shall be hereafter granted under the Provisions of the said Act or otherwise, or any Part of any such Borough, and whether the Powers of such Trustees under any such Act do or do not extend beyond the Limits of such Borough, may, if it seem to them expedient, at a Meeting to be called for that Purpose, transfer to the Body Corporate of such Borough all the Rights, Powers, Estates, Property, and Liabilities of such Trustees under any such Act as aforesaid, and such Transfer shall be made in Writing under the Common Seal of the said Trustees if they be a Corporation, or, if not a Corporation, then by Deed executed by the Trustees or any Two of them acting by the Authority of and on behalf of all such Trustees; and upon any such Transfer being so made the Body Corporate to whom such Transfer is made shall become and be Trustee for executing by the Council of the Borough the several Powers and Provisions of any such Act as aforesaid, and all the Rights, Powers, Estates, and Property vested in the Trustees making such Transfer shall vest in such Body Corporate, and all the Liabilities and Obligations of the said Trustees shall stand transferred to and be borne by such Body Corporate, and the said Trustees shall be freed and discharged from all such Liabilities and Obligations, but nothing herein contained shall authorize any such Transfer in the Case of the Town of *Cambridge* without the Consent required by the said recited Enactment.

No Transfer to be made without a Resolution of the Borough Council.

III. Provided always, That no such Transfer as aforesaid shall be made or take effect unless and until the Council of the Borough have resolved, at a Meeting of such Council holden and convened in manner required by the said Act of *William* the Fourth, to accept the same.

Confirmation of Transfers under 5 & 6 W. 4. c. 76. s. 75.

IV. Where under the herein-before recited Enactment the Trustees under any such Act of Parliament as therein mentioned have transferred to the Body Corporate of any Borough the Powers vested in such

such Trustees under such Act, and the Transfer so made purports to extend to the Estates and Property vested in such Trustees, and their Liabilities and Obligations on any of such Matters, the Transfer so made shall be deemed to have been authorized by the said Enactment. of Property and Liabilities.

V. Whereas by an Act passed in the Session of Parliament holden in the Third Year of the Reign of His late Majesty King *George* the Fourth, Chapter Forty-six, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, certain Duties are imposed upon the Town Clerks of Cities, Boroughs, or Places in *England*: From and after the passing of this Act all Duties imposed upon Town Clerks by such Act shall be performed by the Clerks of the Peace for such Cities, Boroughs, and Places, where the Offices of Town Clerk and Clerk of the Peace are not united in the same Person; and such Clerks of the Peace are hereby required to make all Returns, issue all Processes, and do and perform all other Acts which are imposed upon Town Clerks by the said recited Act. All Duties imposed upon Town Clerks of Boroughs, &c. by the Act 3 G. 4. c. 46. to be performed by the Clerks of the Peace.

VI. Whereas by an Act passed in the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Seventy-eight, "to amend an Act for the Regulation of Municipal Corporations in *England* and *Wales*," it was enacted, that in every Borough in which by reason of any Neglect or Informality a new Burgess Roll of the said Borough shall not have been made in any Year within the Time directed by the said Act for the Regulation of Municipal Corporations, the Burgess Roll which was in force before the Time appointed for the Revision shall continue in force until such new Burgess Roll shall have been duly made: And whereas the said recited Enactment applies only to any Borough in which a new Burgess Roll shall not have been made as therein mentioned: And whereas it is expedient to provide as to any Borough consisting of more Parishes than One, wholly or in part within any Borough in which a new Burgess Roll shall have been made out, but in which the Burgess List or Lists of One or more of such Parishes wholly or in part within such Borough shall have been omitted: Be it enacted, That in every Borough consisting of more Parishes than One wholly or in part within such Borough in which by reason of any Neglect or Informality a Burgess List of any Parish or of Parts of any Parish within such Borough shall not have been made out in any Year, or in case such Burgess List shall not have been revised as required by the said Act for the Regulation of Municipal Corporations, so much of the Burgess Roll which was in force before the Time appointed for the Revision as contains the In Boroughs consisting of more than One Parish, in case the Burgess Roll for any Parish not made out in any Year, previous Burgess Roll to continue in force for such Parish.

the Names of the Burgesses entitled to vote in respect of Property within such Parish or Part of Parish shall continue in force, and be taken to be the List of Burgesses entitled to vote in respect of such Property until a Burgess List for such Parish or Part of Parish shall have been revised and become Part of the Burgess Roll.

Overseers of the Poor to make out Burgess Roll on or before First Day of September in every Year.

VII. Whereas by the Fifteenth Section of the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales* it was enacted, that on the Fifth Day of *September* in every Year the Overseers of the Poor of every Parish wholly or in part within any Borough shall make out a List, to be called "the Burgess List," according to the Provisions therein contained, and shall deliver the same to the Town Clerk of the Borough on the said Fifth Day of *September* in every Year, and shall keep a true Copy of such Lists, to be perused without Payment of any Fee at all reasonable Hours between the Fifth and Fifteenth Days of *September* in every Year, and that the Town Clerk shall forthwith cause Copies of all Overseers Lists so delivered to him to be printed, and shall cause a Copy of all such Lists to be published as therein provided on every Day during the Week next preceding the Fifteenth Day of *September* in every Year: And whereas it has been found in populous Boroughs that the several Matters so required to be done by the Town Clerk cannot be duly carried into effect within the Time so specified in that Behalf: Be it enacted, That from and after the passing of this Act the Overseers of the Poor of every Parish wholly or in part within any Borough shall, on or before the First Day of *September* in every Year, instead of on the Fifth Day of *September*, make out a List, to be called the Burgess List, according to the Provisions in the said recited Section contained, and shall, on or before the said First Day of *September* in every Year, instead of on the Fifth Day of *September*, deliver the same to the Town Clerk of the Borough, and shall keep a true Copy of such Lists, to be perused by any Person without Payment of any Fee at all reasonable Hours between the First and Fifteenth Days of *September* in every Year, instead of between the Fifth and Fifteenth Days of *September*.

Acts to be construed as One.

VIII. The said Act of King *William* the Fourth and this Act shall be construed together as One Act.

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