



Municipal Corporations Act 1882

1882 CHAPTER 50

PART X

FREEMEN.

201 Definition of freeman.

In this Part the term freeman includes any person of the class whose rights and interests were reserved by the Municipal Corporations Act, 1835, under the name either of freemen or of burgesses.

202 Freedom not by gift or purchase.

No person shall be admitted a freeman by gift or by purchase.

203 The freemen's roll.

The town clerk of every borough for which at the commencement of this Act there is a Freemen's Roll shall continue to keep a list, called the Freemen's Roll.

204 Admission to freedom.

Where a person is entitled to be admitted a freeman for the purposes of this Part in respect of birth, servitude, or marriage, and claims accordingly, the mayor shall examine into the claim, and on its being established the claimant shall be admitted and enrolled by the town clerk on the Freemen's Roll.

205 Reservation of rights of property to freemen and others.

- (1) Every person who had before the passing of the Municipal Corporations Act, 1835, been, admitted a freeman, or if that Act had not been passed might have been so admitted otherwise than by gift or purchase, and
- (2) Every person who for the time being is—

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- (a) An inhabitant of a borough, or
- (b) Wife, widow, son, or daughter of a freeman, or
- (c) Husband of a daughter or widow of a freeman, or
- (d) Bound an apprentice,—

shall, subject to the provisions of this Part, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any property held in whole or in part for any charitable uses or trusts, as if the Municipal Corporations Act, 1835, or this Act, had not been passed.

206 Limit of value and saving as to conditions precedent.

- (1) The total amount to be divided among the persons whose rights are by the last foregoing section reserved shall not exceed the surplus remaining after payment of the interest of all lawful debts chargeable on the property out of which the sums so to be divided have arisen, together with the salaries of municipal officers and all other lawful expenses which, on the fifth of June one thousand eight hundred and thirty-five, were defrayed out of or chargeable on the same.
- (2) Where, if the Municipal Corporations Act, 1835, or this Act, had not been passed, any such person would have been liable by statute, byelaw, charter, or custom, to pay any fine, fee, or sum of money to any body corporate, or to any member, officer, or servant thereof, in consideration of his freedom, or of his or her title to those reserved rights, or there was any condition precedent to any person being entitled to those rights, he or she shall not have any benefit in respect of those rights until he or she has paid that fine, fee, or sum to the treasurer on account of the borough fund, or has fulfilled that condition, as far as it is capable of being fulfilled according to the provisions of this Act.

207 Saving for power to question right.

Nothing in this Act shall strengthen or confirm any claim, right, or title of any freeman or of any person to the benefit of any right in this Part, reserved, but the same may in every case be brought in question, impeached, and set aside, as if this Act had not been passed.

208 Reservation of beneficial exemptions to freemen and others.

- (1) Nothing before in this Part contained shall apply to any claim, right, or title of a freeman or of any person to any discharge or exemption from any tolls or dues levied wholly or in part by or for the use or benefit of any borough or body corporate.
- (2) No person shall have any such discharge or exemption except a person who, on the fifth of June one thousand eight hundred and thirty-five, was an inhabitant, or was admitted or entitled to be admitted a freeman, or was the wife, widow, son, or daughter of a freeman, or was bound an apprentice ; and every such person shall be entitled to the same discharge or exemption as if the Municipal Corporations Act, 1835, or this Act, had not been passed.
- (3) But nothing in this Act shall affect the right of any person claiming such discharge or exemption otherwise than as inhabitant or freeman, or member of a municipal corporation, or widow or kin of such an inhabitant, freeman, or member.

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209 Reservation of parliamentary franchise, &c.

- (1) Every person who, if the Municipal Corporations Act, 1835, had not been passed, would have enjoyed as a freeman, or might thereafter have acquired, in respect of birth or servitude, as a freeman, the right of voting in a parliamentary election, shall be entitled to enjoy or acquire that right as if that Act or this Act had not been passed.
- (2) No stamp duty shall be chargeable on the admission of any person as a freeman in respect of birth or servitude in a parliamentary borough.
- (3) The town clerk shall do all things appertaining by law to the registration of freemen for parliamentary elections.