CHAPTER cc.

An Act to confer further Powers on the Mayor, Aldermen, and Burgesses of the Borough of Leicester. A.D. 1879.

[11th August 1879.]

WHEREAS the borough of Leicester (in this Act called "the borough") is a municipal borough, subject to the provisions of the Municipal Corporations Acts, and the mayor, aldermen, and burgesses thereof (in this Act called "the Corporation") acting by the Council of the borough are the urban sanitary authority therefor:

And whereas the following Acts, among others, are in force within the borough; (that is to say,)

The Leicester Cemetery Act, 1848; — 11 & 12 Vict. c. ii.
The Leicester Sewerage Act, 1851; — 14 & 15 Vict. c. ii.
The Leicester Lunatic Asylum and Improvement Act, 1865; — 28 & 29 Vict. c. vii.
The Leicester Cattle Market, Town Hall, and Improvement Act, 1866; — 29 & 30 Vict. c. xxvi.
The Leicester Improvement Drainage and Markets Act, 1868; — 31 & 32 Vict. c. xxiv.
The Leicester Lunatic Asylum Act, 1870; — 33 & 34 Vict. c. iv.
The Leicester Improvement Act, 1874; and — 37 & 38 Vict. c. lxii.
The Leicester Improvement Act, 1876; — 39 & 40 Vict. c. xxvi.

which Acts are in this Act referred to collectively as the former Acts, and each of them separately as an Act of the year in which it was passed:

And whereas between the carriageway and the pavement on the south side of the street situate in the parish of Saint Margaret in the borough, and called "Humberstone Gate," there is a strip of waste land known as "No Man's Land," the ownership of which is claimed by the lord of the manor of Leicester, and the respective owners, lessees, and occupiers of houses on the south side of the said street claim to exercise over that part of the said land which is ni front of their respective houses the right to erect booths, and to otherwise use the surface thereof:

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And whereas various persons, not being such owners, lessees, or occupiers, nor inhabitants of the parish, have claimed the same right, on the ground that no title can be shown to the said land or to any special right thereover, and have placed thereon shooting booths and other objectionable erections, and inasmuch as the Corporation have no sufficient jurisdiction over the said land, it has become a nuisance, and the lord of the manor of Leicester and the said owners, lessees, and occupiers are desirous that it should be vested in the Corporation, subject to such rights as are by this Act reserved:

And whereas it is expedient that further powers be granted to the Corporation with respect to persons suffering from certain infectious and contagious diseases:

And whereas it is expedient that further provisions be made with respect to the borrowing powers of the Corporation and the mortgages subsisting under their former Acts:

And whereas the Corporation are the owners of the gas undertaking, and manufacture and supply gas to the borough and adjoining places under the powers of the Leicester Gas Act, 1860, the Leicester Gas Act, 1873, the Leicester Gas Act, 1877, and the Leicester Corporation (Gas and Water) Transfer Act, 1878, and are authorised by the last-mentioned Act to borrow money for the purposes of their gas undertaking, and it is expedient that they should for the purposes of experiment be authorised for a limited period to manufacture or provide, and to supply within the limits of those Acts and for the purposes in this Act mentioned, light by means of electricity, and that all incidental and supplementary powers for this purpose and other purposes connected therewith (including the supply of heat and of motive power) should be conferred upon the Corporation:

23 & 24 Vict. c. v.
36 & 37 Vict. c. xi.
40 & 41 Vict. c. cl.
41 & 42 Vict. c. cxxxii.

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the Council, at a meeting held on the nineteenth day of December one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Leicester Chronicle and Leicestershire Mercury, a local paper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rates:

And whereas such resolution was published twice in the Leicester Chronicle and Leicestershire Mercury, a newspaper circulating in the borough, and has received the approval of the Local Government Board:

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And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the sixteenth day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

And whereas plans showing the land to be vested in the Corporation under the powers of this Act, and a book of reference to those plans containing the names of the owners or reputed owners of such, and of the owners or reputed owners, lessees or reputed lessees, and occupiers of houses in respect of which rights are claimed thereover, have been deposited with the clerk of the peace for the county of Leicester, and are in this Act referred to as the deposited plans and book of reference:

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.

1. This Act may be cited as Leicester Corporation Act, 1879.

Act not to affect 41 & 42 Vict. c. cxxxii. except as to borrowing money.

2. This Act shall not extend or apply to the subject matters or affect any of the provisions of Leicester Corporation (Gas and Water) Transfer Act, 1878, except the borrowing of money by the Corporation thereunder.

Interpretation of terms.

3. In and for the purposes of this Act—

"Stock" means the Leicester Consolidated Debenture Stock issued by the Corporation under the powers of this Act;

"Borough fund" and "borough rate" mean the borough fund and borough rate of the borough;

"District fund" and "general district rates" mean the district fund and general district rates of the urban sanitary district of the borough;

"The Public Health Acts" mean the Public Health Act, 1875, and any Act or Acts amending the same;

"The Municipal Corporations Acts" mean the Act of the session of the fifth and sixth years of King William the Fourth "to provide for the Regulation of Municipal Corporations in England and Wales," and Acts amending the same or otherwise relating to municipal corporations in England. 5 & 6 W. 4. c. 76.

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Act to be executed by Council.

4. This Act shall be carried into execution by the Corporation, acting by the Council, and according to the Municipal Corporations Acts and the Public Health Acts respectively, and other Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public Health Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Acts respectively.

"No Man's Land" vested in Corporation.

5. On the passing of this Act the land on the south side of the street called Humberstone Gate, and shown on the deposited plans and described in the deposited book of reference, and known as "No Man's Land," is by virtue of this Act vested in the Corporation, freed and discharged from all rights, easements, and privileges claimed thereover or in connexion therewith, except the privilege claimed by the owners, lessees, and occupiers of lands and houses adjoining the said land to let or use the same for a period not exceeding seven days during the holding of the Leicester May fair, and for a like period during the holding of the Leicester October fair, so long as the fair in respect of which such privilege is claimed shall be held in Humberstone Gate.

Said land to form part of street.

6. The said land so vested in the Corporation shall, subject to the exercise of the privilege aforesaid, be deemed for all purposes a part of the said street called Humberstone Gate.

Correction of errors, &c. in deposited plans.

7. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference be discovered, the following provisions shall have effect; (that is to say,)

The Corporation may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction;

If it appear to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description;

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The certificate shall be deposited with the clerk of the peace for the county of Leicester, who shall safely keep the same in like manner, and subject to the like regulations as the deposited plans and book of reference;

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter and take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description;

A copy of an extract from such certificate, purporting to be under the hand of the clerk of the peace of the said county (which copy or extract he shall give when required under his hand to any person interested), shall be conclusive evidence of such correction.

Notice to be given of persons suffering from certain diseases.

8. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any one or more of the following diseases, namely, small-pox, infectious cholera, scarlet fever, typhus fever, typhoid fever, erysipelas, puerperal fever, or diphtheria, the following provisions shall have effect; (that is to say,)

1. If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such building, or (if such occupier or person be prevented by reason of such disease) the person in charge of such inmate, shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Town Hall of the existence in such inmate of such disease:
2. If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or, if there be no such head, then such inmate (unless prevented by reason of such disease, or of youth), shall, on becoming aware of the existence in such inmate, or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person:
3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms addressed and stamped for transmission through the post for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the First Schedule to this Act:

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4. Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the Corporation at the Town Hall a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering:

5. The Corporation shall pay to every medical practitioner who shall, in pursuance of this section, duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration, but only one such certificate need be given and only one such fee shall be payable within an interval of thirty days to the same medical practitioner for certificates given by him in respect of the same disease occurring in the same building:

And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding ten pounds.

Power to issue debenture stock.

9. The Corporation may from time to time resolve that any portion of their debt then subsisting on security of outstanding mortgages, bonds, or debenture stock of the Corporation (other than Leicester Corporation Gas and Water Debenture Stock), not exceeding an amount to be defined in and by such resolution, may be converted into stock of the Corporation of like amount, either by agreement with the holders of such mortgages, bonds, or stock, or by paying off the same respectively when due and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off, and also from time to time resolve that the whole or any part to be defined in and by such resolution of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of the former Acts, or under any provisional order, or under the sanction of the Local Government Board, or of one of Her Majesty's Principal Secretaries of State, or of the Lords Commissioners of Her Majesty's Treasury, and which shall not then have been raised, shall or may be raised by the creation and issue of stock of corresponding amount instead of borrowing the same, and the stock, when so created, shall be termed "Leicester Corporation Consolidated Debenture Stock."

Power to Corporation to create and issue stock.

10. The Corporation shall create and issue stock under and in accordance with the following provisions; (that is to say,)

1. The stock shall bear such fixed interest, not exceeding the rate of four pounds per centum per annum, and either in per-

petuity or for limited periods, as the Corporation by the resolution creating the same shall determine:

2. The interest shall be payable half-yearly, on the first day of January and the first day of July, or if either of such days fall on a Sunday or a day observed as a public holiday at the Bank of England, then on the following day, and shall be paid either at the office of the treasurer or at the option of the stockholder by cheque payable to him or his order at the bankers of the Corporation, and sent by post to his last registered address the day before that on which such interest shall become due:

3. The interest on the stock shall be a charge on the borough fund, borough rate district fund, and general district rates, and all rates and tolls leviable by the Corporation and on the rents and revenue derivable from the undertakings and from the real and personal estate of the Corporation:

4. The Corporation shall keep a book to be called "The Register "of Leicester Corporation Consolidated Debenture Stock-"holders," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and the names and addresses of the several persons respectively entitled to stock, together with the amount of the stock to which such holders shall be respectively entitled, and the surnames or corporate names of such holders shall be placed in alphabetical order, and every holder (and if such holder be a corporation, the clerk or agent of such corporation) may at all convenient times peruse such books gratis, and may require a copy thereof, or of any part thereof, and for every hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence:

5. The receipt in writing of the corporations and persons entered in the said register, their successors, executors, administrators, or assigns, shall be a sufficient and effectual discharge to the Corporation for any moneys due to such persons and corporations as and when they shall respectively become payable, and if any shareholder be, by reason of infancy or lunacy, unable to give an effectual receipt, the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient and effectual discharge to the Corporation:

6. The stock shall in all respects, both at law and in equity, be substituted for and represent the mortgage debts or annuities in exchange for which the same shall be granted as aforesaid, and the several parties to whom such stock shall be issued

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shall be possessed thereof upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective mortgage debts or annuities were immediately before such exchange thereof held and subject, and such stock shall accordingly pass or be affected by any will or other instrument disposing of or affecting such mortgage debts or annuities:

7. The Corporation shall on demand deliver to each holder of stock a certificate under their common seal, stating the amount of stock held by him, and the certificate may be in the form in the Second Schedule to this Act annexed, or to the like effect, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence:

8. The certificate of any stock shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the stock therein specified:

9. If the certificate of any stock be worn out or damaged, then, on its being produced to the Corporation, they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then on proof thereof to the satisfaction of the Corporation, and on the giving to them of such reasonable indemnity as they may require, they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made by the Corporation in the register stock, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence:

10. Stock shall be and be transmissible and transferable as personal estate.

Certificate to be demanded before interest recoverable.

11. The Corporation shall not be bound to pay the interest of any stock until the person entitled thereto shall have demanded a certificate thereof, and no such interest in arrear and not wrongfully withheld by the Corporation shall bear interest.

Transfer of stock.

12. With respect to the transfer of stock the following provisions shall have effect; (that is to say,)

1. Stock may be transferred in any amount, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Second Schedule to this Act annexed or to the like effect:

2. The Corporation shall keep a book to be called "The Register "of Transfers of Leicester Corporation Consolidated Deben-

ture Stock," and every such deed of transfer, when duly executed, shall be delivered to and be kept by the Corporation, and they shall enter a memorial of every such deed of transfer in such book, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such indorsement, and with or without such certificate, may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted, and such indorsement being signed by the town clerk shall be considered in every respect the same as a new certificate; and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the interest on the stock transferred:

3. The Corporation may close the register of transfers for any period not exceeding fourteen days before the first day of January and the first day of July yearly, and any transfer made during the time when that register is closed shall, as between the Corporation and the transferee, but not otherwise, be deemed made after that time:

4. If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or in consequence of the marriage of a female holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall (if so required by the Corporation) be authenticated by a declaration in writing as by this Act provided; and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest or any part of the stock transmitted:

5. Every such declaration shall state the manner in which and the party to whom the stock is transmitted, and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in Her Majesty's High Court of Justice in England; and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence:

6. If the transmission be by virtue of the marriage of a female stockholder, the declaration shall contain a copy of the

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register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife the holder of the stock, and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall with the declaration be produced to the Corporation, who shall upon such production in either of those cases make an entry of the declaration in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Corporation not to regard trusts.

13. The Corporation shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any stock may be subject, and the receipt of the party in whose name any such stock stands in the said register shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such stock, notwithstanding any trusts to which it may then be subject, and whether or not the Corporation have had notice of such trusts, and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Interest on stock recovered by suit.

14. If the interest of any stock or any part thereof being payable be not paid upon demand thereof in writing made to the Corporation by the holders thereof, such holders may sue for and recover the same, with full costs of suit, in any court of competent jurisdiction.

Receiver may be appointed if arrears remain unpaid for the time prescribed.

15. If within one month after the interest on any stock or any part thereof has become payable, and after demand thereof in writing, it be not paid, the holder thereof, without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction, may, if his debt alone amount to the sum of fifty pounds, or if his debt does not amount to that sum he may, in conjunction with other stockholders and mortgagees whose debts being so in arrear after demand as aforesaid shall, together with his debt, amount to the said sum, require the appointment of a receiver by an application to be made as in this Act provided.

Mode of appointment of receiver.

16. Every application for a receiver shall be made to two justices, and on such application such justices, by order in writing after hearing the parties, may appoint some person to receive the whole or a competent part of the rates, tolls, rents, and revenue liable to the payment of the interest in the stock, until interest in arrear and in respect whereof the receiver is appointed, and all costs, including the costs of receiving such rates, tolls, rents, and revenue be fully paid, and upon such appointment being made all such rates, tolls, rents, and revenue as aforesaid shall be paid to and

received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several stockholders interested in the same, and shall be distributed by the receiver accordingly, and after all interest in arrear and costs shall have been paid the power of the receiver shall cease.

Corporation may redeem debenture stock.

17. The Corporation may by agreement with any of the stockholders at any time, if they think fit, redeem or purchase any portion of the stock at a price not exceeding twenty-five years purchase, and when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders, and thereupon such redeemed or purchased portion shall be wholly extinguished.

Saving rights.

18. Nothing in this Act shall in anywise prejudice or affect the rights of the holders of mortgages, bonds, or debenture stock of the Corporation, and all the stock to be created as aforesaid shall be subject to the mortgages, annuities, and bonds at present existing.

Restricting exercise of borrowing powers.

19. After the conversion of any such mortgages, bonds, or debenture stock into stock, or after any money shall have been raised by the Corporation by the issue of stock, it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Priority of stock not to be affected by time of creation thereof.

20. No holder of any portion of stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Application of money raised.

21. When any stock has been created and issued under this Act in order to raise any portion of a loan authorised by any existing Act, the money raised thereby shall be deemed to have been borrowed under and shall be applied for the purposes to which such loan is legally applicable.

Further provisions as to stock certificate.

22. If the certificate of any stock bear the common seal of the Corporation, it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Consent of trustees of incapacitated persons, &c. to conversion 8 & 9 Vict. c. 18.

23. Any person who holds any security granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section seven, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement

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authorised by this Act for the conversion of such security into stock, and to the payment of such security before the time limited for the payment thereof.

Stock to be held on same trusts as security for which it was substituted.

24. Every person to whom any of the stock shall be appropriated in substitution for any security shall hold such stock on the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon or to which the security for which such stock is substituted was immediately before such substitution held or subject, and shall deal with and dispose of the same accordingly, and so as to give effect to and not revoke any will or other instrument disposing of or affecting such security, and every testamentary disposition affecting such security shall apply to the stock so substituted therefor.

As to sinking fund.

25. The provisions of the former Acts with respect to the setting apart of sinking funds are hereby repealed, and instead thereof the following provisions shall have effect; (namely,)

In order to discharge the principal moneys already borrowed and now owing or hereafter to be borrowed under the powers of any Act of Parliament or provisional order, or under the sanction of the Local Government Board or of one of Her Majesty's Principal Secretaries of State, or of the Lords Commissioners of Her Majesty's Treasury, and to redeem the stock created under this Act, the Corporation shall in every year, after the first day of July one thousand eight hundred and seventy-nine, out of the borough fund in respect of principal moneys and stock the interest on which is payable thereout, and out of the district fund and general district rates in respect of principal moneys and stock the interest on which is payable thereout, appropriate and set apart as sinking funds which may be accumulated in the hands of the bankers of the Corporation, and when and so soon as the same shall have amounted to the sum of one thousand pounds shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages, debentures, debenture stock, or annuity certificates granted or issued under any Act or provisional order under which the Corporation are authorised to borrow money, or in pursuance of any such sanction, such sums of money as will, with the accumulations thereof in the way of compound interest at four pounds per centum per annum, be sufficient, after payment of all expenses, to pay off the principal moneys so borrowed, and to redeem the stock at a capitalised value to be taken for this purpose at the rate of twenty-five

years purchase within the portion remaining unexpired of the term limited in that behalf by the Act, order, or sanction under which such principal moneys or stock are respectively authorised to be borrowed or created.

The appropriation for the said sinking funds shall commence at the following periods; (namely,)

For repayment of money borrowed and now owing, from the first day of July one thousand eight hundred and seventy-nine;

For repayment of moneys to be borrowed and for redemption of stock to be created after the passing of this Act, on the first day of July next following the time of the borrowing of such moneys or the creation of such stock:

Provided as follows; (that is to say,)

Every sinking fund existing at the passing of this Act shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys and the redemption of the stock for the repayment or redemption of which such sinking fund was set apart, in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards, and accumulate as herein-before prescribed, until the whole of the borrowed moneys or stock to which such sinking fund is applicable are discharged or redeemed, a sum equal to the interest produced by the sinking fund or part thereof so applied or of the stock so redeemed: Provided also, whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding and to be paid off by means of such fund, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto. Any mortgages, debentures, debenture stock, or annuity certificates granted or issued by the Corporation, and in or upon which they shall invest any sinking fund, shall upon such investment be ipso facto cancelled.

Corporation may retain in hand a portion of annual sums set apart for repayment of principal

26. In order that the Corporation may the more conveniently appropriate to the repayment of such of their debts as are not repayable by sinking funds the sums annually set apart as required for that purpose, the Corporation may from time to time retain

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those sums in the hands of their bankers to the amount at any one time of not exceeding one thousand pounds in the whole.

moneys by instalments.

Annual return to Local Government Board with respect to sinking funds.

27. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund under this Act, transmit to the Local Government Board a return, in such form and verified in such manner as that Board may from time to time prescribe, showing the amount which has been invested for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which the same has been invested, and the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund, or any interest thereof, to any other purposes than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund, and any such order may be enforced by Mandamus to be obtained by the Local Government Board. The provisions of this section shall apply, mutatis mutandis, to annual appropriations and instalments in the event of the Corporation borrowing under the powers of the Local Loans Act, 1875, as hereinafter provided.

38 & 39 Vict. c. 83.

Power to re-borrow.

28. If the Corporation pay off any moneys otherwise than by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of any of their former Acts, they may re-borrow the same, and so from time to time: Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was sanctioned.

Power to borrow under 38 & 39 Vict. c. 83.

29. The Corporation (subject to the provisions under which any debenture stock has been already issued under the powers of any other Act) may, if they think fit, borrow any moneys which they are by either of the former Acts authorised to borrow and which they have not borrowed by means of debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875,

by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of either of the former Acts by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Act, and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act, 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act authorising such loan, and such discharge or any part thereof shall be effected by means of a sinking fund, if the Corporation shall so think fit: Provided always, that if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested.

Forms in schedule sanctioned.

30. The forms set forth or referred to in the Second Schedule to this Act may, mutatis mutandis, be used by the Corporation with respect to any moneys borrowed or to be borrowed under the powers of the Local Loans Act, 1875.

As to supply of light, heat, &c. by electricity.

31. With respect to the production and supply of light, heat, and motive power by means of electricity, the following provisions shall have effect; (that is to say,)

1. The expression "place of public resort" means any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority, and any place of public worship, railway station, public garden, theatre, concert room, or public slaughter-house:
2. During a period of five years from the first day of September one thousand eight hundred and seventy-nine, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough to produce and supply light by means of electricity, and for that purpose to exercise any of the powers herein-after in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)
   (i.) For any of the purposes of this section they may use any lands for the time belonging to or held on lease by them, and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands;

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(ii.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses (including places for storing electricity for producing light), or other buildings necessary for any of the purposes of this section;

(iii.) They may manufacture, buy, or hire, and may use and may supply, sell, or let any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section;

(iv.) Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section;

(v.) They may acquire licenses (not being exclusive) for themselves or for any persons, companies, or corporations licensed or supplied by them, for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things;

(vi.) They may exercise for the purposes of this section, in the whole or any part of the borough, as to electric lighting any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations, or the Public Health Act, 1875, for lighting by oil or gas;

(vii.) They may exercise for the purposes of this section as to electric lighting any of the powers which, under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers;

10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

(viii.) They may supply by agreement, for use in any place or places of public resort, light produced by electricity and meters or other fittings, or may let meters or other fittings for any of the purposes of this section;

(ix.) They may charge in advance or otherwise for any light engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction;

(x.) Generally they may do all things necessary and incidental to the purposes of this section:

3. The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting:

4. Before laying any wires or mains or doing any works for the purposes of this section, the Corporation shall give to the Postmaster General fourteen days notice thereof, and shall conform to such reasonable regulations or orders as may from time to time be made by the Postmaster General for the protection of the wires or working of any telegraphs under his control from being injuriously affected by reason of the works to be executed under this Act: Provided that if any difference arises between the Postmaster General and the Corporation with respect to any such regulation or order, such difference shall, on the request of the Postmaster General or of the Corporation, be determined by some person or persons to be nominated from time to time for this purpose by the Board of Trade:

5. All expenses from time to time incurred by the Corporation in carrying this Act into effect shall be charged on and all receipts received by the Corporation under this section shall be carried to the credit of the district fund:

6. The Corporation, out of the moneys they are authorised to borrow and re-borrow for the purposes of their gas undertaking, may from time to time, for the purposes of this section, appropriate and apply such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of twenty thousand pounds, but the period or periods for which any such sum shall be borrowed and re-borrowed shall not exceed ten years from the date when the same was borrowed:

7. The Corporation shall keep accounts with respect to electric lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their electric lighting undertaking, except borrowed money, as follows; (that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of electric lighting, rents, and charges, and of the borrowing of money under this Act;

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Secondly. In payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking;

Thirdly. In payment of the interest on money borrowed for the purposes of this section;

Fourthly. In providing the requisite instalments or sinking fund for repayment of moneys borrowed for the purposes of this section;

Fifthly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by the Leicester Corporation (Gas and Water) Transfer Act, 1878, authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced, it may thereafter be again restored to the sum of two thousand pounds, and so from time to time as often as such reduction happens;

And shall carry to the district fund any balance remaining in any year and the annual proceeds of the reserve fund when amounting to two thousand pounds:

8. The money borrowed for the purposes of this section shall be applied for the purposes for which it is authorised to be borrowed, and generally for objects to which capital money is properly applicable and for no other purposes:

9. Nothing in this Act shall exempt the Corporation or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament:

10. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in event of any nuisance being caused by them.

Expenses of Act.

32. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation out of the general district rates.

SCHEDULES.

THE FIRST SCHEDULE.

CERTIFICATE.

CERTIFICATE OF DISEASE, &c. UNDER LEICESTER CORPORATION ACT, 1879.

Section 8.

TO THE CORPORATION OF THE BOROUGH OF LEICESTER.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such section.

Dated the day 18 .

(Signed)

Name of person suffering from disease - - - -

Situation of the building wherein such person is - - -

Name of occupier, or other person having the charge, management, or control of the building or room - - - -

Nature of the disease - -

NOTE.—This certificate must (under penalty of ten pounds in case of neglect) forthwith be sent to the Corporation at the Town Hall, and delivered to the official clerk or servant of the Corporation who shall be found in attendance there, or be transmitted through the post.

THE SECOND SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

LEICESTER CORPORATION CONSOLIDATED DEBENTURE STOCK.

Certificate No.

Amount £

Registered No.

This is to certify that

of is registered in the books of the mayor, aldermen, and burgesses of the borough of Leicester, in the county

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of Leicester, as the proprietor of £ sterling Leicester Corporation Consolidated Debenture Stock, created by virtue of the Leicester Corporation Act, 1879, bearing interest at the rate of £ per centum per annum, payable half-yearly on the first day of July and the first day of January in each year, the first payment to be made on the day of next.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Leicester, in the county of Leicester, this day of .

Note.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

Form of Transfer of Debenture Stock.

LEICESTER CORPORATION CONSOLIDATED DEBENTURE STOCK.

£

I, of

in consideration of the sum of pounds paid to me by of do hereby transfer to (herein-after called the transferee) the sum of Leicester Corporation Consolidated Debenture Stock, with all interest due and to become due thereon, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I hold the same at the time of the execution hereof; and I, the transferee, do hereby agree to take the same debenture stock, subject to the same conditions.

As witness our hands and seals, this day of in the year of our Lord 187 . .

L.S.

L.S.

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