



## CHAPTER CXXV.

An Act to make further provision for the lighting of the Borough of Kingston-upon-Hull, and to extend the powers of the Mayor, Aldermen, and Burgesses of the Borough in relation to the supply of light by electricity; and for other purposes. A.D. 1880.  
[2nd August 1880.]

**W**HEREAS, under the provisions of the Public General Acts relating to municipal corporations and to public health, and of an Act of the 17th and 18th Vict. cap. 101, for the further improvement of Kingston-upon-Hull, certain duties and powers in relation to the lighting of the borough of Kingston-upon-Hull are imposed upon or vested in the mayor, aldermen, and burgesses of the said borough (herein-after called "the Corporation") acting by the council as the municipal and sanitary authority of the said borough:

And whereas it is expedient that the Corporation should be authorised for a limited period to manufacture or to provide and supply light for the purposes in this Act mentioned (but not for purposes of profit) by means of electricity within the said borough, 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:

And whereas it is expedient that the Corporation should be authorised to borrow moneys for the purposes of this Act:

And whereas an absolute majority of the whole number of the council, at a meeting held on the fourth day of December one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the "Hull Packet and East Riding Times," a local newspaper published 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

[Ch. cxxv.] *Hull (Corporation) Electric* [43 & 44 Vict.]  
*Lighting Act, 1880.*

A.D. 1880. — this Act should be charged on the borough fund, borough rate, general district rate, or other rates under their control :

And whereas such resolution was published twice in the said newspaper, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board :

38 & 39 Vict. c. 55. And whereas the owners and ratepayers of the borough, by a resolution passed in manner provided by Schedule 3 annexed to the Public Health Act, 1875, with respect to the passing of resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act :

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 8th day of January one thousand eight hundred and eighty, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the purposes of this Act 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 :

Short title. 1. This Act may be cited as the Hull (Corporation) Electric Lighting Act, 1880.

Limits of Act. 2. The limits within which the powers of this Act shall extend shall be the municipal borough of Kingston-upon-Hull.

Interpretation of terms. 3. In this Act the following 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 " place of public resort " means—

- (1.) Any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority ;
- (2.) Any of the premises belonging to the Kingston-upon-Hull Dock Company which that company from time to time by writing under their common seal require to be lighted under this Act ;
- (3.) Any railway station, public slaughter-house, or public theatre :

The expression " superior courts " or " court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and

have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute: A.D. 1880.

The word "street" has the same meaning as in the Public Health Act, 1875.

PART I.—LIGHTING POWERS.

4. During a period of ten years from the first day of September one thousand eight hundred and eighty, and for the purposes of lighting streets and places of public resort, it shall be lawful for the Corporation within the limits of this Act 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,) Power to supply electric light.

(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:

(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, within the limits of this Act, 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:

A.D. 1880.

10 & 11 Vict.  
c. 15.

34 & 35 Vict.  
c. 41.

- (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 :
- (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.

No greater payment shall be received by the Corporation in respect of the supply of light under this Act in any place of public resort than the actual cost of the same, such cost to be determined in case of dispute by the Board of Trade.

All the provisions of this section shall extend 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 the application of electricity to such purposes is included in the expression "electric lighting" where used in this Act.

Nothing in this section shall authorise the Corporation to manufacture, sell, or supply gas.

Nothing in this section shall prevent any person, corporation, or company from doing on premises owned or occupied by him or them anything for the purpose of producing electric light for use on such premises which he or they could have lawfully done if this Act had not passed.

Nothing in this Act shall authorise the Corporation to interfere with any of the mains, pipes, or property of the Kingston-upon-Hull Gaslight and Coke Company, the British Gaslight and Coke Company (Limited), or the Sutton and Southcoates Improved Gas Company respectively without the consent of these companies.

Provision for  
protection of  
Postmaster  
General.

5. With respect to any work for the purpose of electric lighting done in pursuance of this Act, the following provisions shall have effect :

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster General the Corporation or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster General specifying the course and nature of the work, including the gauge of any wire; and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said work.
2. Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final; and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation or their agents were a company.
3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
4. Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.
5. For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work.

A.D. 1880.

31 & 32 Vict.  
c. 119.

A.D. 1880.

41 & 42 Vict.  
c. 76.

6. For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Works affecting North-eastern Railway to be executed under inspection of that company's engineer.

6. Any wires, mains, pipes, culverts, or other works whatsoever which the Corporation may lay down, place, make, or execute under or over or across or which may affect any railway or works or property of the North-eastern Railway Company shall be laid down, placed, made, and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that company and (if deemed necessary by him) in accordance with plans previously approved by him.

Expenses to be charged on the district fund, &c.

7. Subject to the provisions of this Act, all expenses from time to time incurred by the Corporation in carrying this Act into effect shall be charged on and paid out of the district fund and general district rate, and all receipts received by the Corporation under this Act shall be carried to the district fund.

#### PART II.—BORROWING POWERS.

Power to borrow money.

8. The Corporation may from time to time, with the consent of the Local Government Board, borrow at interest, on the security of the district fund and general district rate, for the purposes of their lighting undertaking under this Act, such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of fifty thousand pounds, and they may mortgage the district fund and general district rate as a security for the repayment of money so borrowed, with interest, accordingly. The provisions of sections 237 to 239 (both inclusive) of the Public Health Act, 1875, shall apply to mortgages under this Act, with the modifications necessary for referring to this Act and for describing the Corporation and the securities comprised in such mortgages.

Form of mortgage.

9. Every mortgage made by the Corporation under this Act shall be by deed under their common seal, duly stamped, and truly stating the consideration, and may be in the form given in the schedule to this Act or to the like effect.

Coupons for interest on mortgages.

10. The Corporation may issue to holders of their mortgages under this Act coupons for interest thereon, in such form as they think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half

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year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Corporation think fit; and on presentation of a coupon to the treasurer of the borough he shall pay to the presenter the amount of interest thereon expressed and thereby appearing to be then due and payable, and on the audit of the treasurer's accounts a coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

**11.** The Corporation shall pay off within ten years after the passing of this Act any money borrowed by them under this Act, either by equal yearly or half-yearly instalments of principal or of principal and interest, or by means of a sinking fund appropriated and invested and with the accumulation thereof (if any) from time to time applied for that purpose, and in the case of a sinking fund being adopted all the payments shall be such as the Local Government Board from time to time approve, and the same shall be invested only in such securities in which the Corporation are by any Act at present in force in the borough authorised to invest sinking funds.

Payment of  
money  
borrowed by  
instalments  
or sinking  
fund.

**12.** The Corporation may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund: Provided that the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the period for which the original loan was authorised, and that any amounts so re-borrowed for the purpose of repaying the original loan or any part thereof shall be deemed to be part of the original loan, and such re-borrowing shall not affect the obligations of the Corporation under this Act with respect to a sinking fund or instalments.

Power to  
re-borrow.

**13.** A lender of money to the Corporation under this Act shall not be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of the money lent by him or any part thereof.

Protection  
to lenders.

**14.** All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of  
existing  
mortgages.

**15.** The Corporation shall keep accounts in respect of lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue and capital account, and

Application  
of revenue.

A.D. 1880. such accounts shall be made up to the same day, audited and published at the same time, by the same persons, and in the same manner as the other accounts of the Corporation, and shall apply all money from time to time received by them in respect of their 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 lighting rents and charges and of the borrowing of money under this Act:

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

Thirdly. In payment of the interest of money borrowed under this Act:

Fourthly. In providing the requisite instalments or sinking fund under this Act:

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 Government securities, or in securities in which they are authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to five 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 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 five 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 five thousand pounds.

Application  
of money  
borrowed.

**16.** The money borrowed under this Act 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.

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

**17.** The treasurer of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied 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 any investment has been made and the amount paid off by instalment, and the purposes to which any portion of the sinking fund or investment, or of the sums (if any) accumulated by way of interest, 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 he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund or of any sums accumulated by way of interest to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

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18. Any notice, demand, or other document served by the Corporation for any of the purposes of this Act shall be sufficiently authenticated if it be signed by the town clerk or his deputy from time to time appointed by the Corporation or the town clerk, and need not have the seal of the Corporation affixed thereto.

Authen-  
tication of  
notices  
served by  
Corporation.

19. Any summons, writ, or other proceeding at law or in equity, or otherwise in relation to any of the purposes of this Act, required to be served upon the Corporation, may be served by delivering the same to the town clerk only, leaving the same at his office on any week day between the hours of nine o'clock in the morning and five o'clock in the afternoon, except on Saturday, and then between nine o'clock in the forenoon and one o'clock in the afternoon, with some person employed there by him.

Service of  
notices, &c.  
on Corpora-  
tion.

20. Nothing in this Act shall exempt the Corporation or their 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.

Provision as  
to general  
Acts.

21. Nothing in this Act shall exonerate the Corporation from being liable to an indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of any of the powers contained in this Act.

Corporation  
may be  
proceeded  
against for  
causing  
nuisance.

A.D. 1880.  
Expenses of  
Act.

22. The costs, charges, and expenses of and incidental to the applying for and obtaining this Act shall be paid by the Corporation out of any moneys for the time being standing to the credit of the borough fund, or out of any moneys borrowed under the authority of this Act, or out of the general district rate.

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SCHEDULE referred to in the foregoing Act.

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Form of Mortgage.

THE HULL (CORPORATION) ELECTRIC LIGHTING ACT, 1880.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, in consideration of                      pounds paid to them by *A.B.* of                      , grant to him, his executors, administrators, and assigns, such proportion of the district fund and general district rate of the said borough as the said sum of                      doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said fund and rate to hold to the said *A.B.*, his executors, administrators, and assigns, from this day until the said sum be repaid to him or them, with interest at the yearly rate of                      in the hundred, by equal half-yearly payments on the                      day of                      and the                      day of                      in every year from the date hereof, the principal to be repaid on the                      day of                      at the option of either party, and all payments to be made at the office of the treasurer of the borough.

Given under the seal of the said mayor, aldermen, and burgesses  
this                      day of                      18                      .