



### CHAPTER xciii.

An Act for enabling the Select Vestry of the Parish of Saint Margaret in the Borough and County of Leicester to sell and otherwise deal with a piece of Land known as "the Parish Piece" and for empowering the Mayor Aldermen and Burgesses of the said Borough to purchase a portion thereof for the purpose of a Recreation Ground and for providing for the application of the proceeds of such Sale and for confirming a Charitable Scheme in connexion therewith and for other purposes.

A.D. 1892.

[20th June 1892.]

**W**HEREAS by an Act passed in the fourth year of the reign of His late Majesty King George the Third intituled "An Act for dividing and enclosing several common and open fields and meadows in the parish of St. Margaret near the borough of Leicester in the county of Leicester" (and herein-after called "the Inclosure Act of 1764") after reciting amongst other things that there were three several common and open fields lying within the said parish and distinguished or known by the several names of the Conduit Field Middle Field and the Nether Field and estimated and computed to consist of and contain together about thirty-four yard lands besides four yard lands or thereabouts of glebe land and also certain meadows or pieces of lammas ground adjoining or lying near to the said common and open fields and called by the several names of the Abbey Meadow Dent's Meadow Palmer's Leroe and Valentine's Leroe and that the Reverend Andrew Burnaby clerk prebendary of the prebendal church of Saint Margaret in Leicester aforesaid founded in the cathedral church of the Blessed Virgin Mary in Lincoln in right of the said prebendary was seized of the perpetual advowson right of patronage and presentation of in and to the vicarage church of Saint Margaret aforesaid and of all the tithes in kind of corn grain hay wool and lamb arising and issuing

A.D. 1892. out of the said three common fields and meadows and also of the said four yard lands of glebe land lying dispersed in the said common and open fields which said tithes and glebe land were then held by one Ambrose Saunders under a lease for three lives from the said Andrew Burnaby prebendary of the said prebend And that the inhabitants within the said parish of Saint Margaret who paid levies and taxes to the said parish though they had not any lands in the said fields had time immemorially enjoyed a right of common over and upon the said open fields and Dent's Meadow jointly with the proprietors thereof respectively from the opentide or the time the harvest in the said fields was got in until the eleventh day of December in every year It was enacted that all the said three common fields and the said meadow called Dent's Meadow (but neither the said Abbey Meadow nor the said Palmer's or Valentine's Leroe) should on or before the twenty-fifth day of December one thousand seven hundred and sixty-four or so soon as convenient be set out divided and allotted by four persons thereby appointed commissioners for that purpose in such manner and subject to such provisions as were therein-after prescribed And it was enacted that the said lands and grounds so intended to be divided and allotted as aforesaid should some time before the twenty-ninth day of September one thousand seven hundred and sixty-four be surveyed in manner therein mentioned and that the said commissioners should and might and they were thereby authorised and required in the first place after the said survey should have been laid before them to make an allotment of part of the said lands and grounds in lieu of the said glebe land and then to set out in one plot and in such convenient place as the said commissioners should think proper to and for the sole use and benefit of the inhabitants of the said parish for the time being who paid taxes and levies to the said parish (exclusive of the proprietors of the said open fields and Dent's Meadow) in lieu of their said right of common so much and such part of the said open fields as (quantity quality and situation considered) should in the judgment of the said commissioners be equivalent to such the said inhabitants' said right of common upon and over the said fields and Dent's Meadow which plot so to be set out as aforesaid should be and was thereby vested in the churchwardens and overseers of the poor of the said parish for the time being to and for the sole use benefit and advantage of themselves and the rest of the inhabitants of the said parish for the time being (exclusive as aforesaid) and should be annually let or otherwise disposed of upon Easter Tuesday and the rents issues and profits thereof yearly applied in such manner as the

major part of such the inhabitants aforesaid (exclusive as aforesaid) assembled at a parish meeting to be held at the parish church of the said parish on Easter Tuesday in every year should direct or appoint and then to allot the residue of the said lands and grounds as therein mentioned And it was enacted that there should be issuing and going one perpetual yearly rent or annual sum of one hundred and ten pounds out of the allotments to be made of the said common and open fields in lieu of all the said yard lands (except the said four yard lands of glebe) which rent should be payable and paid by the respective owners or occupiers for the time being of such the said allotments in lieu of the said yard lands in the several shares and proportions which should be assigned and appointed by the said commissioners in pursuance of that Act unto the said Ambrose Saunders his heirs and assigns during the continuance of his said lease and after the surrender or other determination thereof to the prebendary of the said prebendal church for the time being and his successors or his or their lessee or lessees for ever The said rent to become due and payable half-yearly by equal portions on the feast day of Saint John the Baptist and the Nativity of our Lord without any deduction and to be in lieu of the tithes arising out of the said yard lands (except the said four yards of glebe) in the said common or open fields and to be recoverable by distress or entry as therein mentioned And it was enacted that as soon as conveniently might be after the said commissioners should have completed the said partitions and allotments of the said lands and grounds they should form and draw up an award which should express and contain the quantity of each and every parcel of the said fields assigned and allotted to each and every of the proprietors entitled to or interested in the same and a description of the situation buttals and boundaries of the same parcels and allotments respectively and also the several proportions of the said yearly rent of one hundred and ten pounds :

And whereas the said commissioners made an award under their hands and seals dated the twentieth day of December one thousand seven hundred and sixty-four whereby after reciting amongst other things that in pursuance of the directions of the Inclosure Act of 1764 a survey had been made of the said fields and of the lands and grounds therein and had been laid before them they divided set out allotted and awarded the several lands and grounds in the said open and common fields so intended to be enclosed as aforesaid in manner therein mentioned and as part of such division setting out allotment and award they divided set out allotted and awarded to the churchwardens and overseers of the poor of the said parish of

A.D. 1892. Saint Margaret's for the time being to and for the sole use and benefit of the inhabitants of the said parish for the time being who paid taxes and levies to the said parish exclusive of the proprietors of the said open fields and Dent's Meadow in lieu of their said right of common one piece plot or parcel of land in a certain field in the lordship of Saint Margaret's aforesaid called the Nether Field bounded on the north by the lordship of Belgrave and the turnpike road leading from the borough of Leicester aforesaid towards Melton Mowbray respectively on the east and south by the second allotment therein-after allotted to Lord William Manners and on the west by the said turnpike road and containing seventeen acres one rood twenty-one poles or thereabouts which said piece plot or parcel of land so allotted to the said churchwardens and overseers of the poor of the said parish of Saint Margaret's as aforesaid (quantity quality and situation considered) was in the judgment of the said commissioners equal in value to such the said inhabitants' said right of common upon and over the said fields and Dent's Meadow And as for and concerning the said perpetual yearly rent or annual sum of one hundred and ten pounds they assigned and appointed that the same should be paid and payable by the respective owners or occupiers for the time being of such the said allotments therein before mentioned and in respect of the same in the several shares and proportions therein mentioned (that was to say) By the churchwardens and overseers of the poor of the said parish of Saint Margaret and the owners or occupiers for the time being of their said allotment in respect of the same the sum of two pounds six shillings and elevenpence halfpenny and the residue of the said one hundred and ten pounds by others as therein mentioned :

And whereas by an Act passed in the second year of the reign of His late Majesty King William the Fourth intituled "An Act for better assessing and collecting the poor and other parochial rates and for the better maintenance and employment of the poor of the parish of Saint Margaret in the borough and county of Leicester" (and herein-after called "the Act of 1832") directions were given for the appointment of a Select Vestry of the said parish and as to the mode of annually electing the select vestrymen and divers powers were given to the said Select Vestry for sundry parochial purposes And it was by the forty-eighth section of the Act of 1832 enacted that all buildings lands tenements and hereditaments then vested in the churchwardens and overseers of the poor of the said parish or either of them as such or belonging to the said parish should from and after the passing of the Act of 1832 be and the same were thereby absolutely vested in the Select Vestry of the

said parish of Saint Margaret for the time being appointed in pursuance of the directions of the Act of 1832 in trust for the said parish subject nevertheless to all charges and incumbrances affecting the same and that all lands tenements and hereditaments which should be purchased hired or taken on lease by the said Select Vestry on behalf of the said parish should be conveyed demised and assured to the said Select Vestry for the time being describing them as "the Select Vestry of the parish of Saint Margaret in the borough and county of Leicester" and their successors in trust for the said parish and that the said Select Vestry and their successors should and might and they were thereby empowered to accept and take and hold in the nature of a body corporate for and on behalf of the said parish all such lands tenements and hereditaments and also all other lands tenements and hereditaments belonging to the said parish :

And whereas ever since the date of the said award the said piece plot or parcel of land containing seventeen acres one rood twenty-one poles or thereabouts (which is and has for a long time been known as and is herein-after called "the parish piece") was so far as is known from time to time let by the churchwardens and overseers of the said parish or by the inhabitants of the said parish in vestry assembled and in later years (that is to say since the appointment of the Select Vestry constituted under the Act of 1832) has been let by the Select Vestry of the said parish of Saint Margaret or by the inhabitants of the said parish in vestry assembled and the rents received on such letting have been applied to various purposes or objects in accordance with resolutions in that behalf passed annually at meetings of the inhabitants of the said parish held on Easter Tuesday in every year :

And whereas for some years last past the parish piece has been let annually at the yearly rent of one hundred and thirty pounds to a body of persons styling themselves the East Leicester Allotment Society whose practice it has been to sublet the land in garden allotments :

And whereas the parish piece actually contains seventeen and a-half acres or thereabouts and is situate at a distance of rather more than a mile from the market place of Leicester and has a frontage of three hundred and eighty-nine yards to the Belgrave Road one of the principal main roads leading out of Leicester and extensive building operations have within the last ten or twelve years taken place on all sides of it and it has become and is very valuable.:

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892.

And whereas the area of the said parish of Saint Margaret is large and comprises the poorest quarter of the borough of Leicester the population of which borough has increased very greatly during the last half century and the poor belonging to the said parish are very numerous :

And whereas the rent actually obtained and obtainable for the parish piece in its present condition of agricultural land is very small compared with the value of the site :

And whereas under the foregoing circumstances it is expedient and would tend to the benefit of the said parish that the parish piece should be sold and that the moneys to arise by such sale should be applied for the purposes and in the manner herein-after provided in that behalf but the Select Vestry of the said parish in whom the parish piece is vested under the Act of 1832 has no power of selling the parish piece or any part thereof :

And whereas regard being had to the position of the parish piece relatively to the town of Leicester it is expedient and would tend to the public benefit of the inhabitants of that town and the neighbourhood generally that the mayor aldermen and burgesses of the borough of Leicester should be empowered to acquire and hold a portion of the parish piece for the purpose of and as a public open space or recreation ground and for other purposes of a public nature and the municipal council of the said borough has intimated to the said Select Vestry the said council's willingness to acquire with a view to so holding the twelve acres herein-after more particularly specified for the considerations and on the terms herein-after appearing :

And whereas the scheme set forth in the second schedule to this Act has been approved by the said Select Vestry and it is expedient that the same should be confirmed and carried into effect :

And whereas the Bill for this Act was unanimously approved at a meeting of the inhabitant ratepayers of the said parish held at the Vestry Hall Leicester on the twenty-sixth day of February one thousand eight hundred and ninety-two :

And whereas the objects aforesaid 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 (that is to say) :— A.D. 1892.

PART I.—PRELIMINARY.

1.—This Act may be cited as the Saint Margaret's Leicester Select Vestry (Parish Piece) Act 1892. Short title.

2.—This Act is divided into four parts as follows (that is to say) :— Act divided into parts.

Part I.—Preliminary :

Part II.—As to sale of and other dealings with the parish piece and the proceeds thereof :

Part III.—Confirming the scheme :

Part IV.—Miscellaneous.

3.—In this Act unless the context otherwise requires—

“The vestry” means the Select Vestry for the time being of the parish of Saint Margaret in the borough and county of Leicester as constituted under the Act of 1832 :

“The commissioners” means the Charity Commissioners for England and Wales :

“The corporation” means the mayor aldermen and burgesses of the borough of Leicester :

“The governors” means the governors to be appointed by or under the said scheme :

“The parish piece” means the said piece plot or parcel of land containing seventeen and a-half acres or thereabouts which was allotted by the said award dated the twentieth day of December one thousand seven hundred and sixty-four to the churchwardens and overseers of the poor of the said parish for the time being.

Interpretation.

PART II.—AS TO SALE OF AND OTHER DEALINGS WITH THE PARISH PIECE AND THE PROCEEDS THEREOF.

4.—(1.) The Vestry shall sell to the Corporation on the terms herein-after expressed and the Corporation shall purchase on those terms and hold and use for the purposes herein-after indicated the fee simple and inheritance of a portion of the parish piece consisting of twelve acres thereof lying eastward of an imaginary line drawn across the parish piece from a point in the northern boundary thereof distant two hundred feet from the north-west corner thereof to a point in the southern boundary thereof distant two hundred and twenty feet from the south-west corner thereof and being the Vestry to sell to Corporation twelve acres of the parish piece.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892. twelve acres shown and coloured red on the plan which has been signed by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords.

(2) Within twelve months from the passing of this Act the Vestry shall give to the Corporation and the Corporation shall take possession of the said twelve acres.

(3) During the period of sixty years from the date when the Corporation takes possession of the said twelve acres the Corporation shall pay to the Governors an annuity of two hundred and fifty pounds by equal half-yearly instalments the first of which shall be payable at the expiration of six months from the date of the said taking possession.

(4) At the expiration of the said period of sixty years the Corporation shall pay to the Official Trustees of Charitable Funds in trust for the Governors the capital sum of eight thousand three hundred and thirty-three pounds six shillings and eight pence in redemption of the said annuity.

(5) The Corporation shall accept the Vestry's title to the said twelve acres as appearing from this Act and shall not require any further or other proof or evidence of title and upon the Corporation taking possession of the said twelve acres the Vestry shall convey the same to the Corporation by a conveyance in the form set forth in the first schedule hereto which conveyance shall be executed in duplicate by the Vestry and the Corporation each of which bodies shall thereafter keep one of the duplicates. Such conveyance shall as between the Vestry and the Corporation operate to vest the fee simple and inheritance of the said twelve acres in the Corporation free from all charges and incumbrances save and except the said yearly rent or sum of two pounds six shillings and eleven pence half-penny and all claims and demands in respect thereof. Such conveyance shall be duly stamped and shall be produced to the Commissioners of Inland Revenue within three months after the completion of the purchase and in default of production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum from the date of the purchase shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

(6) The said annuity of two hundred and fifty pounds shall during the said period of sixty years and until all instalments thereof shall have been paid be and remain a charge upon the general district rate of the borough of Leicester.

(7) The Corporation shall yearly during the said period of sixty years besides paying the said annuity appropriate and set apart out



[55 & 56 VICT.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [Ch. xciii.]

of the district fund and general district rate of the said borough such equal annual sums as together with the accumulations thereof respectively at compound interest at such a rate as may be necessary will provide the said capital sum of eight thousand three hundred and thirty-three pounds six shillings and eight pence at the end of the said period and every sum so set apart and appropriated shall be invested in some or one of the securities in which trust funds may be invested by the council of a borough under the Trust Investment Act 1889 or any statutory modification thereof for the time being in force other than securities of the Corporation and the income of all such investments shall be accumulated by means of similar investments until the end of the said period of sixty years. A.D. 1892.

(8) The Corporation after taking possession of the said twelve acres shall with all convenient despatch fence off from the rest of the parish piece and lay out and shall for ever thereafter maintain the same as a public open space and recreation ground subject to the provisions of the Public Health Acts relating to pleasure grounds except that the Corporation may appropriate any part or parts not exceeding in the whole one acre of the said twelve acres as sites or a site for a free library public baths and a public enclosed gymnasium or any of such buildings or for other like public purposes and may erect any such buildings as aforesaid upon any sites or site so appropriated.

(9) The Corporation may borrow at interest any sum or sums not exceeding in the whole ten thousand pounds to be expended in the fencing and laying out of the said twelve acres and the erection of any such building or buildings as the Corporation is herein-before empowered to erect or the Corporation may apply any of their existing revenues for the time being in payment wholly or in part of the expenses of and incidental to such fencing laying out and erection respectively.

Any moneys borrowed under the provisions of this section shall be so borrowed on the following securities (that is to say):—

For fencing and laying out the said recreation ground and the making of the gymnasium on the security of the district fund and general district rate; and

For the erection of the free library and the public baths on the borough fund.

(10) The provisions of the Leicester Corporation Act 1884 with respect to the borrowing re-borrowing and repayment of moneys borrowed and the making of an annual return to the Local Government Board in respect of the repayment of moneys borrowed and Part VI of that Act (Corporation Stock) as amended by section

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892. ninety-three of the Leicester Extension Act 1891 shall extend and apply mutatis mutandis to and in relation to moneys borrowed by the Corporation under the powers of this Act and the prescribed period for the repayment by the Corporation of such moneys shall be fifty years from the date of the borrowing thereof.

(11) The Vestry shall within the period of two years from the passing of this Act make and form two approach roads from the said Belgrave Road to the said twelve acres in the positions and of the width shown on the said plan or in and of such other position and width as the Vestry and the Corporation may agree upon and the Vestry shall also within the period of four years from the passing of this Act make and form a road not less than forty feet wide along but outside the western boundary of the said twelve acres and connecting with the said approach roads as shown on the said plan.

General  
power to  
sell residue  
of parish  
piece.

5.—It shall be lawful for the Vestry at any time or times and from time to time with the consent of the Charity Commissioners absolutely to make sale and dispose of any part or parts of the parish piece except the said twelve acres and the sites of the said roads to be made by the Vestry as aforesaid and the fee simple and inheritance of the hereditaments to be sold and disposed of under this section subject to the said yearly rent or sum of two pounds six shillings and elevenpence half-penny and all claims and demands in respect thereof and either by public auction or private contract and in such lot or lots as the Vestry shall think expedient to any persons or person who may be willing to purchase the same and for such price or prices as the Vestry may agree upon with full power to insert in any conditions of sale or contract for sale of the said premises or any part thereof any such special or other stipulations either as to title or evidence of title or regulations as to building or otherwise as the Vestry may think fit and upon such sale or sales to fix reserved biddings and to buy in or rescind any contract or contracts for sale of the said premises or any part or parts thereof and to resell the same without being responsible for any loss which may be occasioned thereby Provided always that no such sale as aforesaid shall take place unless the same shall have been previously authorised by a resolution of the Vestry passed by two-thirds of the members for the time being thereof present at a meeting convened for that purpose by the clerk for the time being of the Vestry at the request of the chairman or of any two of the members for the time being thereof and of which meeting each of the members of the Vestry shall have been given fourteen clear days' notice either delivered at or addressed through the post to his last known place of abode or business but so that where such a notice shall have been delivered

or addressed as aforesaid to the members the fact that any of the members have or has not received the same shall not invalidate any resolution that may be passed by the Vestry in their or his absence Provided also that it shall be lawful for the Vestry to depute to any two or more of the members for the time being thereof the functions of attending any such auction sale as aforesaid and at the time of such sale determining in what lot or lots the property put up for sale or any part or parts thereof shall be offered Provided also that no purchaser whether at a public auction or by private contract of any part of the parish piece by this section authorised to be sold by the Vestry shall be bound to inquire whether any such meeting as aforesaid to authorise the sale has been convened or whether any such resolution as aforesaid has been passed And it shall be lawful for the Vestry upon payment of the moneys arising from any such sale to the Vestry's bankers as herein-after prescribed to convey the fee simple and inheritance of the hereditaments for the purchase of which such moneys shall have been paid to the purchaser or purchasers of the same respectively or to such person or persons and in such manner as the purchaser or purchasers shall respectively direct Provided always that every such conveyance shall be under the common seal of the Vestry and shall also be signed by three of the members of whom the chairman shall be one and countersigned by the clerk for the time being of the Vestry.

A.D. 1892.

6.—Subject and without prejudice to any special provision as to roads in this Act contained it shall be lawful for the Vestry at any time or times and from time to time to allot and appropriate any part of the parish piece except the said twelve acres for streets roads ways paths or passages and to make form set out and construct thereon streets roads ways paths passages sewers or drains and to dedicate to the public any such street road way path or passage including the roads herein-before expressly provided for.

Power to lay out streets &c.

7.—Every purchaser of any part of the parish piece except the said twelve acres which shall be sold under the authority of this Act shall pay his or her purchase-money into the bank of the Leicester-shire Banking Company Limited at Leicester or other the bankers for the time being of the Vestry to the credit of a separate account to be opened and kept by the Vestry at such bank under the distinctive title of "The Parish Piece Account."

Payment of purchase-moneys.

8.—A certificate under the hand of a manager or sub-manager of such bank as aforesaid of the payment into such bank to the credit of the said separate account by any such purchaser or purchasers or by his or their heirs executors administrators successors or assigns

Receipts for purchase-moneys.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892. — of his or their purchase-money shall be a good and sufficient discharge to such purchaser or purchasers and his or their heirs executors administrators successors and assigns for the purchase-money to be paid by him or them and such purchaser or purchasers and his or their heirs executors administrators successors and assigns having received such a certificate shall be absolutely acquitted and discharged of and from his or their purchase-money and shall not be bound to see to the application thereof or accountable for any loss misapplication or non-application thereof.

Application of proceeds of sale.

9.—Out of the purchase-moneys to be paid under this Act into such bank as aforesaid to the credit of the separate account hereinbefore mentioned the Vestry's costs and expenses of and incidental to every such sale and conveyance as aforesaid (including the sale and conveyance of the said twelve acres) and all expenses incurred under this Act by the Vestry in or incidental to making forming setting out or constructing any roads streets ways paths passages sewers or drains and so much of the costs charges and expenses herein-after mentioned as shall not be otherwise paid shall be paid by the Vestry and the residue of the said purchase-moneys shall from time to time with all convenient dispatch be invested in the names of the Official Trustees of Charitable Funds in some or one of the modes of investment in which trust funds may be invested by trustees under the Trust Investment Act 1889 or any statutory modification thereof for the time being in force in trust for the Governors The capital sum of eight thousand three hundred and thirty-three pounds six shillings and eight pence payable by the Corporation as hereinbefore prescribed shall when received by the said Official Trustees be similarly invested in trust for the Govenors.

Extension of Allotments and Cottage Gardens Compensation Act 1887 to parish piece.

10.—The provisions of the Allotments and Cottage Gardens Compensation for Crops Act 1887 (herein-after called "the Act of 1887") shall (subject as herein-after mentioned) apply to the parish piece and for the purposes thereof the tenancy existing between the Vestry and the East Leicester Allotment Society or the tenants of the allotments into which the parish piece is divided shall be deemed to be a contract of tenancy within the meaning of the said Act and the occupiers of the said allotments shall be deemed to be tenants and the Vestry shall be deemed to be the landlord of the said allotments within the meaning of the said Act and upon the determination of the tenancy of the East Leicester Allotment Society or of the respective occupiers of the allotments the Vestry shall pay compensation accordingly for the matters and things specified in sub-section (A) of section five of the Act of 1887 Provided that

such fruit trees and fruit bushes as are therein mentioned shall for the purpose of carrying this provision into effect be deemed to have been planted with the written consent of the Vestry Provided also that nothing herein or in the Act of 1887 contained shall render the Vestry liable to pay compensation for any of the matters or things specified in sub-sections (b) and (c) of the said section five. A.D. 1892.

**11.**—So long as any part of the parish piece shall remain unsold it shall be lawful for the Vestry (subject to the obligations by this Act imposed on the Vestry with respect to the making and forming of roads) to let the same for any period not exceeding in the case of any letting three years without taking any fine or premium but upon such terms and conditions in other respects as the Vestry shall think fit and to receive the rents and profits thereof and after payment out of such rents and profits of all outgoings of the said unsold premises for the time being the Vestry shall pay over the balance thereof to the Governors. Interim power of letting unsold land

#### PART III.—CONFIRMING THE SCHEME.

**12.**—The scheme set forth in the second schedule to this Act is by this Act confirmed and as so set forth or as amended or altered from time to time in accordance with the provisions of this Act shall have effect as if the same were part of this Act and from and after the constitution of the governing body provided for in the scheme the foundation therein mentioned shall be governed and regulated and the revenues thereof shall be applied and disposed of in accordance with such of the provisions of the said scheme or of any alterations or amendments thereof as from time to time shall be in force Provided always that the said scheme may from time to time be altered or amended by the High Court or by the Charity Commissioners in the exercise of their ordinary jurisdiction as if the provisions of the said scheme had been established by a founder. Confirming the scheme.

#### PART IV.—MISCELLANEOUS.

**13.**—A copy of this Act and of every amendment or alteration of the said scheme shall be given by the clerk (if any) of the Governors and if there be no such clerk by the Vestry Clerk to every representative Governor appointed under the said scheme upon his appointment. Copy of Act &c. to be given to Governors.

**14.**—The costs charges and expenses preliminary to and of and incidental to the applying for obtaining and passing of this Act Costs of Act.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892. including the costs charges and expenses preliminary to and of and incidental to the promotion of the Saint Margaret's Leicester Select Vestry (Property) Bill 1891 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid out of any funds for the time being standing to the credit of "the Parish Piece Account" or to the credit of "the Lands Account" kept by the Vestry at their bankers.

The SCHEDULES referred to in the foregoing Act. A.D. 1892.

---

### THE FIRST SCHEDULE.

---

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ 189  
between the SELECT VESTRY OF THE PARISH OF SAINT MARGARET  
IN THE BOROUGH AND COUNTY OF LEICESTER (herein-after called "the  
Vestry") of the one part and the MAYOR ALDERMEN AND BUR-  
GESSES OF THE BOROUGH OF LEICESTER (herein-after called "the  
Corporation") of the other part

WITNESSETH that pursuant to the provisions in this behalf contained in the  
Saint Margaret's Leicester Select Vestry (Parish Piece) Act 1892 and for the  
considerations in that Act appearing the Vestry hereby conveys to the Corpo-  
ration all that piece of land containing by admeasurement twelve acres and  
constituting part of the parish piece situate in the said parish of Saint Margaret  
which piece of land is with the boundaries and abuttals thereof delineated and  
coloured red on the plan drawn on these presents (being a copy of the plan in  
the said Act referred to as having been signed by the Right Honourable the  
Earl of Morley the Chairman of Committees of the House of Lords) To hold  
the same unto and to the use of the Corporation in fee simple for the purposes  
and with the powers in the said Act in that behalf mentioned And the Corpo-  
ration hereby covenants with the Vestry to pay the said annuity of two hundred  
and fifty pounds and capital sum of eight thousand three hundred and thirty-  
three pounds six shillings and eight pence respectively mentioned in the said  
Act when and as the same shall respectively become payable in the manner in  
the said Act prescribed and generally to duly observe carry into effect and do  
all such provisions of the said Act and things as ought under the said Act to be  
observed carried into effect or done by the Corporation In witness whereof  
the Vestry and the Corporation have caused their respective Common Seals to  
be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

---

### THE SECOND SCHEDULE.

---

#### THE SCHEME.

1. In this Scheme unless the subject or context otherwise requires "the  
Act" means the Saint Margaret's Leicester Select Vestry (Parish Piece)  
Act 1892. Interpretation.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892.

“The Vestry” means the Select Vestry for the time being of the parish of Saint Margaret in the borough and county of Leicester in the Act referred to.

“The foundation” means and includes the charity which is the subject of this scheme and the funds to be administered by the governors under this Scheme.

“Foundation capital funds” means and includes all stocks in the public funds and other securities investments and capital moneys for the time being vested in or held by the official trustees of charitable funds in trust for the governors.

“The commissioners” means the Charity Commissioners for England and Wales.

“The corporation” means the mayor aldermen and burgesses of the borough of Leicester.

Governing  
body.

2. There shall be constituted a governing body for the administration of the foundation to be called “the Governors of the Parish Piece Charity of Saint Margaret's Leicester” (and herein-after referred to as “the governors”) consisting of eighteen persons of whom three shall be and be called ex-officio governors twelve shall be and be called representative governors and three shall be and be called co-optative governors.

Ex-officio  
Governors.

3. The ex-officio governors shall be the vicar for the time being of the parish of Saint Margaret Leicester (who shall be the chairman of the governors) and the two churchwardens for the time being of the said parish.

Representative  
Governors.

4. The representative governors shall be appointed by the following electing bodies in the following proportions (that is to say):—

Four by the Vestry :

Four by the municipal council of the borough of Leicester : and

Four by the parishioners of the parish of Saint Margaret Leicester.

Appointment  
of representa-  
tive Governors.

5. Each appointment by the vestry or the municipal council shall be made at a meeting thereof convened and held as nearly as may be in accordance with the ordinary rules or practice (if any) of such body and each appointment by the parishioners shall be made in the same manner and (subject to the appointment being for three years as herein-after provided) at the same time as appointments of a people's churchwarden.

Every representative governor shall be appointed to office for the term of three years reckoned from the date of his appointment. The first representative governors shall be appointed as soon as conveniently may be after the date of the confirmation by Act of Parliament of this scheme.

The chairman or other presiding officer of each meeting at which the appointment of any representative governors or governor shall be made shall forthwith cause the names or name of the persons or person so appointed to be notified to the chairman of the governors or their clerk (if any) or other agent.

Any appointment of a representative governor not made as aforesaid in the case of a governor to be appointed by the vestry or the municipal council within six calendar months and in the case of a governor to be appointed by the parishioners at their next annual meeting after the date of the confirmation



[55 & 56 VICT.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [Ch. xciii.]

as aforesaid of this scheme or of the notice herein-after prescribed of a vacancy (as the case may be) shall for that turn be made by the then existing governors. A.D. 1892.

6. The co-optative governors shall be appointed in each case by the general body of governors at a special meeting by a resolution to be forthwith notified by them with all proper information to the Charity Commissioners at their office in London. The co-optative governors shall be appointed to office each for the term of six years reckoned from the date of his appointment. Co-optative Governors.

7. Any representative or co-optative governor who shall become bankrupt or incapacitated to act or shall notify in writing to the governors his wish to resign shall thereupon forthwith vacate the office of governor and the governors shall cause an entry to be made in the minute book of every vacancy caused as aforesaid or by the death or the expiration of the term of office of a governor and as soon as conveniently may be after any vacancy a new governor shall be appointed by the body entitled as aforesaid to make such appointment. Any representative or co-optative governor may be reappointed. Notice of every vacancy of the office of representative governor shall be given as soon as conveniently may be by or under the direction of the governors to the proper electing body or the clerk (if any) or other agent of such body. Vacancies.

8. Every representative and co-optative governor shall at or before the first meeting which he attends upon his first or any subsequent entry into office sign a memorandum declaring his acceptance of the office of governor and his willingness to act in the trusts of this Scheme and until he has signed such a memorandum he shall not be entitled to act as a governor. Declaration by governor.

9. Within two calendar months after the time at which under the provisions in this Scheme contained the said governing body shall have been completely constituted a meeting of the governors shall be held upon the summons of the chairman upon some day to be fixed by him and at such meeting the governors present shall make arrangements for the conduct of business. First meeting.

10. The governors may from time to time make such arrangements as they may deem most fitting for the custody of documents belonging to the foundation for deposit of money for the drawing of cheques and for the appointment of a clerk or of any necessary agents for their assistance in the conduct of the business of the foundation at such reasonable salaries or scale of remuneration as the governors shall with the approval of the Charity Commissioners determine but no governor acting as such clerk or agent shall be entitled to any salary or remuneration. Business arrangements.

11. The governors for the time being if a quorum is formed may act for the purposes of this Scheme although the number of governors as herein-before constituted be not full. Governors may act although body not full.

12. The governors shall hold not less than two ordinary meetings in each year at such convenient place in Leicester or elsewhere as they may from time to time determine for the purpose of transacting the business authorised by or falling to be transacted under this Scheme and such two meetings shall be held on the fourth Thursday in April and the fourth Thursday in October in every Ordinary meetings of Governors.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892. year unless and until the governors shall at some meeting (either ordinary or special) appoint other days.

Quorum and chairman.

13. At every meeting of the governors seven governors shall form a quorum and if the chairman of the governors shall not be present the governors present shall previously to proceeding on the business of such meeting elect one of themselves to act as the chairman for that occasion.

Voting at meetings.

14. At every meeting of the governors each governor present shall have one vote except that the chairman of the meeting shall in case of an equality of votes have a second or casting vote.

Resolutions to be binding.

15. A resolution passed by the votes of a majority of the governors present at a meeting of the governors shall in all cases bind the whole body of the governors with respect to matters within the powers of the governors under this Scheme Provided always that any resolution of the governors may be rescinded or varied at a special meeting held after not less than seven days' notice.

Adjournment of meetings.

16. If at any meeting of the governors there shall not be a sufficient number of governors in attendance to form a quorum or the business of any meeting of the governors shall from any other cause be unfinished the governors present may at any time not less than one hour after the time appointed for the holding of the meeting in cases where a sufficient number of governors do not attend and at their discretion in other cases adjourn such meeting until some subsequent day and in cases where the adjournment of a meeting takes place in consequence of a sufficient number of governors not attending the meeting not less than five days' notice of the adjourned meeting shall be delivered or sent by post to each governor.

Special meetings of governors.

17. The chairman or any two governors may at any time convene a special meeting of the governors for any cause that seems to him or them sufficient Every special meeting shall be convened by or under the direction of the person or persons convening the meeting by notice in writing delivered or sent by post to each governor specifying the time place and object of such meeting and the business of such meeting shall be confined to the object stated in such notice It shall be the duty of the clerk (if any) to give such notice when required by the chairman or any two governors.

Notice to governors.

18. Five clear days' notice in writing of every ordinary and special meeting of the governors shall be delivered or sent by post to each governor by the clerk (if any) or by some other person acting under the direction of the governors When any such notice shall have been sent by post addressed to the last-known place of abode or business of any governor the fact that such governor has not received the same shall not invalidate the business of the meeting or any resolution that may be passed thereat in his absence.

Appointment of committees.

19. At any ordinary or special meeting of the governors the governors present may nominate and appoint a committee of not less than three of their body with such powers as the meeting may think necessary for the purpose of making any inquiry or superintending any matter or performing any duty connected with or appertaining to any matter or thing authorised by or falling to be done under this Scheme which in the judgment of the meeting may

[55 & 56 VICT.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [Ch. xciii.]

conveniently be delegated to such a committee but the acts and proceedings of every such committee shall be reported and submitted to the general body of the governors either at their next ordinary meeting or at a special meeting to be convened as aforesaid. A.D. 1892.

20. The governors shall from time to time provide a minute book wherein they shall cause to be entered minutes of all the proceedings of every meeting of the governors and of committees thereof and of the entry into office of every new governor. Minutes of proceeding

21. The clerk (if any) of the governors shall perform all such duties in relation to the subject matters of this Scheme or any of them as the governors may from time to time direct him to perform. Duties of clerk.

22. The annuity of two hundred and fifty pounds mentioned in the Act and any moneys which may be paid by the Vestry to the governors under the Act and the income of the Foundation Capital Funds shall be applied by the governors as follows (that is to say):— Application of funds.

In paying in each year such a sum of money as may be needed for the expenses incidental to the conduct of the business of the governors including payments to and for any clerk or other person appointed or employed by the governors or the carrying into effect of any of the provisions of this scheme or obtaining any alteration or amendment hereof:

And as to the surplus in paying such pensions as are herein-after mentioned.

23. The governors shall apply the surplus income mentioned in the last preceding clause in paying so far as the same will from time to time extend pensions to poor inhabitants of the said parish of Saint Margaret who shall have resided continuously in the said parish for seven years at least previously to the grant to them respectively of such pensions and who respectively shall be not less than sixty years of age and shall by reason of age ill-health accident or infirmity be unable to maintain themselves and shall not have been in receipt of any parochial relief within a period of four years immediately preceding such grant. The benefit of every pension shall be strictly personal to the pensioner. Payment of pensions.

24. The pensions shall be of such amount not being less than six shillings a week nor more than ten shillings a week as the governors shall from time to time fix and shall be paid weekly on such day of the week as the governors shall from time to time determine. Amount of pensions.

25. The pensioners shall be appointed by the governors and may in the discretion of the governors be either males or females and at the time of their appointment be either unmarried or married. Appointment of pensioners.

26. A male or female pensioner marrying after his or her appointment shall upon such marriage cease to be a pensioner but may afterwards be re-appointed if the governors shall think fit. Marriage of pensioners.

27. A register book shall be provided in which shall be entered the name address and age of every person appointed a pensioner together with the date of his or her appointment. Register of pensioners.

[Ch. xciii.] *Saint Margaret's, Leicester, Select Vestry (Parish Piece) Act, 1892.* [55 & 56 VICT.]

A.D. 1892.

Mode of appointment of pensioners.

28. The appointment of pensioners shall be made by resolution passed by the votes of a majority of the governors present at a special meeting of the governors convened for that purpose or at any ordinary meeting of the governors on the notice convening which the fact that such appointment is to be part of the business of the meeting shall have been mentioned.

Power to discontinue and suspend pensions.

29. The governors may at any time by resolution of a majority of their body assembled at a special meeting of the governors convened for the purpose of considering the particular case determine to discontinue the payment of any pension and in that case seven days' notice of the resolution shall be given to the pensioner affected by it and as from the expiration of the notice he or she shall cease to be entitled to receive his or her pension and shall have no claim or remedy against the governors or any of them in relation thereto and his or her name shall be struck out of the said register book. Moreover the governors may at any time suspend wholly or in part the payment of any pension for so long as they may think proper in the event of the funds for the time being available for the payment of pensions being insufficient for the payment in full of all the pensions for the time being subsisting. The governors may also from time to time expend the whole or any portion of the pension granted to any pensioner in such manner for the benefit of such pensioner as the governors shall think proper in lieu of paying the whole or such portion to the pensioner.

Rules and regulations.

30. The governors may from time to time make alter and revoke rules and regulations with respect to applications for and payment of the said pensions and any other matters requisite for carrying out the provisions of this Scheme. And such rules and regulations being not inconsistent with this Scheme shall while in force be binding upon all persons affected thereby.

Accounts.

31. The governors shall make out and render to the Commissioners such accounts as shall be required by law and shall also on rendering accounts for any year to the Commissioners exhibit for public inspection in some convenient place in Leicester copies of the accounts so rendered for each year giving due public notice in at least one local newspaper where and when the same may be seen and shall at all reasonable times allow the accounts so rendered for any year or years to be inspected and copies thereof or extracts therefrom to be made by all persons applying for the purpose.

Construction of Scheme.

32. If any doubt or question arises among the governors as to the proper construction or application of any of the provisions of this Scheme the governors shall apply to the Commissioners for their opinion and advice thereon which opinion and advice when given shall be binding on the governors and on all persons interested under this Scheme who shall be affected by the question so decided.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET GLASGOW; or  
HODGES, FIGGIS, & Co. LIMITED, 104 GRAFTON STREET, DUBLIN.