CHAPTER lxii.

An Act to confer further powers on the Corporation of the Borough of Leicester for the Prevention of Floods within the Borough; and for other purposes. [30th June 1874.] A.D. 1874.

WHEREAS the borough of Leicester (in this Act called the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation):

And whereas the Corporation, acting by the council of the borough, are the sanitary authority for the borough as an urban sanitary district:

And whereas by the Leicester Improvement, Drainage, and Markets Act, 1868, (in this Act referred to as the Leicester Act of 1868,) powers were conferred on the Corporation as the sanitary authority, by their then designation of the local board of health for the borough, for (among other things) executing works for prevention of floods on the river Soar and other waters within the borough, and for making additional sewerage and drainage works, and some powers were also conferred on the Corporation in their municipal capacity: 31 & 32 Vict. c. xxiv.

And whereas the powers conferred on the Corporation by the Leicester Act of 1868 have been to some extent exercised, but it is expedient that the time for completion of works under that Act be extended, and that enlarged and improved works for prevention of floods within the borough and for the better sewerage and drainage of the borough, be now authorised, and that other powers be conferred on the Corporation, both as a sanitary authority and in their municipal capacity, and that their borrowing powers be extended:

And whereas estimates have been prepared for the purchase of land for and the execution of the several works by this Act authorised, and such estimates are as follows:

A.D. 1874.

For works for prevention of floods on the river Soar and other waters within the borough -	£50,000
For sewerage and drainage and works connected therewith - - - - -	£34,000
	£84,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section fifty-seven of the Local Government Act, 1858:

And whereas an absolute majority of the whole number of the town council of the borough, at a meeting held on the fifteenth day of October one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Leicester Free Press, a local newspaper 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 of the borough:

And whereas such resolution was published twice in the said Leicester Free Press, and has received the approval of the Local Government Board:

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 town council of the borough at a further special meeting held in pursuance of a similar notice on the thirty-first day of March one thousand eight hundred and seventy-four, 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 Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Leicester, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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; (that is to say,)

Short title.

1. This Act may be cited as The Leicester Improvement Act, 1874.

Application of Act of 1868.

2. Subject to the provisions of this Act, the Leicester Act of 1868 and this Act, read together as one Act, shall have effect as if the works authorised by this Act had been comprised among the works authorised by that Act, and as if the amount authorised by that Act to be borrowed had been one hundred and nine thousand pounds.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, except where expressly varied by this Act, incorporated with and form part of this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing sections twenty-three and thirty-one of the Leicester Act of 1868 for the purposes of that Act and of this Act the word "mills" shall include factories and bleaching and dye works.

Power to take lands referenced.

5. Subject to the provisions of this Act, and for the purposes thereof, the Corporation may enter on, purchase, take, and use the lands delineated and described in the deposited plans and books of reference, which shall for that purpose be deemed lands within the Lands Clauses Consolidation Act, 1845.

Correction of errors, omissions, &c.

6. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or books of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction, and if it appears to the justices that the same arose from mistake they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish or extra-parochial place) as if the same had originally formed part of the deposited plans or books of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

A.D. 1874.

Houses of labouring classes.

7. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Powers for compulsory purchases limited.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Power to take additional lands by agreement.

9. The Corporation may from time to time, for the purposes of this Act, purchase by agreement, in addition to the lands which they are authorised to take by compulsion or otherwise independently of this Act, any lands not exceeding in the whole ten acres.

Power to agree for easements, &c.

10. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by that Act to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Acts amending it, for which purpose any term, estate, easement, interest, right, or privilege as aforesaid shall be deemed lands within those Acts.

Provisions with reference to lands the property of the duchy of Lancaster.

11. And whereas it is expedient that this Act should contain certain provisions relative to lands, hereditaments, estates, rights, and interests belonging to the Queen's most Excellent Majesty in right of her duchy of Lancaster, (in the rest of this section called "the duchy,") as are herein-after contained: Be it therefore enacted, that,—

As to the sale of lands.

(1.) With respect to any lands belonging to Her Majesty in right of the duchy, which may be required for the purposes of this Act, the following provisions shall (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting in the said last-mentioned lands) have effect; that is to say, the Chancellor and Council for the time being (herein-after called "the Chancellor and Council") of the duchy may agree with the Corporation for the absolute sale in fee simple of all or any of the said last-mentioned lands, or any part thereof, in consideration of any such gross sum of money or of such annual rentcharge, or

in consideration partly of such gross sum and partly of such annual rentcharge, payable by the Corporation, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation; and in case the same lands shall be subject jointly with any other lands to any lease or tenancy for a life or lives, or a term of years unexpired, the Chancellor and Council may agree as well with the Corporation, as also with the lessee or tenant, for the apportionment of the rent payable in respect of the lands comprised in such lease or tenancy between the lands agreed to be sold and such other lands; and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge being secured in manner herein-after provided, the Chancellor and Council may grant and assure the same lands, and the fee simple and inheritance thereof, to the Corporation and their assigns for the purposes of this Act, and (if the same lands shall be subject jointly with any other lands to any such lease or tenancy as aforesaid) may apportion, or concur with all other necessary parties in apportioning, the rent payable in respect of the lands comprised in such lease or tenancy between the lands so granted and assured and such other lands:

(2.) With respect to any such lands held by copy of court roll or other customary tenure of any honour, manor, or lordship belonging to Her Majesty in right of the duchy as may be required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same honour, manor, or lordship) shall have effect; that is to say,

The Chancellor and Council may agree with the Corporation for the enfranchisement of all or any of the said last-mentioned lands, and for the release thereof from all or any of the customary fines, rents, suits, and services which the same may be charged with or liable to, in consideration of such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge, payable by the Corporation, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation:

And in case the same lands shall be liable jointly with any other lands to any such aforesaid rents, suits, or services, the Chancellor and Council may agree as well with the Corporation, as also with the tenant or proprietor of such other lands, for the release or apportionment of such rents,

A.D. 1874.

suits, and services, either with or without any consideration being paid for the same:

Upon any such agreement for enfranchisement, release, or apportionment, and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge as last aforesaid being secured in manner herein-after provided, the Chancellor and Council may release the lands so to be enfranchised or released from all customary fines, rents, suits, and services, or (as the case may be) such of them or such part or parts thereof as shall have been in that behalf agreed, and the lands so released shall thenceforth be holden by the Corporation and their assigns as of the honour, manor, or lordship whereof they are or were holden or parcel in free and common soccage; and every such release of lands, if made previously to the purchase or acquisition by the Corporation of the estate and interest of the copyhold or customary tenant of such lands, shall after such purchase or acquisition operate and take effect as if the Corporation had been in possession of the same lands at the time of the execution of such release:

Provided that no such enfranchisement, release, or apportionment shall in any other respects affect any custom by or under which any copyhold or customary lands not required for the purposes of this Act shall be holden:

And whenever any such aforesaid release of lands shall be made any other lands which were previously subject jointly with the released lands to any such rents, suits, and services as aforesaid shall, as between the Corporation and Her Majesty in right of the duchy (but expressly without prejudice to any right of contribution in respect of such rents, suits, or services which previously to such release the tenant or proprietor of such other lands may have had against the tenant or proprietor of the released lands), thenceforth be subject to the whole of such rents, suits, and services, or (as the case may be) to such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by that release, in the same manner in all respects as the entirety of the lands so previously subject as aforesaid would have continued subject to the whole of such rents, suits, and services if such release had not been made; and all the rights, powers, and remedies subsisting previously to such release for the recovery of the whole of the said rents, suits, and services shall, as against the lands not so released, be and thenceforth remain, as between the Corporation and Her Majesty in

right of the duchy (but without prejudice as aforesaid), as available and as valid and effectual in the law to all intents for the recovery of the same rents, suits, and services, or (as the case may be) such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by the same release, as if the said last-mentioned lands had originally been alone subject to the same rents, suits, and services, or such of them or such parts or part thereof as last aforesaid.

As to the conveyance of waste lands.

(3.) With respect to any lands being waste or common lands, the right to the soil whereof belongs to Her Majesty in right of the duchy (subject to rights of common or other rights or easements), which may be required for the purposes of this Act, the following provisions shall have effect; that is to say,

The Chancellor and Council may agree with the Corporation for the absolute sale in fee simple of the estate, right, and interest of Her Majesty in the soil of all or any of the same lands, and for the absolute extinguishment of any commonable or other rights to which Her Majesty in right of the duchy may be entitled in the same lands (other than and besides her said right in the soil of such lands), in consideration of such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge, payable by the Corporation, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation:

And upon payment of such (if any) agreed gross sum as last aforesaid, and upon such (if any) agreed rentcharge as last aforesaid being secured in manner herein-after provided, the Chancellor and Council may grant and assure such last-mentioned estate, right, and interest to the Corporation and their assigns for the purposes of this Act:

Provided that the lands so granted and assured as last aforesaid shall remain subject to all the commonable and other rights (except those of Her Majesty, her heirs and successors) which immediately before such grant and assurance affected the same until such rights shall have ceased and become extinguished by the payment or deposit of the compensation for the same in manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

As to the sale and working of mines.

(4.) With respect to any mines, minerals, and quarries to which Her Majesty in right of the duchy is entitled (either in possession or subject to any lease or tenancy) in, under, or upon

A.D. 1874

any lands required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same mines, minerals, or quarries) shall have effect; that is to say,

The Chancellor and Council, either before or after the execution of the works authorised by this Act, or any part thereof, may agree with the Company for the absolute sale of all or any of the said mines, minerals, and quarries for such price or consideration in money and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation, and upon payment of such agreed price or consideration as last aforesaid in manner herein-after provided, the Chancellor and Council may grant and assure such last-mentioned mines, minerals, and quarries unto the Corporation, their successors and assigns, for the purposes of this Act; the Chancellor and Council may also enter into any agreement with the Corporation concerning the working by Her Majesty, her heirs, successors, and assigns, of all or any of the said mines, minerals, or quarries, whether being in, under, or upon any lands taken by the Corporation under the powers of this Act:

Provided that nothing contained in this Act shall extend or operate to prevent or hinder Her Majesty, her heirs, successors, or assigns, or her or their lessees, from working (subject and without prejudice only to any such agreement as last aforesaid), as well before as after the execution of the works authorised by this Act, any such mines, minerals, or quarries, whether being in, under, upon, or in the neighbourhood of any lands taken by the Corporation under the powers of this Act; nor shall anything in this Act contained extend or operate to make Her Majesty, her heirs, successors, or assigns, in any way liable for any damage or injury which may be done to or on the works authorised by this Act by any such working, unless and except only to such extent as the Chancellor and Council shall have expressly agreed in writing with the Corporation that the duchy shall become so liable:

Provided also, that it shall not be lawful for the Corporation, their successors or assigns, by reason of any aforesaid grant or assurance of mines, minerals, or quarries, to work, get, or use any of the same, except so far as may be necessary in executing the works authorised by this Act.

As to the application of purchase moneys.

(5.) With respect to any gross sum of money which under this section shall become payable in consideration of any sale, enfranchisement, or release thereby authorised, the following provisions shall have effect; that is to say,

Each such sum shall be paid into the hands of the receiver general of the revenues of the duchy, or of his deputy or deputies, and a receipt shall be given by him or them for the same:

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the Chancellor and Council under the authority of the Duchy of Lancaster Lands Act, 1855; and the Chancellor and Council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act, 1855, they are entitled to concerning moneys invested in bank annuities under that Act.

As to the annual rentcharges payable to the duchy.

(6.) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale, enfranchisement, or release by this section authorised, the following provisions shall have effect; that is to say,

Each such annual rentcharge shall be a perpetual rentcharge, and shall be such charge on the rates payable under this Act, and shall be recoverable in like manner as by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, provided concerning the rentcharges thereby authorised to be granted, and shall, if the Chancellor and Council think fit, be otherwise secured in such manner as may be settled between the Chancellor and Council and the Corporation:

And the same shall be limited to the use of Her Majesty, her heirs and successors, in right of the duchy, and shall vest in her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted, assured, or released in consideration of the same annual rentcharge stood vested in her and them immediately before such grant and assurance thereof:

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured:

A.D. 1874.

Provided also, that no money borrowed by the Corporation shall have priority over or affect any claim of Her Majesty, her heirs or successors, against the Corporation or their assigns, or against their property for the time being, in respect of any such last-mentioned rentcharge.

As to the enrolment of deeds.

(7.) Any lands, hereditaments, estate, right, or interest conveyed or assured or released by the Chancellor and Council by virtue of any of the foregoing provisions of this section shall be so conveyed, assured, or released in the name of Her Majesty, her heirs or successors, in right of the duchy, and by deed or writing under the seal of the duchy, and every such deed or writing shall be enrolled in the court of the duchy of Lancaster within six calendar months from the date thereof.

Saving rights of the Duchy of Lancaster.

12. Nothing contained in this Act shall extend or operate to authorise the Corporation to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description belonging to Her Majesty in right of her duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in, or enjoyed, or exerciseable by Her Majesty, her heirs or successors, in right of her said duchy.

Power to execute works for prevention of floods, &c.

13. Subject to the provisions of this Act, the Corporation are hereby empowered from time to time to execute and maintain the following improvements and works, in the lines and according to the levels shown on the deposited plans and sections, as far as lines and levels are shown thereon; (that is to say,)

To improve the bed and channels of the river Soar, and of the backwater streams and watercourses connected therewith, and of the canals or navigations called the Leicestershire and Northamptonshire Union Canal (in this Act referred to as the Leicestershire Union Canal), and the Leicester Navigation, such improvements to commence at or near a place called or known as the Stone Weir, at the junction of the Old Soar River with the Leicestershire Union Canal, in the parish of Saint Mary, and to terminate at or near a place called the Belgrave Mill;

Within these limits to alter, divert, widen, deepen, enlarge, or contract the bed or channel of the river Soar, and of the backwater streams and watercourses connected therewith or

running into the same, and of the said canal and navigation, or any of them;

And for those purposes to make, execute, and maintain all or any of the following works; (that is to say,)

(A.) To construct a watercourse or channel, commencing on the north side of the Freemen's Meadow at the watercourse bridge on the Saint Mary's Wharf Road, and terminating by a junction with the Old Soar River, near the Stone Weir at the head thereof;

(B.) To lengthen and extend in a northerly direction the said Stone Weir, and if necessary remove the present sluices and construct new sluices, and widen, deepen, and enlarge the present channel of the Old Soar River from or near the said Stone Weir to the Castle Mill;

(C.) To remove the Castle Mill Weir, and an island adjacent thereto, in the river Soar, with the Castle Mill Lock, and to deepen the bed of the river Soar from that weir to the Castle Mill, with the backwaters thereof, and to alter the level of the Leicestershire Union Canal from the towing-path bridge near the Old Soar Corner to the Swan's Mill Lock, and to alter, extend, and reconstruct, so far as may be necessary, that lock;

(D.) To construct a new lock on the Leicester Navigation near the public wharf at the Belgrave Gate, and to alter the level of, widen, and deepen where it may be necessary that portion of the canal or navigation of the company of proprietors of the Leicester Navigation situate between that wharf and the Belgrave Mill, and to alter and improve or reconstruct the lock there;

(E.) To widen and deepen the river Soar between the Abbey Corner and the point where it runs into the Leicester Navigation, near the Swan's Nest Weir, and to construct a new flood river from that weir to the river Soar near the Belgrave Mill;

(F.) To renew, alter, lengthen, or shorten existing and to make new weirs, banks, dams, sluices, cuts, channels, watercourses, bridges, arches, pipes, sewers, drains, and other works;

And the Corporation may regulate the use of all or any of the improvements and works aforesaid, so far as the same do not affect the Leicester Navigation, or the Leicestershire Union Canal, or any portion of the river Soar used for the purposes of the said navigation or canal; and all the provisions of the Acts relating to the Leicestershire Union Canal in respect to the said Stone Weir, and the sluices of or in connexion therewith, shall apply to that

A.D. 1874.

weir as the same may be when lengthened and extended by the Corporation, and to the sluices of or in connexion therewith constructed by the Corporation under the powers of this Act.

Centre line of river Soar when altered to constitute boundary of certain lands.

14. And whereas the centre line of the river Soar between the Stone Weir and the bridge near the Old Soar Corner, known as the towing-path bridge, is the boundary of the lands on either side of that river between those points belonging or reputed to belong respectively to the Corporation and to Joseph Harris and Richard Harris, and it has been agreed that if by reason of the execution of any of the powers of this Act, or of the Leicester Act of 1868, the centre line of the said river should be altered in position between those points, then and in such case the centre line of the said river as so altered should for all purposes be the boundary of such lands: Therefore, if by reason of any improvement or alteration of the bed or channel of the river Soar, or any backwater stream or channel connected therewith, the centre line of the said river be altered in position between the said points, then and in such case the centre line for the time being of the said river between the said points shall be and constitute the boundary of such lands.

Provision with reference to certain lands severed by making of new flood river.

15. And whereas the making of the proposed new flood river from Old Soar Corner to the Braunstone Gate Bridge will sever in an injurious manner a piece of land belonging or reputed to belong to Richard Harris, and deprive the severed portion (included between the said proposed new flood river and the Bow-bridge branch of the river Soar) of all access thereto: Therefore the Corporation shall, upon the request in writing of the owner for the time being of the said severed portion, either construct and maintain a bridge to the satisfaction of such owner to connect the said severed portion with the lands from which the same shall have been so severed, or, at the option of such owner, shall purchase the said severed portion for such sum of money as shall be agreed upon between such owner and the Corporation, or as in default of agreement shall be determined by arbitration under and according to the provisions of the Lands Clauses Consolidation Act, 1845, for the settling of cases of disputed compensation.

For protection of riparian owners from Old Soar Corner to Braunstone Gate Bridge.

16. If the Corporation make the proposed new flood river from Old Soar Corner to the Braunstone Gate Bridge, the owners of lands abutting thereon on either side thereof shall have and enjoy all the rights of water appertaining by law to riparian owners.

Provision with reference to construction of Stone Weir.

17. In lengthening or extending the said Stone Weir the Corporation shall not make any part of the crest of the extended portion of such weir lower than three inches above the crest of that weir as now existing, and shall not diminish the existing

width or depth of the said canal, and they shall provide a towing-path and road along the reconstructed weir; and in constructing the flood watercourse under the said canal, shown on the deposited plans, near the said Stone Weir, the Corporation shall do so by means of an iron or brick culvert, the upper side of which shall not be higher than six feet six inches below the level of the crest of the said existing Stone Weir; and in constructing any new weir or weirs for carrying off water from the Leicester Navigation above the North Lock, such weir or weirs shall be constructed so as that the crest thereof shall be three inches above the crest of the existing weir at North Mill, and so as not to diminish the width or depth of the said navigation, and the Corporation shall provide a towing-path and road along such new weir or weirs.

For protection of the Leicester Navigation and Leicestershire Union Canal, &c.

18. For the protection of the Leicester Navigation and Leicestershire Union Canal, and of the traders on the same, the following provisions shall have effect; (that is to say,)

Limiting term for completion of works affecting the navigation and canal.

(1.) All the works by this Act authorised in, upon, or affecting the Leicester Navigation, or the Leicestershire Union Canal, or the river Soar, so far as used for the purposes of the said navigation or canal, shall be completed within the period of four years after the passing of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for executing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed:

Temporary canal to be constructed by Corporation before executing works near Belgrave Gate.

(2.) It shall not be lawful for the Corporation to enter upon or interfere with the Leicester Navigation for the purpose of executing, nor to execute, any portion of the new lock on that navigation near the public wharf at Belgrave Gate, or other works described in sub-section (D.) of section thirteen of this Act, until they shall have made and completed in such course and direction, and of such width and depth as shall be agreed upon between the engineer of the Corporation and the engineers of the Leicester Navigation and of the Grand Junction Canal, or, in the event of difference, as shall be determined by an engineer to be appointed by the Board of Trade on the application of any one of the said parties, a temporary diversion of the said navigation and towing-path thereof, which shall connect the portion of the same above the site of the said proposed new lock with the portion of the same below Belgrave Mill, and be sufficient to afford a reasonably convenient temporary junction of the said two portions of the navigation suitable to the accommodation of the traffic ordinarily passing along the said navigation, and shall supply

A.D. 1874.

such temporary diversion with water; and if such temporary diversion of the said navigation, after being filled with water, shall remain free from leakage for one month, or such shorter period as the engineer to the said navigation shall certify in writing to be enough to test the sufficiency thereof, such temporary diversion shall thereafter be opened for traffic, and so much of the said navigation as the temporary diversion is substituted for shall be closed for such period as will allow of the construction of the works described in the said sub-section (D.): Provided always, that the navigation and all the works connected therewith shall with the utmost possible despatch be restored and reconstructed (according to plans to be submitted to, and under the superintendence, and to the reasonable satisfaction of the engineer of the said Leicester Navigation) in its present line, and with a width of waterway of not less than fifty feet, and with a depth of water not less than five feet six inches, for a width of at least twenty feet, and with a towing-path of not less than ten feet in width, at a level not exceeding one foot above the top-water level of the reconstructed navigation, and the sides of such towing-path shall be reconstructed with rubble stone wall to a depth of at least two feet below the water level at such places as the existing towing-path is constructed with rubble stone, and the towing-path bridge near Belgrave Lock shall be lowered so that the highest part of the soffit thereof shall not be more than eight feet above the level of the reconstructed towing-path, and the foundations, waterway, walls, and abutments of the said towing-path bridge and of the bridle road bridge over the said navigation at Belgrave Gate shall be deepened and underpinned to a sufficient depth to secure the stability of the said bridges: Provided further, that the said new lock near the public wharf at the Belgrave Gate aforesaid shall be constructed with brick walls and stone or iron quoins, and with timber or iron sills, and of not less dimensions, as respects width and length, than those of the existing Belgrave Lock, and with a lift not exceeding three feet six inches, and shall be provided with gates and valves proper and sufficient for passing the traffic of the said navigation through the same, and the existing upper sill, valves, and gates of the said Belgrave Lock shall be removed, and a new sill, valves, and gates supplied, such new sill to be fixed at a level of three feet six inches below the said existing upper sill, and the sides of the said Belgrave Lock shall be lowered three feet six inches throughout, and the gates at the lower end thereof shall be

altered to suit such lowering; and if the said reconstructed navigation on being filled with water shall remain free from leakage for two months, or such other shorter period as the engineer to the said navigation shall certify in writing to be sufficient, the same shall be reopened for traffic, and the said temporary diversion shall be disconnected from the said navigation, and the sides of the navigation and the towing-path made good at the points of disconnection: Provided further, that while and so long as such diversion shall be used for traffic the same shall, for the purposes of levying toll and otherwise, be deemed to be part of the said navigation:

Regulating construction of works.

(3.) All works in, upon, or affecting the Leicester Navigation, or any portion of the river Soar used for the purposes of that navigation, shall be executed under the superintendence and to the reasonable satisfaction in all respects of the engineer for the time being of that navigation, and all works in, upon, or affecting the Leicestershire Union Canal, or any portion of the river Soar used for the purposes of that canal, shall be executed under the superintendence and to the reasonable satisfaction of the engineer of that canal; and all such works shall be executed at the expense of the Corporation, and according to plans, sections, and specifications to be submitted by the Corporation to the engineer of the said navigation or to the engineer of the said canal, as the case may be, and to be reasonably approved of by him in writing under his hand before any of those works are begun, subject to these conditions, that wherever the said navigation or canal or river is lowered the towing-path along the same shall also be lowered so as not to be more than one foot above the water level of such lowered navigation or canal or river, as the case may be, and that it shall not be lawful for the Corporation permanently to diminish the width of the waterway of such navigation or canal or river, or of the towing-path thereof, nor to leave in such navigation or canal or river less than a clear depth of water of five feet six inches below the ordinary water level of the same, nor to make any lock of less dimensions than eighty-seven feet in length, fourteen feet six inches in width on the sills thereof, or with less than five feet six inches in depth of water on the upper and lower sills of such lock, nor with the invert of the lock less than one foot below the level of the lower sill, nor the sheeting less than one foot below the level of the upper sill of such lock; and if any difference shall arise between any such engineer and the engineer of the Corporation with respect to any of the matters referred to in this sub-section, the same shall

A.D. 1874.

be determined by an engineer to be appointed by the Board of Trade on the application of either party:

Provision for temporary closing of Leicester Navigation or Leicestershire Union Canal.

(4.) For the purpose of enabling the Corporation to execute the works by this Act authorised in, upon, or affecting the Leicester Navigation or the Leicestershire Union Canal, the company of proprietors of such navigation or canal, as the case may be, may and shall for the period of one week in any one of the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, or one thousand eight hundred and seventy-eight, in which the Corporation shall, by notice in writing given to such company of proprietors on or before the thirty-first day of March in such year, require them to do so, close their navigation or canal for all purposes of traffic: Provided that such closing shall take place at such time between the thirtieth day of April and the first day of August in such year as the said company of proprierors may think most expedient, and such company of proprietors shall give not less than one calendar month's notice to the Corporation of the period at which such closing will take place:

Further provision for temporary closing of Leicester Navigation or the Leicestershire Union Canal.

(5.) If the Corporation shall desire the Leicester Navigation or the Leicestershire Union Canal to be closed for the purposes of traffic for a further period of one week commencing from the expiration of the week mentioned in the next immediately preceding sub-section of this clause, and shall give not less than forty-eight hours notice thereof to the company of proprietors of the Leicester Navigation, or of the Leicestershire and Northamptonshire Union Canal, as the case may be, and shall at the same time pay to the company of proprietors of such navigation or canal so to be closed the sum of two hundred pounds as or by way of liquidated damages for such closing, the company of proprietors of such navigation or canal may and shall close their navigation or canal for a further period of one week accordingly:

Penalty for any further obstruction of Leicester Navigation or Leicestershire Union Canal.

(6.) Except during the periods herein-before in this section otherwise expressly provided, the Corporation shall not, in the execution of the works by this Act authorised, in any manner obstruct or interfere with the free, uninterrupted, and safe user of the Leicester Navigation or the Leicestershire Union Canal, or any portion of the river Soar used for the purposes of such navigation or canal; and if by reason or in consequence of any works or proceedings of the Corporation, the navigation of the Leicester Navigation or of the Leicestershire Union Canal, or of any portion of the said river used as aforesaid, or the pas-

sage along the towing-paths of the same, shall be so obstructed or interfered with as that steam vessels or other vessels, boats, and barges navigating such navigation or canal or river, or the horses towing such boats or barges, shall not at any time, excepting during the said two weeks herein-before mentioned, be able to pass uninterruptedly, or shall be impeded in their passage along the said navigation or canal or river or towing-paths, then and in every such case the Corporation shall pay to the company of proprietors of the Leicester Navigation, or any one of the companies herein-after mentioned who shall demand the same, namely, the company of proprietors of the Leicestershire and Northamptonshire Union Canal, the company of proprietors of the navigation from the river Trent to the town of Loughborough, the company of proprietors of the Erewash Canal, the company of proprietors of the Grand Union Canal, or the company of proprietors of the Grand Junction Canal, as and by way of liquidated damages, the sum of fifty pounds for every day during which such obstruction or interference shall continue, until the expiration of seven days immediately succeeding the termination of the said two weeks herein-before mentioned; but if such obstruction, interruption, or interference shall take place at any other time than during the said two weeks and the seven days last above mentioned, then the Corporation shall pay, as and by way of liquidated damages, to any one of the said companies who shall demand the same, the sum of five pounds for every hour during which such obstruction, interruption, or interference shall continue, and any one of the said companies may, if such liquidated damages are not paid within one month after such demand, sue for and recover the same, with costs of suit, in any court of competent jurisdiction: Provided always, that the payment by the Corporation of the said sums of fifty pounds per day or five pounds per hour, as the case may be, to any one of the said companies shall exclude all claim for liquidated or other damages by any other of the said companies in respect of such obstruction, interruption, or interference, and the company who shall receive or recover such liquidated damages shall account for and pay over to each of the other of such companies as aforesaid one sixth part of the amount of such liquidated damages so received or recovered:

Power to agree for diversion of the Leicestershire Union Canal.

(7.) The Corporation and the company of proprietors of the Leicestershire and Northamptonshire Union Canal may, with the consent of the company of proprietors of the Leicester Navigation, and of the company of proprietors of the Grand Junction Canal, and of the owners, lessees, and occupiers of all

A.D. 1874.

lands or waters affected, enter into agreements for the construction by the Corporation of a temporary diversion of that part of the Leicestershire Union Canal lying between the Stone Weir and the towing-path bridge at the Old Soar Corner, by which the traffic ordinarily passing along the said canal may be carried during the execution by the Corporation of any works by this Act authorised:

Maintenance of works affecting Leicester Navigation and Leicestershire Union Canal.

(8.) The Corporation shall at all times maintain the works executed by them under this Act connected with the new lock near the public wharf at Belgrave Gate, and any new weirs and sluices constructed by the Corporation in the Leicester Navigation and Leicestershire Union Canal, in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the said canal and navigation, as the case may be; and the Corporation shall also, for a period of twelve months after the completion of any other works by this Act authorised, maintain and keep in repair such part, if any, of the existing locks, weirs, sluices, or other works on the said canal and navigation which may be in any way altered or interfered with by the Corporation, but to the extent only of such alteration or interference; and if and whenever the Corporation fail so to do, the company of proprietors of the said canal or navigation, as the case may be, may do all such works and things as they may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such expenditure shall be repaid to them by the Corporation:

Provision as to recovery of special damages.

(9.) Nothing in this Act contained shall extend to prevent any of the companies herein-before mentioned from recovering beyond the amount of such liquidated damages in respect of obstruction, interference, or interruption as aforesaid, or to prevent any owner of land, or of vessels, boats, or barges using or navigating the said navigation or canal, from recovering from the Corporation any special damage that may be sustained by them or any of them, or that they or any of them may be liable to pay or shall pay for or on account or by reason or in consequence of the acts, neglects, or defaults of the Corporation, or in consequence of the flowing or escape of the water out of the said navigation or canal, or of any overflow or flooding of any lands, if the same shall be caused or happen by reason of the making or maintaining of any of the works by this Act authorised or other operations of the Corporation:

Corporation may pay costs of superintendence, &c.

(10.) The Corporation may, if they think fit, pay to the company of proprietors of the Leicester Navigation or of the Leicestershire and Northamptonshire Union Canal the reasonable costs,

charges, and expenses which such company of proprietors respectively may be put to by reason of the works of the Corporation, whether in the execution of works, the examination of plans and specifications, and superintendence, or otherwise:

Power to sue for and recover damages.

(11.) If and whenever any damages or other sums payable by the Corporation to the company of proprietors of the Leicester Navigation or of the Leicestershire and Northamptonshire Union Canal respectively, or any other company or person, under the provisions herein-before contained, are not paid on demand made on the town clerk, the same may, together with full costs of suit, be recovered by such company respectively or such other person from the Corporation in any court of competent jurisdiction:

Corporation to acquire easement only on land of Leicester Navigation Company or Leicestershire Union Canal.

(12.) The Corporation shall not, except as herein-after mentioned, otherwise than by agreement, purchase or take any land of the company of proprietors of the Leicester Navigation or of the Leicestershire and Northamptonshire Union Canal respectively, or any lands held on lease by the company of proprietors of the Grand Junction Canal; but the Corporation may purchase and take, and the company of proprietors of the Leicester Navigation and Leicestershire and Northamptonshire Union Canal respectively may and shall sell and grant accordingly, an easement or right of using any land of such company of proprietors respectively, not held on lease as aforesaid, required for the execution of the works by this Act authorised: Provided always, that this enactment shall not extend to prevent the Corporation from purchasing compulsorily the land necessary for the diversion of the outfalls of the Saint Margaret's Ditch and Willow Brook, shown on the deposited plans:

Saving rights of Leicester Navigation Company and Leicestershire Union Canal.

(13.) Except as by this Act otherwise expressly provided, nothing in this Act contained shall authorise the Corporation either temporarily or permanently to alter the line or level of the Leicester Navigation or of the Leicestershire Union Canal, or any portion of the river Soar used for the purposes of the said navigation or canal, or the towing-paths of the same, or to alter or interfere with any lock, flood-gates, sluices, or weirs upon the said navigation or canal or said portion of river, or to divert, intercept, cut off, take, use, or diminish any of the waters of or in the said navigation or canal or said portion of river, or which may be taken for the use of or which supply the same, or injure or interfere with any of the works of the said navigation or canal or said portion of river, or take away, lessen, alter, prejudice, or affect any of the rights, powers, privileges, or authorities of the company of proprietors of the Leicester

A.D. 1874.

Navigation or of the Leicestershire and Northamptonshire Union Canal respectively.

Power to make sewerage works.

19. Subject to the provisions of this Act, the Corporation may from time to time make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the sewerage works shown on the deposited plans, which comprise the following; (that is to say),

A sewer in continuation of the existing sewer in the London Road, commencing opposite the junction of Campbell Street with that road, thence passing under the Midland Railway where that railway is crossed by that road, thence along that road, and terminating therein near the junction of that road with Evington Lane:

A sewer or drain, commencing in King Richard's Road opposite the junction of Coventry Street with that road, passing thence in a northerly direction, and then in an easterly direction under the Leicester and Swannington Branch of the Midland Railway, and terminating by a junction with the cut or channel authorised to be constructed by the Corporation under the powers of the Leicester Act of 1868, where that cut or channel will pass under the Soar Lane Branch of the Midland Railway, near the Soar Lane Bridge.

Power to use certain lands for purifying sewage.

20. The Corporation, after taking the lands following, or any part thereof, may use the same for the purpose of purifying the effluent water from the sewers of the borough by means of intermittent downward filtration or otherwise; (that is to say,)

The lands shown on the deposited plans in the extra-parochial place called the Leicester Abbey Lands or Lordship, and numbered thereon 6, 7, and 8.

Not to take land of Midland Railway Company without consent.

21. Notwithstanding anything in this Act contained, the Corporation shall not take, use, or interfere with any portion of the pieces of land numbered respectively 1A, 1B, and 1C in the deposited book of reference, situate in the parish or extra-parochial place of Augustine Friars, and belonging or reputed to belong to or in the occupation of the Midland Railway Company, without the consent of that company in writing under their common seal first had and obtained.

For protection of the Midland Railway Company.

22. The Corporation shall not commence any works authorised by and to be constructed under the powers of this Act which shall be under or across or shall affect any part of the line of the Midland Railway, or any line of railway, lands, buildings, stations, works, or property of the Midland Railway Company, unless and until they have given to the said company seven days previous

notice of their intention so to do, and all such works shall from time to time be made, constructed, maintained, and repaired in such manner as shall be previously approved of by the engineer for the time being of the said company, or in case of dispute as shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade, and in all respects to his reasonable satisfaction, and so as not to alter, vary, or permanently interfere with the use of any such line of railway as aforesaid, or of any of the works thereof, or to obstruct, interfere with, or impede the conveyance of passengers and goods along the said railway, or the use and enjoyment by the said company of their said lands, buildings, stations, works, and property, the Corporation making full compensation for the damage which may accrue to the said company from the doing of such acts as aforesaid, such compensation to be ascertained and settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to questions of disputed compensation.

Penalty in case of default.

23. If the Corporation shall at any time hereafter, contrary to the provisions of this Act, alter, vary, or otherwise than temporarily, (and then only for the purpose of constructing the works for the prevention of flooding by this Act authorised) interfere with the use of any of the said lines of railway or any of the works thereof, or any of the lands, property, or works of the Midland Railway Company, or shall in the construction, maintenance, or repair of any works by this Act authorised do or cause to be done any act, matter, or thing whereby the conveyance of passengers or goods along the said railway shall be obstructed or impeded, or the use and enjoyment by the said company of their lands and property interfered with or interrupted, contrary to the provisions of this Act, then and in every such case the Corporation shall forfeit and pay, as and by way of penalty, and in addition to any damages which the said company may be entitled to recover from them either under the Lands Clauses Consolidation Act, 1845, or otherwise, the sum of twenty pounds, and also a further penalty of ten pounds for each and every day after the first day during which any such alteration, variance, user, interference, obstruction, or impediment as aforesaid shall continue, and such penalties shall be recoverable in like manner as other penalties of the like nature and amount are by this Act recoverable, or by action, with full costs of suit, in any court of competent jurisdiction.

Saving rights of the Midland Railway Company.

24. This Act or anything herein contained shall not, except as herein provided, take away, lessen, alter, or prejudice any of the rights, privileges, or authorities now vested in or used or exercised by the Midland Railway Company.

A.D. 1874.

Sections 26 and 27 of the Leicester Act of 1868, relating to Leicester Waterworks Company, to extend to works under this Act.

25. Sections twenty-six and twenty-seven of the Leicester Act of 1868, relating to the protection of the works of the Leicester Waterworks Company, shall extend and apply to the works by this Act authorised.

Period for completion of works under both Acts.

26. If the works authorised by the Leicester Act of 1868 and this Act are not completed within seven years from the passing of this Act, then on the expiration of that period the powers granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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

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 a sinking fund under the Leicester Act of 1868 and this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount 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 of not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by the Leicester Act of 1868 and 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 as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Priority of existing mortgages.

28. All mortgages, debentures, or other securities on the property, funds, rates, or revenue of the Corporation granted by the Corporation in pursuance of the powers of any Act before the passing of this Act, and subsisting at the passing of this Act, shall during the continuance of such mortgages, debentures, or other securities have priority over any mortgages, debentures, or securities on the same property, funds, rates, or revenue granted by virtue of this Act.

Priority of mortgages over debts.

29. All money borrowed by the Corporation on mortgage under this Act and the interest thereon shall have priority against the

Corporation and their property from time to time over all other claims on account of debts incurred or engagements entered into by them after the passing of this Act, but this priority shall not affect any claim against the Corporation in respect of any rentcharge on their lands.

Hospital on Freakes Ground to be deemed within borough for purposes of Sanitary Act, 1866.

30. For the purposes of section twenty-six of the Sanitary Act, 1866, the hospital and premises connected therewith, now situate on the Freakes Ground in the extra-parochial place called the Freakes Ground, shall be and be deemed to be an hospital for the reception of the sick provided within the borough.

Corporation may make byelaws :

31. The Corporation as a sanitary authority or in their municipal capacity (as the case requires) may from time to time make byelaws,—

For regulating time for holding markets and fairs.

1. For fixing the days and the hours during each day on which the borough markets and fairs shall be held :

For regulating places of public amusement.

2. For the better inspection and regulation, or, if improperly conducted, the closing, of any place of public amusement or entertainment within the borough, and for imposing penalties upon and otherwise punishing the keepers thereof and the keepers of brothels and disorderly houses within the borough :

Provided always, that such byelaws shall not apply to any premises or persons licensed under the Intoxicating Liquors (Licensing) Acts for the sale of intoxicating liquors for which an annual certificate from the justices is required : Provided also, that no byelaws to be made by the Corporation under the provisions of this section shall have effect until confirmed in the manner required in the case of byelaws made by sanitary authorities or municipal corporations, as the case may be.

Saving general rights and remedies of Corporation.

32. Nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy as a sanitary authority or in their municipal capacity, or as conservators of part of the river Soar and backwater streams and watercourses connected therewith, or otherwise, independently of this Act.

Expenses of Act.

33. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1874.