CHAPTER lxxii.

An Act to enable the mayor aldermen and burgesses of the borough of Leicester to construct additional Flood Works and for other purposes. [27th June 1881.]

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

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

The Leicester Cemetery Act 1848:	11 & 12 Vict. c. ii.
The Leicester Sewerage Act 1851:	14 & 15 Vict. c. ii.
The Leicester Lunatic Asylum and Improvement Act, 1865:	28 & 29 Vict. c. vii.
The Leicester Cattle Market Town Hall and Improvement Act 1866:	29 & 30 Vict. c. xxvi.
The Leicester Improvement Drainage and Market Acts 1868:	31 & 32 Vict. c. xxiv.
The Leicester Lunatic Asylum Act 1870:	33 & 34 Vict. c. iv.
The Leicester Improvement Act 1874:	37 & 38 Vict. c. lxii.
The Leicester Improvement Act 1876:	39 & 40 Vict. c. xxvi.
The Leicester Corporation Gas and Water Transfer Act 1878: and	41 & 42 Vict. c. cxxxii.
The Leicester Corporation Act 1879:	42 & 43 Vict. c. cc.

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

And whereas the River Soar which flows through the borough is liable to great floods whereby much damage has been caused to property in the borough and to the health of the inhabitants thereof and the Corporation have from time to time executed and are now executing works to remedy the evil and it is expedient in order to

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prevent the recurrence of floods that the Corporation be authorised to execute the works herein-after mentioned:

And whereas it is expedient that the powers of the Corporation for sanitary purposes be extended:

And whereas it is expedient that the regulations as to building and other matters scheduled to and confirmed by the Act of 1868 (in this Act called "the regulations of 1868") be in divers particulars amended:

And whereas it is expedient that further borrowing and other powers for the government of the borough be conferred on the Corporation:

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:—

For works for prevention of floods on the River Soar and other waters within the borough eighty-five thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875:

38 & 39 Vict. c. 55.

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

And whereas an absolute majority of the whole number of the Council of the borough at a meeting held on the fifteenth day of December one thousand eight hundred and eighty after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Leicester Chronicle and Leicestershire Mercury" a local 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 Chronicle and Leicestershire Mercury" 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 Council of the borough at a further special meeting held in pursuance of a similar notice on the thirteenth day of January one thousand eight hundred and eighty-one 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 passed in the manner provided by Schedule III. of the Public Health Act 1875 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 a book of reference to those plans 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 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 book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as Leicester Improvement Act 1881.

Limits of Act.

2. This Act shall except where otherwise expressly provided apply only to the borough of Leicester.

Incorporation of general Acts.

3. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof: and

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
10 & 11 Vict. c. 16.

The clauses of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners except section eighty-four (moneys borrowed on security of rates to be paid off in a limited period) and section eighty-five (mode of paying off mortgages):

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms.

4. In this Act—

"The mayor" means the mayor for the time being of the borough:

"The Leicester Canal" and "the Canal" mean the Leicestershire and Northamptonshire Union Canal:

"Street" applies to and includes any highway and any road public bridge (not being a county bridge) lane footway square court alley passage (whether a thoroughfare or not) whether made before or after the passing of this Act but shall not include any road or approach to the station or premises of a railway company so far as such road or approach belongs to such company:

Terms to which meanings are assigned in enactments incorporated with or extended to this Act or which have therein

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special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act and (for the purposes of this Act) in enactments incorporated with this Act:

"Borough fund" and "borough rate" mean the borough fund and borough rate of the borough "district fund" and "general district rates" mean "the district fund and general district rates of the urban sanitary district of the borough":

5 & 6 Will. 4. c. 76.

"The Municipal Corporations Acts" means the Municipal Corporation Act 1835 and Acts amending the same or otherwise relating to municipal corporations in England:

"Court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt and not a debt or demand created by statute and the term "superior courts" shall include any court of competent jurisdiction:

For the purposes of this Act—

"The commissioners" and "the clerk to the commissioners" in the Commissioners Clauses Act 1847 mean respectively the Corporation and the town clerk:

"The railway" and "the centre of the railway" in the Railways Clauses Consolidation Act 1845 mean respectively the works and the boundaries of works by this Act authorised:

Act to be executed by the Council.

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

Power to execute works.

6. Subject to the provisions of this Act the Corporation may if they think fit in the lines and situations and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections so far as lines and levels are shown thereon make

and maintain the following works and do the following things in the county of Leicester (that is to say) :—

1. The widening deepening and straightening of the bed and channels of the River Soar and of the backwaters streams brooks and watercourses connected therewith and of the Leicestershire and Northamptonshire Union Canal and of the Leicester Navigation commencing at a point on the said river about one hundred yards south-west of the viaduct which carries the Leicester and Burton line of the Midland Railway over the said river and terminating at or near the North Lock at Frog Island on the said canal and at or near the boundary wall of Mr. Hitchcock's garden on the north-east side of North Mill on the River Soar :

2. Within those limits the altering diverting widening deepening straightening enlarging or contracting of the said bed and channels or any or either of them or any part or parts thereof respectively and the removing altering lengthening curtailing raising or lowering and the making of new and additional weirs banks dams sluices locks cuts channels and watercourses bridges arches culverts pipes sewers and drains and such other works as may be expedient to secure the free passage of the waters of the said river canal and navigation and the prevention of floods :

And for those purposes to make maintain and regulate all or any of the following works (that is to say) :—

Number 1. A new cut or channel commencing in the said river and canal at the said point about one hundred yards south-west of the said viaduct and crossing through the course of the river and the Leicester Canal and terminating in that canal at the Castle weir :

In connexion with and incident to the said cut :

(*a*) A weir near and to the north-east of the aforesaid viaduct :

(*b*) A new lock at or near such weir :

(*c*) A new bridge over the said cut in direct continuation of Mill Lane :

Number 2. The widening on both sides and the deepening of the Leicester Canal commencing on the south-westerly side of the Castle Mill weir and terminating at the junction of that canal with the Leicester Navigation on the north-east side of West bridge and the altering the water level of the said canal between the same points :

Number 3. The widening on both sides and deepening and the altering of the water level of that part of the River Soar which

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forms a portion of the Leicester Navigation commencing at the north-eastern side of West bridge and terminating at North Lock and in connection therewith the reconstructing of that lock reducing the lift thereof :

Number 4. The deepening of the basin leading from the Leicester Navigation to the North mill :

Number 5. The widening deepening and straightening of the River Soar on both sides thereof commencing at a point in the said river about one hundred and fifty yards north of the Stone weir and terminating at the south-west side of the weir known as the Grass weir at the junction of the said river with the Leicester Canal :

Number 6. A new cut or channel for the River Soar commencing from and out of the said river at the south-west side of the Grass weir and terminating by a junction with the said river on the northern side of Braunstone Gate bridge Dunn's Lane and as incidental thereto the altering and extending of the said bridge so as to adapt the same to the capacity of the said new cut or channel :

Number 7. The widening and straightening on the east side and the deepening of the Bow Bridge branch of the River Soar commencing at the northern side of the Braunstone Gate bridge and terminating at the junction of that branch with the Leicester Navigation and in connexion therewith a new cut to carry the said Bow Bridge branch under the Midland Railway commencing in and out of the said branch at a point about twenty yards south-west of the said railway and terminating by a junction with the said navigation about forty-four yards north-east of the same railway :

Number 8. The widening on both sides and the deepening and the altering of the water level of the River Soar commencing at the south-west corner of the weir known as Mr. Evan's weir and terminating at the said brickwall boundary of Mr. Hitchcock's garden :

Number 9. The reconstructing of the weir known as Mr. Evan's weir and the extending of the same in a westerly direction to the western bank of the River Soar as so proposed to be widened and the removing of the existing sluices in that weir and the constructing of new sluices :

Number 10. An overfall weir between the Leicester Navigation and the River Soar commencing at a point in the west bank of the said navigation about one hundred and thirty yards north of the north side of Soar Lane bridge and terminating in the said bank about ninety yards north of its point of commencement :

Number 11. The removing of the existing West bridge and the reconstructing of the same on the same site but of greater width.

Number 12. The widening on the north-eastern side thereof and the deepening and improving of the bed and channel of the Willow brook between the following points partly within and partly without the borough (that is to say) :—

(*a*) Between the north side of the bridge on the Humberstone Road crossing the said brook and the east side of the bridge or culvert by which the said brook passes under Ash Street : and

(*b*) Between the north-west face of the arch which carries the Midland Railway over the said brook and a point about twenty yards from the said north-west face of that arch :

In connexion with that work the reconstructing and lengthening the said Ash Street bridge or culvert and the Forest Road bridge or culvert so as to adapt them to the brook as widened and the embanking of the said brook on the said north-eastern side between the said points except at the places where the Forest Road and Ash Street cross the said brook :

Number 13. A new cut commencing at the western face of the said Ash Street bridge or culvert and terminating at the south-east face of the said arch which carries the Midland Railway over the said brook :

Number 14. The deepening and underpinning of the culvert which carries the said brook underneath the said railway :

Number 15. A covered bye-pass or cut for the flood waters of the Willow brook commencing at and adjoining the present arch over that brook on the south-east side of the Belgrave Road and terminating by a junction with the new cut for that brook authorised by the Leicester Improvement Act 1876 through the Little Leroe :

And they may do the following things (that is to say) :—

They may stop up and fill in the portions of the said river canal and navigation and the streams and backwaters connected therewith which lie between the following points (namely) :—

The portion of the said canal and backwater lying between the said viaduct and the Castle Mill weir except where the new cut number one will pass through the said canal :

The portion of the River Soar between the Stone weir and the proposed new cut number one :

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The junction cut between the River Soar and the said canal alongside of the said Grass weir: and

The portion of the River Soar between that weir and Braunstone Gate:

They may remove the Stone weir and Grass weir the Castle Mill weir the weir near Mr. Hitchcock's mill the Swan's Mill lock and the Castle Mill lock and fill in those locks:

They may make and maintain all such excavations banks embankments dams piers abutments retaining walls fences gates towpaths roads approaches cuts channels watercourses drains sluices weirs locks bridges arches culverts machinery piling appliances conveniences and works in connexion with or auxiliary to the foregoing works or any or either of them as may be convenient for the construction thereof respectively or for facilitating the passage of storm and flood waters and the navigation of the said river canal and navigation as altered and the forming communications between severed lands.

Protection of duchy of Lancaster.

7. For the protection of the Queen's most Excellent Majesty in right of her duchy of Lancaster the following provisions shall have effect (that is to say):—

1. Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with the piece of land known as and herein-after called "the Castle lawn" lying between the westerly side of the castle of Leicester and the said portion of the said backwater between the said viaduct and the Castle Mill weir or with any other land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of her said duchy without the consent in writing of the chancellor for the time being of the said duchy (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 by Her Majesty her heirs or successors in right of her said duchy:
2. The site and soil of so much of the last-mentioned portion of backwater as abuts on the Castle lawn and as with such consent as last aforesaid shall be stopped up under the powers of this Act shall continue vested in Her Majesty in right of her said duchy and become an addition to the Castle lawn:
3. Any land lying between the Castle lawn or the said addition thereto and the easterly margin of the said new cut shall be by this Act vested in Her Majesty in right of her said duchy free from all incumbrances rights or privileges whatsoever and become an addition to the Castle lawn:

4. The Corporation shall at their own cost and in such manner as the surveyor general of the said duchy shall require (a) fill in and cover with earth to the level of the Castle lawn every addition thereto as aforesaid (b) build and maintain along so much of the said new cut as shall abut on the Castle lawn or on any addition thereto as aforesaid a retaining wall pitch-paved with a slope or batter of one in three from the bottom of the said new cut upwards to the boundary or level of the Castle lawn or of such addition thereto as last aforesaid and (c) fence off the Castle lawn or any addition thereto as aforesaid from the said new cut and fence off every such addition from the lands on the northerly and southerly sides thereof:

5. No towing-path shall be made or permitted on nor shall (except for the purpose of carrying into effect the provisions of this Act or with the permission of the constable or deputy-constable for the time being of the said castle) any barge boat or raft be moored upon or any person land upon embark from or tow along the easterly bank of the said new cut adjoining the Castle lawn or any addition thereto as aforesaid:

6. Every right now exerciseable (by virtue of ownership of the Castle lawn) with respect to the said last-mentioned portion of backwater shall be exerciseable with respect to the said new cut.

Protection of the clerk of the peace for the county of Leicester.

8. The provisions of the preceding section for the protection of the duchy of Lancaster shall so far as the same are respectively applicable in that behalf extend and apply mutatis mutandis to and in relation to that part of the castle domain of the castle of Leicester formerly belonging to the Queen's most Excellent Majesty in right of her said duchy and now vested in the clerk of the peace for the county of Leicester for the purposes of the said county.

Protection of Great Northern Railway Company.

9. All works of the Corporation under the powers of this Act in and with respect to the Willow brook where the same is bounded by the lands or works of the Great Northern Railway Company shall be executed according to plans and specifications previously submitted to the engineer of that company and reasonably approved by him and shall be so executed under his superintendence and to his reasonable satisfaction Provided that if the said engineer shall not have given his opinion upon the proposed works within three weeks after the plans and specifications have been submitted to him he shall be deemed to have assented to them Provided also that any difference which may arise between the engineer of the said company and the surveyor or engineer of the Corporation with

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respect to the said plans and specifications or with respect to the execution of the works shall be determined by the arbitration of an engineer agreed upon by them or if they cannot so agree then by an engineer to be appointed on the application of either party by the president of the Institution of Civil Engineers and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable apply to every such arbitration.

Protection of Midland Railway Company.

10. Notwithstanding anything in this Act contained the Corporation shall not for the purpose of widening deepening or straightening the bed and channel of the River Soar take or acquire any more land of the Midland Railway Company in the parish of Augustine Friars than is coloured red on the plan signed in duplicate by the town clerk on behalf of the Corporation and by John Noble on behalf of the Midland Railway Company.

Further protection of Midland Railway Company.

11. In constructing and maintaining the works authorised by this Act where they will cross the railways works or lands of the Midland Railway Company the Corporation shall be subject to the following conditions videlicet:—

1. All works crossing or affecting the lands and works of the Midland Railway Company shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within three weeks after the same shall have been submitted to him he shall be deemed to have approved thereof:
2. The works shall be constructed and maintained so that the traffic upon the Midland Railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Midland Railway Company and in all things at the expense of the Corporation:
3. The Corporation shall bear and on demand pay to the Midland Railway Company the expense of the employment by that company during the execution of the works affecting the Midland Railway of a sufficient number of inspectors switchmen and watchmen employed by that company for watching their railway and works during the execution of the intended works of the Corporation and for preventing interference

obstruction danger and accidents from the acts or defaults of the Corporation or their contractors or of any person or persons in their employ:

4. The Corporation shall indemnify the Midland Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Corporation or any of their contractors or their respective servants workmen or employees:

5. The Corporation shall not acquire any more of the lands and property of the Midland Railway Company than is absolutely necessary for the purpose of constructing or maintaining therein the works by this Act authorised:

6. The purchase money and compensation to be paid to the Midland Railway Company in respect of the taking using or interfering with any of their lands or works under the authority of this Act shall be settled in manner provided by the Lands Clauses Consolidation Act 1845:

7. 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.

Works affecting Midland Railway Company.

12. The Corporation and the Midland Railway Company may from time to time enter into and carry into effect agreements with respect to the execution with or without any necessary or expedient variations or alterations of any of the works by this Act authorised affecting the lands railways or works of the Midland Railway Company.

Power to deviate from levels &c.

13. In making the said works the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections and may deviate from the lines thereof within the limits of deviation defined on the deposited plans and beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Power to take lands.

14. Subject and according to the provisions and for the purposes of this Act the Corporation may from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Entry on bed of Willow brook

15. And whereas for the purpose of deepening the Willow brook under the powers of the Act of 1876 and this Act the bed or channel

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for deepening the same.

only of such brook will be interfered with and that only temporarily and it is expedient that the provisions of the Lands Clauses Consolidation Act 1845 with respect to the conditions of entry on such bed or channel for the purpose of such deepening should be in some respects varied Therefore notwithstanding anything in that Act in every case in which the Corporation shall not require for the purpose of such deepening to enter on the lands abutting on the said brook in right of which any person claims to be entitled to or to any interest in any part of the said bed or channel the Corporation may enter upon such part for the purpose of deepening the same and if any person should claim any compensation or purchase money by reason of such entry or deepening the Corporation or such person may apply to two justices who shall determine whether any and if any what amount of purchase money and compensation or purchase money or compensation shall be paid by reason of such entry and deepening and such amount (if any) shall be applied as purchase money and compensation of the like amount are directed to be applied under the Lands Clauses Consolidation Act 1845 and the costs of and incident to such application and determination shall be borne as the justices shall determine and every determination under this section shall be final and conclusive on all parties.

Correction of errors in deposited plans. &c.

16. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say) :—

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

If it appear to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description :

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

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

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

Protection of duchy of Lancaster.

17. 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:—

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 in 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 their successors and 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:

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Sale and working of mines.

2. 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 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 Corporation 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:

Application of purchase moneys.

3. 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:

18 & 19 Vict. c. 58.

Enrolment of deeds.

4. 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.

Period for compulsory purchase of lands.

18. 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 acquire additional lands by agreement.

19. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder thereover or thereupon which shall be deemed necessary by the Corporation.

Consideration for such acquisition.

20. The consideration for any such acquisition may be either money land or works or any yearly sum or rentcharge or other rent or a mixed consideration of money land and works and on any exchange the Corporation may give or take any money for equality of exchange.

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Power to take easements &c. by agreement.

21. The persons by the Lands Clauses Consolidation Act 1845 empowered to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement power or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands as aforesaid and the several provisions of the said Acts with respect to lands and rentcharges so far as the same are respectively applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Corporation may use their own lands for purposes of Act.

22. The Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them and forming part of their corporate estates.

Power to retain sell &c. lands.

23. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of to such persons in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under the powers of any Act authorising the construction of works by the Corporation for preventing the recurrence of floods in the borough and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition Provided that the Corporation shall first offer to sell to the Great Northern Railway Company any lands which under the powers of this section they propose to sell or otherwise dispose of and which immediately adjoin the railway or station of that company And the provisions of the Lands Clauses Consolidation Act 1845 with respect to sale of superfluous land (sections one hundred and twenty-seven to one hundred and thirty-two) shall apply to any such offer.

Proceeds of sale of surplus lands to be treated as capital.

24. The proceeds of the sale of any surplus lands or rents of the Corporation under the powers of this Act shall be applied only to purposes to which capital moneys are applicable.

Lands in certain cases not to be sold &c. without consent of Treasury.

25. Except as to lands or rents acquired by the Corporation under this Act nothing in this Act shall enable the Corporation to sell alienate encumber or demise without the approbation of the Commissioners of Her Majesty's Treasury signified in writing after due notice in accordance with the Municipal Corporations Acts any

lands or rents which the Corporation could not have sold alienated encumbered or demised without such approbation before the passing of this Act.

Vesting portion of river and navigation in Corporation.

26. Subject to the provisions of this Act the bed and channel of the River Soar as altered under the powers of this Act shall absolutely vest in the Corporation and from and after the completion of so much of the works by this Act authorised as will form a substitute for the portions of the River Soar Leicester Canal and Leicester Navigation to be abandoned and stopped up as herein-before described the site and soil of such portions of river and navigation (including the towing-path on the sides thereof) shall absolutely vest in and be the property of the Corporation free from all incumbrances rights easements rights of way or user or other privileges whatsoever in over or with respect thereto.

Power to stop up certain footpaths.

27. The Corporation may stop up and discontinue and may appropriate the site and soil of the following footpaths so far as the same are bounded on both sides by lands of the Corporation (namely):—

The footpath leading from Stone weir to Castle Mill lock: and

The footpath leading from Swans Nest weir to Belgrave mill:

and thereupon all rights of way in and over such footpaths shall be extinguished and the Corporation may alter and divert or may discontinue and stop up any and every road towpath footpath or thoroughfare in or over lands acquired by them under the powers of this Act and described on the deposited plans as to be altered diverted or stopped up and thereupon all rights of way over such road towpath footpath or thoroughfare shall cease and be extinguished.

Centre line of river &c. where altered to be boundary of adjoining lands.

28. Whenever by reason of the execution of any works by this Act authorised any part of the bed or channel of the River Soar or of any backwater or stream connected therewith or of the Willow brook be altered in course or widened or straightened between the points by this Act specified for those purposes respectively and thereby the centre line of such river backwater stream or brook be altered in position such centre line as so altered in position shall be the boundary between the lands abutting on such altered widened or straightened parts or part.

Corporation may improve means of communication over river, &c.

29. Subject to the provisions of this Act in connexion with the works or any of the works authorised by this Act and as part thereof and for the purpose of affording new or of improving the existing means of communication between various parts of the borough separated or which may be separated from one another by the River Soar the Leicester Canal and the Leicester Navigation or

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any or either of them or any part or parts branch or branches thereof respectively and for the sewering draining and improving of such parts of the borough and the lands therein the Corporation may do the following things and the following provisions shall have effect (that is to say) :—

1. They may make and maintain bridges or may widen lengthen and improve bridges (including approaches thereto) over the said river canal and navigation as aforesaid and such sewers and drains as may in their judgment be from time to time expedient and may make junctions and communications with and diversions widenings or alterations of the lines or levels of any streets or thoroughfares for the purpose of connecting the same with such bridges and approaches :
2. They shall make compensation to the owners lessees and occupiers of all lands which may be injuriously affected by the exercise of the powers of the preceding sub-section :
3. They may from time to time (in addition to any lands which they are by this Act otherwise empowered to acquire) purchase and acquire by agreement all such lands houses and other property and any easements or other rights therein or thereover as may be necessary for the aforesaid purposes or any or either of them :
4. They may enter into and fulfil contracts and agreements with the owners or other persons interested in any lands houses and property for the exercise by such owners or other persons either alone or jointly with the Corporation of the powers or any or either of the foregoing powers by this section conferred upon the Corporation :
5. They may from time to time provide for the costs and expenses of carrying into execution the powers of this section out of money arising from the sale of a competent part of their corporate estates to any extent not exceeding the sum of fifteen thousand pounds and for that purpose with the approbation of the Commissioners of Her Majesty's Treasury (signified in writing under the hands of any two of them) may from time to time sell by public auction or by private contract at one time or at different times and in lots or otherwise and may by deed under their common seal convey to the purchaser or purchasers any part or parts of the hereditaments vested in or belonging to them as they think fit and all contracts sales and conveyances made by virtue of this section shall be valid and effectual to all intents and the receipt in writing of the treasurer for the time being of the borough under his hand for any money paid on or in relation

to any such sale shall be an effectual discharge to the person paying the same therefrom and from being bound to see to the application thereof or to inquire into the necessity or propriety or regularity of the sale but nothing in this section shall extend or be construed to extend to give to the Corporation any further or better title to any houses lands or hereditaments which they now claim or are seized or possessed of than they had before the passing of this Act or they could or might have had in case this Act had not been passed.

Protection of Leicester Navigation Company.

30. For the protection of the Company of Proprietors of the Leicester Navigation (in this section referred to as "the Company") the following provisions shall have effect (that is to say):—

1. In this section "the navigation" includes the Leicester Navigation properly so called and the portion of the River Soar used for the purpose of the Leicester Navigation:

Regulating construction of works.

2. All works in upon or affecting the navigation shall be executed to the reasonable satisfaction in all respects of the engineer for the time being of the navigation and all such works shall be executed at the expense of the Corporation and according to plans and sections to be submitted by the Corporation to such engineer and to be reasonably approved of by him in writing under his hand before any of those works are begun subject to the following conditions (that is to say):

Wherever the navigation is lowered the towing-path along the same shall also be lowered so as not to be more than two feet and six inches above the water level of the navigation where so lowered The Corporation shall not permanently diminish the width of the water-way of the navigation or of the towing-path thereof nor leave in the navigation less than a clear depth of water of five feet six inches below the ordinary water level of the same nor 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:

Provision for temporary closing of the navigation.

3. For the purpose of enabling the Corporation to execute the works by this Act authorised in upon or affecting the navigation the Company may and shall for the period of one week in any one of the years during which any of the works by this Act authorised may be proceeded with and in which the

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Corporation shall by notice in writing given to the Company on or before the thirty-first day of March in such year require them to do so close the navigation 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 Company may think most expedient and the Company shall give not less than one calendar month's notice to the Corporation of the period at which such closing will take place :

Provision for further temporary closing of the navigation.

4. If the Corporation shall desire the navigation 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 and shall at the same time pay to the Company the sum of one hundred pounds as or by way of liquidated damages for such closing the Company may and shall close the navigation for a further period of one week accordingly :

Penalty for obstruction of the navigation except as provided for.

5. 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 navigation and if by reason or in consequence of any works or proceedings of the Corporation the navigation or the passage 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 the navigation 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 long the navigation or towing-paths then and in every such case the Corporation shall pay to the Company or to any one of the companies herein-after mentioned who shall demand the same namely the Company of Proprietors of the Navigation from the River Trent to the Town of Loughborough or the Company of Proprietors of the Erewash Canal as and by way of liquidated damages the sum of twenty-five pounds for every day during which such obstruction or interference shall continue Provided always that the payment by the Corporation of the said sums of twenty-five pounds per day 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 third part of the amount of such liquidated damages so received or recovered:

Maintenance of works in the navigation.

6. The Corporation shall at all times maintain the works executed by them under this Act connected with any locks weirs and sluices constructed by the Corporation in the navigation in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the navigation 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 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 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:

Special damage.

7. Nothing in this Act contained shall extend to prevent any of the companies in this section mentioned from recovering special damage 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 navigation 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 navigation or of any overflow or flooding of any lands if the same shall be caused or happened by reason of the making or maintaining of any of the works by this Act authorised or other operations of the Corporation provided that in relation to the said companies such special damage shall be deemed to be such damage as is not covered by the provisions of sub-section five of this section:

Recovery of damages.

8. If and whenever any damages or other sums payable by the Corporation to the Company or any other company or person under the provisions herein-before contained are not paid within one month after demand thereof in writing made

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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 convey to the Company certain land &c. near Belgrave mill.

9. The Corporation shall forthwith after the passing of this Act convey to the Company a plot of land situate near to Belgrave mill in the parish of Belgrave in the county of Leicester containing by estimation one acre and one rood or thereabouts together with the lock and approaches thereto and the bed of the new cutting or channel and the towing-path thereof shown on a plan signed in duplicate by the town clerk on behalf of the Corporation and William Llewellyn Salusbury on behalf of the Company and on that plan coloured red:

Completion of certain works.

10. The time limited by the Act of 1874 for the constructing of the new lock on the navigation near the public wharf at the Belgrave gate and for the altering the level of widening and deepening that portion of the navigation situate between that wharf and the Belgrave mill is hereby extended until the thirtieth day of June one thousand eight hundred and eighty-two Provided that all the provisions of section eighteen of the Act of 1874 relating to such works shall be applicable to the execution thereof during such extended time in as full a manner as such provisions would have applied if the works had been executed within the time limited by the Act of 1874:

Arbitration.

11. If any difference arise between the Company and the Corporation touching anything to be done or not to be done or the amount of any moneys to be paid by the Corporation to the Company (other than the sums to be paid by the Corporation to the Company as liquidated damages or compensation) under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) on the application of either of the parties in difference by the president for the time being of the Institution of Civil Engineers and his decision shall be conclusive and binding on both parties and the costs of the arbitration shall be borne as he shall direct:

Saving rights of the Company.

12. 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 navigation or the towing-paths of the same or to alter or interfere with any lock flood-gates sluices or weirs upon the navigation or to divert intercept cut off take use or diminish

any of the waters of or in the navigation 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 navigation or take away lessen alter prejudice or affect any of the rights powers privileges or authorities of the Company:

Power to agree as to execution of works.

13. The Corporation and the Company may by writing under their respective common seals agree as to any alteration or modification of the provisions of this section provided that no such agreement shall authorise the Corporation to construct any works not authorised by this Act or contrary to the provisions thereof other than the provisions in this section for the protection of the Company.

Protection of Leicestershire and Northamptonshire Union Canal Company.

31. For the protection of the Company of Proprietors of the Leicestershire and Northamptonshire Union Canal in this section referred to as "the Company" the following provisions shall have effect (that is to say):—

Vesting of new cut.

1. In lieu of the bed and towing-path of the portion of the canal vested in the Corporation by this Act the bed and towing-path of the new cut number 1 by this Act authorised for a width throughout of ninety feet measured from the inner edge of the said last-mentioned towing-path horizontally to the slope on the opposite side of that cut shall on the completion of the said new cut number 1 be by virtue of this Act vested in the Company in the Company to the same extent and for the same purposes and under and subject to the same liabilities rights and privileges (including the right of levying toll thereon) to for under and subject to which the bed and towing-path of the other portion of the canal of the Company (other than the portion thereof which consists of the River Soar) were immediately before the passing of this Act vested in the Company and all the provisions of the Act thirty-three George the Third chapter ninety-eight incorporating the Company and any other Act relating to the Company shall as far as applicable apply to the bed and towing-path of the said new cut number 1 by this Act vested in the Company:

Company may enter on slopes to repair canal and works.

2. For the purpose of executing any necessary repairs to the canal and works the Company their engineer surveyor servants and workmen may enter upon any part of the said slope lying above that portion thereof which is by this Act vested in the said Company:

Regulating construction of works.

3. The Corporation shall not permanently diminish the width of the water-way of the canal or of any part of the River Soar used as part of that canal nor the towing-path thereof

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respectively nor shall they leave in the canal or river less than a clear depth of water of five feet six inches below the ordinary water level of the same nor shall they make the new lock (b) by this Act authorised (near the said railway viaduct) of less dimensions than eighty-seven feet in length and fourteen feet six inches in width on the sills thereof nor 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 :

Plans and sections &c.

4. Subject as aforesaid all works to be executed by the Corporation in the canal or parts of the said river shall be so executed at the expense of the Corporation and in accordance with plans and sections to be reasonably approved by the committee of the Company before such works shall be commenced :

Provision for temporary closing of canal.

5. For the purpose of enabling the Corporation to execute the works by this Act authorised in upon or affecting the canal the Company may and shall for the period of one week in any one of the years during which any of the works by this Act authorised may be proceeded with and in which the Corporation shall by notice in writing given to the Company on or before the thirty-first day of March in such year require them so to do close the 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 Company may think most expedient and the Company shall give not less than one calendar month's notice to the Corporation of the period at which such closing will take place :

Provision for further temporary closing of canal.

6. If the Corporation shall desire the 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 three clear days notice thereof to the Company and shall at the same time pay to the Company the sum of seventy-five pounds as or by way of liquidated damages for such closing the Company may and shall close the canal for a further period of one week accordingly :

Penalty for obstruction of canal except as provided for.

7. 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 prevent the uninterrupted and safe user of the canal or any portion of the River Soar used for the purposes of the canal and if by reason or

in consequence of any works or proceedings of the Corporation the navigation of the canal or of any portion of the said river used as aforesaid or the passage along the towing-paths of the same respectively shall be so obstructed or interfered with as that steam vessels or other vessels boats and barges navigating the canal or portions of 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 along the canal or the said portion of river or the said towing-paths then and in every such case the Corporation shall pay to the Company as and by way of liquidated damages the sum of ten pounds for every day during which such obstruction or interference shall continue:

Maintenance of works in canal.

8. The Corporation shall at all times maintain the works executed by them under this Act connected with the new lock weir and sluices except lock gates near the said railway viaduct on the canal in substantial repair and good order and condition to the reasonable satisfaction in all respects of the committee of the Company and the Corporation shall also for a period of twelve months after the completion of the new cut number 1 and any other works by this Act authorised maintain and keep in repair to the like satisfaction such new cut number 1 and works on the canal (other than the towing-path along the said new cut number 1) which may be in any way altered or interfered with by the Corporation but to the extent only of such alteration or interference and shall maintain the said towing-path to the like satisfaction for a period of three years after the completion thereof and if and whenever the Corporation fail so to do the Company may do all such works and things as they may reasonably think requisite for such maintenance as aforesaid and the reasonable amount of the expenditure thereby incurred by the Company shall be repaid to them by the Corporation:

Special damage.

9. Nothing in this Act contained shall extend to prevent the Company or any owner of land or of vessels boats or barges using or navigating the said canal from recovering from the Corporation any special damage that shall be sustained by the Company or by him for or on account or by reason or in consequence of the acts neglects or defaults of the Corporation or in consequence of the escape of the water out of the 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 Provided that in relation to the Company such special damage shall

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be deemed to be such damage as is not covered by the provisions of sub-section seven of this section:

Level of canal not to be altered except as provided for &c.

10. Except as by this Act otherwise expressly provided nothing in this Act contained shall authorise the Corporation except with the consent of the Company under their common seal either temporarily or permanently to alter the line or level of the canal or any portion of the River Soar used for the purposes of the canal or the towing-paths of the same or to alter or interfere with any lock flood-gates sluices weirs or lay-byes upon the canal or said portion of river or to divert intercept cut off take use or diminish any of the waters of or in the canal or said portion of river or which supply the canal or which may be taken or used by the Company or to injure or interfere with any of the works of the 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:

Site for toll collector's house &c.

11. The Corporation shall convey to the Company free of all cost a piece of land of the same superficial area as the site of the toll collector's house at Swans Mill lock and the appurtenances thereto such piece of land to be situate either near to the said site or in such other position near to the canal as may be agreed on between the Corporation and the Company and the Company may pull down remove and use or dispose of the materials of the said toll collector's house and may on the said piece of land build and fit up a new toll collector's house and the Corporation shall within one month after such pulling down and removal pay to the Company as compensation for the removal the sum of two hundred and fifty pounds and the site of the existing toll collector's house shall upon such payment vest in the Corporation as part of their corporate estates:

New wharves in lieu of St. Mary's and Mill Lane wharves.

12. In lieu of Saint Mary's wharf and the Mill Lane wharf vested in and used by the Corporation and which will be abandoned by reason of the works by this Act authorised the Corporation shall at their own expense on the completion of the said new cut number 1 construct and maintain two wharves one in lieu of Saint Mary's wharf and the other in lieu of the Mill Lane wharf on sites adjacent to those wharves respectively or on such other sites as shall be agreed on between the Corporation and Company or in default of agreement as shall be determined by arbitration under the provisions of this section and each wharf so constructed shall be completed and opened simultaneously with the completion and opening

of the said new cut number 1 and shall be vested in and may be used by the Corporation and may also be used by the Company and the traders on the canal and the Corporation subject to the like agreement or determination may from time to time alter the position of the wharves so to be constructed provided that two wharves be at all times maintained between the West bridge and the railway viaduct Each such wharf shall be furnished with one crane to be provided and maintained by the Corporation unless such wharf shall be constructed and maintained at a level not exceeding three feet above the level shown on the deposited section of the said weir known as Mr. Evan's weir and with an approach road to such wharf having an inclination not greater than one in fifty:

Future bridges over canal.

13. The Corporation shall not exercise any of the powers with respect to the erection of any bridges over the canal conferred on them by the section of this Act the marginal note whereof is "Corporation may improve means of communication over river &c." so as to injuriously interfere with the traffic of the canal The plans of any such bridges shall be submitted to the committee of the Company for their reasonable approval and the said bridges and approaches thereto shall be constructed and maintained by and at the expense of the Corporation in accordance with the plans so approved:

Powers of deviation.

14. The Corporation shall not exercise the power of deviation from the levels shown on the deposited sections by this Act conferred on the Corporation so as injuriously to affect the navigation of the canal All the works by this Act authorised affecting the canal shall be completed within the period of seven years from the passing of this Act unless that period be extended by the Company by license under their common seal:

Side pond to be constructed in certain event.

15. If at any time after the completion of the new lock (b) by this Act authorised (near the railway viaduct) the water available for working the traffic on the canal shall by reason of drought become insufficient for that purpose the Corporation shall construct at the said lock such a side pond with all proper sluices and appliances connected therewith as shall be proper for effectually economising the water used for working the traffic through that lock and subject thereto and to the other provisions of this section the Corporation shall not be liable for any injury arising from any loss of water occasioned by the construction or maintenance of any works by this Act authorised:

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Recovery of damages &c.

16. If and whenever any damages or other sums payable by the Corporation to the Company under the provisions of this section be not paid within seven days after demand thereof in writing made on the town clerk the same may together with full costs of suit be recovered by the Company or such other person from the Corporation in any court of competent jurisdiction :

Arbitration.

17. If any difference arise between the Company and the Corporation touching anything to be done or not to be done or the amount of any moneys to be paid by the Corporation to the Company (other than the sums to be paid by the Corporation to the Company as or by way of liquidated damages or compensation) under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) on the application of either of the parties in difference by the president for the time being of the Institution of Civil Engineers and his decision shall be conclusive and binding on both parties and the costs of the arbitration shall be borne as he shall direct :

Power to agree as to execution of works.

18. The Corporation and the Company may by writing under their respective common seals agree as to any alteration or modification of the provisions of this section provided that no such agreement shall authorise the Corporation to construct any works not authorised by this Act or contrary to any provisions thereof other than the provisions in this section for the protection of the Company.

Corporation may authorise use of pail-closets &c.

32. The Corporation may if they think fit authorise or require the use of a pail-closet or ash-closet in any case in which they are authorised to require the use of a privy watercloset or earth closet and the Corporation may prescribe the size and materials of which any pail-closet or ash-closet shall be constructed and the times and mode of removing cleansing preserving and replacing of the pails tubs fittings and appliances of any such closet and the provisions of this Act and subject thereto the provisions of the Public Health Act 1875 with respect to the providing of privies waterclosets and earth closets shall apply mutatis mutandis in the case of pail-closets or ash-closets the use of which may be so required or ordered by the Corporation and the Corporation may if they think fit from time to time provide and maintain and charge for the use of pails tubs fittings and appliances for such pail-closets or ash-closets or any or either of them or any part or parts thereof respectively and may recover such charges summarily. In cases where the Corporation authorise or require the use of an earth-pail or ash-closet they may require that urinals be provided.

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Regulation pails or tubs &c.

33. The owner of every dwelling-house in which pails or tubs are used in the privies shall if so required by the Corporation obtain the regulation size pails or tubs from the Corporation who shall from time to time determine the cost to be paid for the same and in case the owner of any dwelling-house use any pail or tub not obtained from the Corporation he shall for every such offence forfeit any sum not exceeding twenty shillings and be liable to a continuing penalty not exceeding twenty shillings for every day during which such offence is continued.

What to be deemed new buildings.

34. From and after the passing of this Act :—

The erecting of any building :

The re-erecting wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame-building so far pulled down as to leave only the framework of the ground-floor storey thereof :

The converting into a dwelling-house any building not originally constructed for human habitation :

The converting into two or more dwelling-houses any building constructed originally as one dwelling-house :

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only : and

The erecting or placing of any building so as to cross over or occupy any uncovered space :

shall be deemed to be the erecting of a new building and the word building shall include an erection or building of whatever material constructed and buildings and lands shall be deemed to be in a street when they abut on or have an access (covered or uncovered) to a street or when only some forecourt garden yard or strip of waste or unoccupied ground intervenes between any such buildings or lands and a street This section shall not extend or apply to any building of a railway company not used or intended to be used as a dwelling-house except in so far as it affects the drainage or sanitary details of such building.

When buildings to be deemed to be in a street.

Approval of plans &c.

35. The Corporation may attach to their approval of the plans and sections of any new street or of any new building any condition which they deem proper as to alterations in or additions to the sanitary arrangements of such street or building and also in the case of dwelling-houses any restrictions as to the number of separate dwellings for which the same may be used.

Alteration of direction of streets.

36. The Corporation may at any time after a plan for a new street has been deposited and before the same has been sanctioned

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vary or alter the intended position or direction of such intended new street for the purpose of securing more easy and convenient communication with any other street adjoining or leading thereto or for the purpose of making such new street communicate therewith at a more convenient level.

Block plan.

37. Every block plan deposited with the Corporation in respect of a new building shall be drawn to a scale of not less than one inch to every forty-four feet and shall show the position of the nearest portion of all buildings immediately adjoining and the width and level of the street upon which the intended building or the premises appurtenant thereto are intended to abut.

Thickness of external and division walls.

38. In every new building all external walls and all division walls between dwelling-houses shall unless otherwise authorised by the Corporation be not less in any part than nine inches in thickness and shall be solidly put together with good lime mortar.

Prevention of lock-up shops &c. being used for habitation.

39. Where in the plan of a building submitted to and approved by the Corporation a building is described as a lock-up shop workshop shed or place of business the use thereof or of any part thereof for the purposes of habitation by any person other than a person placed therein to take care thereof (provision for whose accommodation shall be shown on such plan) shall be an offence against this Act and shall be deemed to be committed on the day when the user thereof is first detected Every person so using the same or knowingly permitting the same to be so used shall be liable to a penalty not exceeding twenty pounds and also to a daily penalty not exceeding five pounds The mayor for the time being of the borough may from time to time by warrant under his hand authorise any sanitary officer to enter into at any time and examine any building suspected of being so used If any person obstructs an officer so authorised in his entry or examination he shall be liable to a penalty not exceeding five pounds.

Special provision with respect to buildings on site of old brickyards and other excavations.

40. When any plan of a building intended to be used for human habitation is submitted to the Corporation for approval and such building is proposed to be erected on any old brickyard excavation or place which has been or hereafter may be filled up with refuse the Corporation may require that there shall be deposited and left between the upper surface of the filled-up material and the lower surface of the whole ground floor and walls of such building fifteen inches in depth of solid lime concrete · And if the Corporation shall determine to make such requirement no person shall after notice thereof proceed to erect any such building until such bed of concrete has been so laid to the satisfaction of the borough surveyor or until after forty-eight hours notice thereof to him that such bed

of concrete is laid and requiring him to inspect the same shall have expired and he shall have failed to inspect the same or to object thereto after such inspection Unless notice as aforesaid has been been given to the borough surveyor the offence if any shall be deemed to have been committed on the day when the borough surveyor first detects the same.

Open space.

41. Where any premises are proposed to be erected in any part of the borough partly for the purposes of a dwelling-house and partly for the purposes of business the Corporation may allow the open space required by the regulations of 1868 for a dwelling-house to be provided on part of such premises above the first storey from the level of the street.

Penalty for using as habitable room a room not in accordance with regulations.

42. Any person wilfully using or knowingly suffering to be used as a habitable room any room built after the twenty-ninth day of May one thousand eight hundred and sixty-eight which does not comply with all the requirements of the regulations of 1868 with respect to habitable rooms shall be guilty of an offence against those regulations and liable to a penalty or penalties accordingly.

Houses not to be inhabited if unfit.

43. Every owner of a new building shall before the same shall be inhabited give to the Corporation or the borough surveyor a notice in writing that the said building and its appurtenances and the paving of the yard and the drainage and the ventilation of such building are completed and that the drains thereof are sufficiently trapped according to the provisions of the several Acts of Parliament regulations and byelaws for the time being in force in the borough and a demand that the same may be inspected within fourteen days from the service of such notice and no owner of a new building shall occupy or allow the same to be occupied if he shall have received from the borough surveyor within fourteen days after the service of such notice a notice in writing that such new building and its appurtenances or such paving drainage or ventilation are not completed or that such ventilation is insufficient or that the drains are not sufficiently trapped or that such new building or its appurtenances are in some other respect unfit for habitation (the notice to state in what particulars the building or the drainage is incomplete defective or otherwise unfit for habitation) and any owner who shall occupy or allow such new building to be occupied and any person who shall wilfully occupy the same after such last-mentioned notice has been given shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited until the defects specified in his notice have been remedied.

A.D. 1881.

Amending regulations of 1868.

44. The preceding sections of this Act the marginal notes whereof are as follows (that is to say):—

What to be deemed new buildings: When buildings to be deemed to be in a street:

Approval of plans &c.:

Alteration of direction of streets:

Block plan:

Thickness of external and division walls:

Prevention of lock-up shops &c. being used for habitation:

Special provision with respect to buildings on site of old brick-yards and other excavations:

Open space:

Penalty for using as habitable room a room not in accordance with regulations: and

Houses not to be inhabited if unfit:

shall be construed with and form part of the regulations of 1868.

Short weight &c.

45. Every person who in selling any article or thing shall knowingly give to the person purchasing or ordering the same a deficient quantity thereof either in weight or measure shall be liable to a penalty not exceeding five pounds in the case of the first offence and not exceeding ten pounds for every subsequent offence and the justice before whom such person shall be so convicted may on the second or any subsequent offence order that a notice of such conviction and of any previous convictions be posted at the expense of such person at the town hall and every police station of the borough.

Power to borrow.

46. The Corporation in addition to any moneys they have borrowed or are authorised to borrow under the powers of any other Act may from time to time borrow on the security of the district fund and general district rates any sum or sums not exceeding in the whole—

For the purposes of paying the costs of this Act as herein-after defined the sum requisite for that purpose:

For the purposes of the flood works eighty-five thousand pounds.

And in calculating the amount they may borrow under any other Act any sum they may borrow under this Act shall not be reckoned and the powers of the Corporation of borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Acts.

Sinking fund not required for moneys repayable by instalments.

47. Section twenty-five (as to sinking fund) of the Act of 1879 shall not be construed so as to require the Corporation to provide a sinking fund for the repayment of moneys which are repayable by instalments.

A.D. 1881.

Authentication of coupons for interest.

48. Coupons issued by the Corporation to holders of their mortgages for interest thereon shall be under the seal of the Corporation and shall be authenticated by the signature of the town clerk or in such other manner as the Corporation may from time to time determine instead of by the signature of two persons thereunto expressly authorised as required by section thirty (coupons for interest on mortgages) of the Act of 1876 and that section shall be read and construed accordingly.

Repayment of borrowed moneys.

49. All moneys borrowed or re-borrowed under the powers of this Act may be borrowed and re-borrowed for any periods not exceeding the following (that is to say) :—

As regards moneys borrowed within five years after the passing of this Act for seventy years after the expiration of those five years :—

And as regards moneys borrowed after the expiration of those five years then for seventy years after the dates at which they shall be respectively borrowed :

And subject thereto and to the provisions of this Act the provisions contained in the following sections (all inclusive) of the following Acts (that is to say) :—

Of the Act of 1876 :—

Section thirty (coupons for interest on mortgages) :

Section thirty-two (borrowed money may be repaid by instalments) :

Section thirty-seven (application of money borrowed) :

Of the Act of 1878 :—

Section thirty-eight (separate accounts) :

Of the Act of 1879 :—

Sections nine to thirty :

shall extend and apply mutatis mutandis to and in relation to the borrowing re-borrowing and re-paying of moneys borrowed under the powers of this Act.

Amending section 9 of 42 & 43 Vict. c. cc.

50. Section nine (power to issue debenture stock) of the Act of 1879 shall be read and have effect as if the words "other than Leicester Corporation gas and water debenture stock" had not been inserted therein and notwithstanding anything contained in the Act of 1879 the power given to the Corporation by section nine thereof to convert any portion of their debt then subsisting on the security of mortgages bonds or debenture stock shall extend to and include Leicester Corporation gas and water debenture stock.

Expenses of executing Act.

51. All expenses incurred by the Corporation in carrying into execution the powers of this Act (except such of them as are to be paid out of borrowed moneys or by the sale of corporate property) shall be paid out of the district fund and general district rates.

A.D. 1881.

Expenses of Act.

52. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the district fund and general district rates or out of moneys borrowed under the powers of this Act and shall be debited to such accounts as the Corporation shall think fit.

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