ANNO UNDECIMO

VICTORIÆ REGINÆ.

Cap. v.

An Act to authorize the Company of Proprietors of the *Leicester* Navigation to abandon the Railways or Stone Roads and Water Levels commonly known as "The Forest Line," and to enable them to sell the Lands over which the same passes, and the Reservoir and other Works connected therewith. [9th *June* 1848.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable* 31 G.3. c. 65.
Communication between the Loughborough *Canal and the Town of* Leicester, *and for making and maintaining a Communication by Railways or Stone Roads and Water Levels from several Places and Mines to the said* Loughborough *Canal, and for continuing the same by passing along the said Canal to the said navigable Communication, all in the County of* Leicester, whereby certain Persons therein named, and their Successors, Executors, Administrators, or Assigns, were incorporated by the Name of "The Company of Proprietors of the *Leicester* Navigation," and the said Company were thereby authorized and empowered to make a navigable Communication for Boats,

Barges,

Barges, and other Vessels between the *Loughborough* Canal and the Town of *Leicester*, by making certain Cuts or Canals, and by rendering the Rivers *Soar* and *Wreake* navigable in manner therein mentioned; and also to make and maintain a Rail or Waggon Way or Stone Road, for the Conveyance of Coal, Stone, Lime, and Goods, in Carriages or Vehicles, from or near *Thringstone Bridge* in the Township of *Thringstone*, through or near the Townships or Liberties of *Thringstone* and *Swannington* in the County of *Leicester*, to the several Coal Works of the Chaplains and Poor of the Hospital of *William Wigston* in the Town of *Leicester*, then under Lease to Messrs. *Raper* and *Fenton*, in or near *Swannington Common*, and other Works then opened and worked, or to be thereafter opened and worked, in the Township or Liberty of *Swannington* and *Swannington Common* aforesaid; and also to make and maintain One other Rail or Waggon Way or Stone Road, with Branches therefrom, for the Conveyance of Coal, Stone, Lime, and other Goods from the aforesaid Railway or Stone Road in the Liberty of *Thringstone* aforesaid, through or near the several Townships of *Thringstone*, *Swannington*, and *Coal Orton* in the said County, to or near the several Coal Works of *Joseph Boultbee* Esquire in *Thringstone Common* in the Liberties of *Thringstone* aforesaid, and also to or near other Coal Works of the said *Joseph Boultbee* and of *Godolphin William Burslem* Esquire, respectively in the Parish or Liberties of *Coal Orton* aforesaid, and other Works then opened and worked, or to be thereafter opened and worked, in the Parishes, Townships, or Liberties of *Thringstone*, *Thringstone Common*, and *Coal Orton* aforesaid, or any of them; and to make and maintain a Water Level, for the Furtherance of such Carriages or Vehicles, from the Commencement of the said Rail or Waggon Ways or Stone Roads at or near *Thringstone Bridge* aforesaid, through or near the several Parishes, Townships, or Liberties of *Thringstone* aforesaid, *Osgathorpe*, *Gracedieu*, *Belton*, *Sheepshead*, and *Beaumanor*, all in the said County, to or near the South-westward End of a certain Lane leading into *Charnwood Forest* called the *Loughborough* or the *Forest Lane*; and to make and maintain another Rail or Waggon Way or Stone Road from the Termination of the said Water Level at or near the said South-westward End of the said Lane called *Loughborough* or the *Forest Lane*, through or near the Liberties of *Beaumanor* aforesaid and the Parish of *Loughborough* aforesaid, to and into the Basin of the *Loughborough* Canal near the Termination of the said Basin by the Town of *Loughborough* aforesaid, for the effecting and finishing of the Carriage of the said Coal, Lime, and Goods on the said Carriages or Vehicles to the said Basin, and also for the Carriage of Lime and Goods from the several Lime Works and other Works opened or to be opened at *Barrowhill* and *Cloudhill*, both in the Parish of *Breedon* in the said County, to the aforesaid Water Level; to make and maintain another Water Level, to branch out from the aforesaid Water Level near to *Thringstone Bridge* aforesaid, and to be continued through or near the several Parishes, Townships, or Liberties of *Thringstone* and *Osgathorpe* aforesaid, to or near a certain Close in the Parish of *Osgathorpe* aforesaid, then in the Occupation of *Mary Moseley*; and to make and maintain another Rail or Waggon Way or Stone Road from the Termination of the said last-mentioned Water Level at or near the

said last-mentioned Close, through or near the several Parishes, Townships, or Liberties of *Osgathorpe* and *Breedon* aforesaid, to the several Lime and other Works then opened or which might thereafter be opened at *Cloudhill* aforesaid, with a Branch of Railway or Stone Road from or near the Termination of the last-mentioned Water Level, through or near the several Townships or Liberties of *Osgathorpe* and *Breedon* aforesaid, to the said several Lime Works then opened or which might thereafter be opened within the Parish of *Breedon* aforesaid; and also to make, complete, and maintain other Railways or Stone Roads from the Navigation, Railways, or Stone Roads, and Water Levels, already described, to the several Coal Mines and Limestone Quarries lying near the Course of the said Navigation, Railways, or Stone Roads, and Water Levels, or the Terminations thereof, from Time to Time as they should think proper, under the Limits therein mentioned, and to supply the said Navigation and Water Levels with Water from *Swannington* and *Thringstone* Brooks, and from such other Springs, Brooks, Streams, and Watercourses as mentioned in the said Act; and also to make a Reservoir upon *Charnwood Forest*, for the Purpose of supplying the said Water Levels with Water, and such and so many Feeders and Aqueducts as they should think fit, for supplying the said Navigation, Water Levels, and Reservoir with Water; and it was by the said Act (amongst other things) enacted, that if the said Company of Proprietors should be in the Possession of any Lands or Grounds by virtue of the said Act, for the Space of Ten Years, without making the then intended Canals, Water Levels, Navigation, Railways, or Stone Roads through the same respectively, or if the said Navigation, Railways, or Stone Roads, or Water Levels, should be made and completed, and afterwards discontinued or disused for the Space of Five Years, then and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making or Five Years after disusing the said Undertaking as aforesaid the said Company of Proprietors should convey all their Right, Property, and Interest in or to such Lands or Grounds respectively to the several and respective Persons, or Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, in case they or any of them should think fit to become Purchasers thereof, and to pay such valuable Consideration for such Land or Ground to the said Company of Proprietors, as in the said Act is mentioned or referred to; and in case the said Company of Proprietors upon the Payment or Tender of such valuable Consideration for such Lands or Grounds, should refuse or neglect to convey the same as aforesaid, then and in such Case such Lands or Grounds should revert to and be thenceforth vested in the said several Persons, Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors or Assigns; and that in case an annual Rent should have been paid for the said Lands or Grounds to be taken for the Use of the said Undertaking, then such Rent should cease and determine, and such Sum or Sums should be paid for the Damage done to the said Lands or Grounds by the said Company of Proprietors, to the Person or Persons, Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such

Lands

Lands or Grounds should be reconveyed or revert as aforesaid, as in the said Act is and are in that Behalf mentioned or referred to: 37 G.3. c.51. And whereas another Act was passed in the Thirty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enabling the Company of Proprietors of the* Leicester *Navigation to finish and complete their several Works, and to discharge the Debts contracted in the making thereof; and for amending an Act passed in the Thirty-first Year of the Reign of His present Majesty, for making the said Navigation, and several other Works in such Act mentioned:* And whereas, in pursuance of the Powers and conformable to the Directions contained in the Two several herein-before recited Acts, the said Company of Proprietors of the *Leicester* Navigation made and completed the said navigable Communication between the *Loughborough* Canal and the Town of *Leicester*, and also the greater Portion of the several Railways or Stone Roads and Water Levels in the first-recited Act and herein-before mentioned and described; but certain small Portions thereof were never made or required to be made by the Parties for whose Use and Benefit the same were chiefly intended: And whereas an Act was passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled 48 G.3.c.133. *An Act for allotting and inclosing the Forest or Chase of* Charnwood *otherwise* Charley Forest *or* Chace, *and* Rothley Plain, *in the County of* Leicester; and the Commissioners appointed by the same Act did, in pursuance of the Directions therein contained sell, allot, and award to the said Company of Proprietors of the *Leicester* Navigation, in consideration of the Sum of One thousand and nine hundred Pounds paid by the same Company to the said Commissioners, Four several Allotments or Parcels of Land (Part of the said Forest or Chace) containing together Forty-seven Acres Three Roods and Eleven Perches, and forming in part the Reservoir made by the said Company for the Use of the before-mentioned Water Levels, and the Feeder to the same, and in the remaining Part the Site or Course of the said Railways or Stone Roads, Water Levels, and Towing Paths, from *Loughborough Forest Lane* aforesaid to Inclosures in the Parish of *Gracedieu* aforesaid, and the same Four several Allotments have ever since been held and enjoyed by the said Company of Proprietors for the Purposes of their said Undertaking: And whereas in and subsequently to the Year One thousand eight hundred and thirty a more direct and speedy Communication was effected between the Collieries, Mines, and Lime Works in the several Parishes, Townships, or Places of *Swannington*, *Coal Orton*, *Thringstone*, and *Breedon* aforesaid and the Town of *Leicester*, by means of certain Railways called "The *Leicester and Swannington* Railway," and "The *Coleorton* Railway," and for many Years previously to the Formation of the Works authorized to be made by the said Railway Acts the Communication between the said last-mentioned Collieries, Mines, and Lime Works and the *Loughborough* Canal by means of the said Railways or Stone Roads, Water Levels, and other Works made by the said Company of Proprietors under the Authority of the Two first herein-before recited Acts, and which are more commonly known or distinguished as "The Forest Line" of the said *Leicester* Navigation, had entirely ceased, and such Communication is now wholly discontinued, and the said Line disused, not only by the Owners of such Collieries,

Mines,

Mines, and Lime Works, but by the Public in general: And whereas there being no Probability that the Line of Communication by means of that Branch of the said Undertaking called the Forest Line will be ever resumed, by reason of the better and more speedy Mode of Communication which has been since effected, it is just and expedient that the said Forest Line should be wholly abandoned, and that the Lands over which the said Line passes, and the Reservoir and Feeder and other Works connected therewith, should be sold by the Company; but Doubts have arisen whether the said Company of Proprietors are enabled under the Provisions contained in the said first-recited Act to abandon or discontinue any Part of their Undertaking, so long as they continue to carry on and derive Profit or Benefit from the Remainder; and it is therefore expedient that those Doubts should be removed, and that the said Company of Proprietors should be expressly required to abandon and discontinue the said Line of Communication (both by Land and Water) called the Forest Line, and the Works appertaining thereto, and also to sell and convey all the Lands, Tenements, and Hereditaments over which the same Line goes or passes, and the Reservoir, Feeder, and other Works used or connected therewith; but inasmuch as the Object and Purposes aforesaid cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Company of Proprietors of the *Leicester* Navigation, and their Successors and Assigns, shall be and they are hereby fully discharged of and from the making and maintaining of such Portion or Portions of the said Railways, Waggon Ways, or Stone Roads, and Water Levels, as have been hitherto omitted to be made, and also of and from the Care, Charge, Management, Maintenance, and keeping up of such of the said several Railways, Waggon Ways, or Stone Roads, and Water Levels, as have been already made, with the Branches, Reservoir, Feeder, and other Works belonging thereto or connected therewith, herein-before mentioned or referred to, and now forming or known or distinguished as the Forest Line of the *Leicester* Navigation, and every of them, and every Part and Parcel thereof respectively, and every Clause, Matter, and Thing in the said Two first herein-before recited Acts of Parliament or either of them expressed or contained relating thereto, as fully and effectually as if the same several Railways, Waggon Ways, Stone Roads, Water Levels, Branches, Reservoir, Feeder, and other Works had not been respectively named in or authorized or directed to be made or maintained by the said Company in the said Two first-recited Acts or either of them.

Leicester Navigation Company discharged from Maintenance of Forest Line.

II. And be it enacted, That it shall be lawful for the said Company of Proprietors of the *Leicester* Navigation and they are hereby required, at any Time or from Time to Time after the passing of this Act, to sell and absolutely dispose of all and every the Lands or Grounds and other Hereditaments through or over which the several Railways, Waggonways, or Stone Roads, and Water Levels, and the

Company may sell the superfluous Lands.

Towing Paths and Branches of the same, now respectively go or pass, and also the Reservoir, Feeder, and other Works, Matters, and Things belonging thereto or connected therewith, and which are hereinbefore respectively authorized or directed to be abandoned or discontinued as aforesaid, or any of them, or any Part or Parts thereof respectively, and the Inheritance thereof in Fee Simple; and all the Monies which shall arise or be produced by or from every or any such Sale or Sales or other Disposition as aforesaid shall be paid to any Two or more of the Committee for the Time being of the said Company of Proprietors, and the Receipt in Writing of any Two or more of the said Committee shall be a good Discharge to the Purchaser or respective Purchasers of the same Premises, for the Monies for which the said Premises shall be respectively sold, and such Monies shall thereupon be paid over by the Parties receiving the same into the Bank appointed by the Company, and shall become and be deemed and considered as Part of the general Assets or Capital of the said Company, and be applied and disposed of accordingly.

As to certain old Inclosures and Allotments in Charnwood Forest.

III. And whereas the Lands taken by the Company for the said Reservoir, Feeder, Railways, and Water Levels consist partly of old inclosed Lands purchased by the said Company, and partly of Lands which were sold and allotted to the said Company of Proprietors by the Commissioners for the said Inclosure of the aforesaid Forest or Chase of *Charnwood:* And whereas it was by the said first-recited Act provided, that if the said Company should be in possession of any Lands or Grounds by virtue of that Act, as therein is mentioned, and which should not be used for the Purposes of the said Act, as therein is mentioned, then the said Company should convey all their Right, Property, and Interest in such Lands or Grounds respectively to the several and respective Persons, or Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company became seised of the same, in case they or any of them should think fit to become Purchasers thereof, as therein is mentioned: Now therefore, for determining the Right of Pre-emption to the same Lands respectively, be it enacted, That the said Company of Proprietors shall first offer to sell the whole of the said Reservoir and Feeder to the Party or Parties in the Receipt of a certain Rent-charge of Fifty-three Pounds and Sixteen Shillings, which was granted or secured by the said Company as the Consideration for the Purchase by the said Company of the said old inclosed Lands, or Part of the same, so taken for the said Reservoir, and that the said Company of Proprietors shall first offer the Residue of the Lands hereby directed and authorized to be sold to the Person or to the several Persons whose Lands immediately adjoin the same on either Side thereof, such Persons being capable of entering into a Contract for the Purchase of such Lands, so that where the said Lands so to be sold shall adjoin Lands on different Sides thereof, belonging to more than One Party entitled to such Right of Pre-emption, such Offer shall be made to such One or more of such Persons in succession one after another and in such Order of Priority as the said Company of Proprietors shall think fit.

IV. And

Incorporation of Lands Clauses Act as to Re-sale of Lands.

IV. And be it enacted, That all the Clauses and Provisions contained in "The Lands Clauses Consolidation Act, 1845," with respect to Lands acquired by the Promoters of an Undertaking under the Provisions of that Act or any special Act or any Act incorporated therewith, but which shall not be required for the Purposes thereof, shall (so far as the same may, under the Circumstances of the Case, be applicable to and not inconsistent with or repugnant to this Act, or any of the Provisions or Enactments herein contained,) be incorporated with and form Part of this Act, and shall be in force for the Purpose of regulating and conducting the several Sales under this Act of any Lands, Grounds, Tenements, Works, or Hereditaments hereby authorized to be sold by the said Company, and that as fully and effectually to all Intents and Purposes as if the same Clauses and Provisions had been inserted and re-enacted in this present Act, with such Alterations, Variations, and Additions in or to the same as the Nature and Circumstances of the Case may require in order to render such Clauses and Provisions valid and efficient for the Objects and Purposes aforesaid.

Conveyances to be in the Form specified in Schedule (A.)

V. And be it enacted, That all Conveyances on the Resale of Lands by the said Company of Proprietors under the Authority of this Act may be according to the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the respective Purchasers may think fit, and the same shall be valid and effectual for the Purpose of vesting the Lands so to be resold by the said Company in the Purchaser or Purchasers thereof in Fee Simple, or to such Uses, Intents, or Purposes as he, she, or they may direct or appoint, free from any Estate, Right, Title, Claim, or Interest therein of the said Company of Proprietors, their Successors or Assigns, or any Person or Persons claiming through, under, or in trust for them.

As to Rent-charges.

VI. And whereas some of the Lands or Grounds, Works, Tenements, or Hereditaments hereby authorized to be sold by the said Company of Proprietors, or some Part or Parts thereof respectively, were heretofore purchased by them from the former Owners, in consideration (either wholly or in part) of certain annual Sums or yearly Rent-charges issuing thereout, and the said Company is liable to a certain annual Payment in respect of Damage done by the bursting of their aforesaid Reservoir; and it is expedient and necessary, in order to effect a Sale of such Lands, Grounds, Works, Tenements, and Hereditaments so charged as aforesaid, or to which the said Company or their said Lands are liable, that the said Company of Proprietors should be enabled to purchase and obtain Releases and Discharges for such annual Sums or yearly Rent-charges respectively, in order to effect an Extinguishment thereof upon paying the full Value thereof; be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors of the *Leicester* Navigation, and they are hereby authorized, with and out of their own proper Monies and Funds, to purchase and obtain Releases and valid Discharges (so as to cause an Extinguishment) of all and every or any of the annual Sums or yearly Rent-charges or Payments, of whatever Nature or Amount, now issuing, growing due, or payable from or out of, or for,

for, in respect, or on account of any of the Lands, Grounds, Works, Tenements, or Hereditaments so hereby authorized to be sold as aforesaid, or any Part or Parts thereof respectively, or which the said Company is as aforesaid liable to pay, for and in consideration of such respective Prices or Sums of Money as may be agreed upon by and between the said Company, and the respective Owners of or Persons interested in such annual Sums, yearly Rent-charges, or Payments respectively as aforesaid, or, in case of a Disagreement between them, then as may be awarded or determined in manner herein-after mentioned or referred to.

Incorporation of Lands Clauses Act as to Rent-charges.

VII. And for the better effecting such Release and Extinguishment, be it enacted, That all the Clauses and Provisions contained in the said Lands Clauses Consolidation Act, 1845, with respect to Lands charged with any Rent Service, Rent-charge, or Chief or other Rent, or other Payment or Incumbrance, and to the Release or Discharge of the same, shall (so far as the Case may be applicable) be incorporated with and form Part of this Act, and be in force for the Purpose of effecting and regulating such Release and Extinguishment of all or any of the said annual Sums or yearly Rent-charges or Payments as aforesaid, or any Part or Parts thereof respectively, as fully and effectually to all Intents and Purposes as if the same Clauses and Provisions had been inserted and re-enacted in the Body of this Act, with such Variations and Additions thereto as the Nature and Circumstances of each Case may require, in order to render such Clauses and Provisions more effectual for carrying out such Release and Extinguishment as aforesaid.

Company to remove Bridges, if requested.

VIII. And be it enacted, That in all Cases where no Arrangement has been made or entered into or now exists between the said Company and the Trustees of any Turnpike Road, or the Surveyors of any public Highway, with respect to the Bridges erected by the said Company for carrying such Turnpike Road or public Highway over the said Water Levels, and such Trustees or Surveyors shall, within One Year after the passing of this Act, by Notice in Writing under their Hands, to be delivered to the Clerk of the said Company, require the said Company to take down any such Bridge, the said Company shall, in every such Case, at their own Expense, within Six Calendar Months next after the Delivery of such Notice, take down such Bridges accordingly, and restore the Road, so far as practicable, to its original Form and Condition.

Expenses of the Act.

IX. And be it enacted, That all the Costs, Charges, and Expenses of and attending the obtaining and passing this Act, and preparatory or incident thereto, shall be paid and defrayed by the said Company of Proprietors of the *Leicester* Navigation from and out of their own Monies, Funds, Capital, or Estate, in preference to any other Payment whatsoever.

Act not to prejudice the navigable Communication between

X. Provided always, and be it enacted, That neither this Act, nor any Matter, Clause, or Thing herein contained, shall in anywise prejudice or affect, or be held, adjudged, deemed, construed, or taken so as in any Manner to prejudice or affect the said navigable Communication

munication between the said *Loughborough* Canal and the Town of *Leicester*, or any Matter or Thing in the Two first herein-before recited Acts contained relating or applicable thereto, but that the same last-mentioned Acts, and every Clause, Matter, and Thing therein respectively contained, with reference or in relation to the said navigable Communication between the *Loughborough* Canal and the Town of *Leicester*, shall be, remain, and continue in as full Force and Effect and Operation as if this Act had not been passed. the Loughborough Canal and the Town of Leicester.

XI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHEDULE (A.) referred to by the foregoing Act.

WE, the Company of Proprietors of the Leicester Navigation, by virtue of the Powers contained in an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], and in consideration of the Sum of £ to us in hand paid by *A. B.* of do hereby grant and convey to the said *A. B.* his Heirs [*or* Successors] and Assigns, all, &c., [*the Premises to be conveyed, describing them*], together with all Ways, Rights, and Appurtenances thereto belonging; and all such Estate, Right, Title, and Interest as we the said Company have or can convey therein, to hold the same Premises unto the said *A. B.* his Heirs [*or* Successors] and Assigns, for ever [*or to such Uses, Intents, and Purposes as shall be therein expressed, stating them*]. In witness whereof we have hereunto affixed our Common Seal, this Day of in the Year 18 .

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