ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. ii.

An Act for the Improvement of the Sewerage of the Borough of *Leicester*, and for making other Provisions for the Sanitary Regulation of such Borough. [20th *May* 1851.]

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough of *Leicester*, by the Council of the said Borough, are the Local Board of Health for the said Borough of *Leicester*, under or by virtue of "The Public Health Act, 1848," and "The Public Health Supplemental Act, 1849:" And whereas the Powers and Provisions contained in the said herein-before recited Acts, so far as the same relate to the Sewerage and Drainage of the said Borough, are inadequate and insufficient for that Purpose, and it is expedient that further Provision should be made for the Construction and Maintenance of Sewers and Drains, and of an Outfall for the same, and for the Purchase of Property required for such Purposes, and for the Prevention of Nuisances, and the Diminution of the Mortality of the Inhabitants throughout the said Borough, and for enabling the said Local Board to sell and dispose of the Sewage and Refuse, and to enter into such Contracts for the Sale and Manufacture thereof into Manure as may appear to the said Board to

to be for the Benefit of the said Borough: And whereas the 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,

Certain Provisions of 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 16. incorporated with this Act.

I. That "The Lands Clauses Consolidation Act, 1845," and all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," "with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners," "with respect to the Mortgages to be executed by the Commissioners," and "with respect to giving of Notices and Orders," shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and such Clauses shall be construed as if the Expression "The Local Board of Health for the Borough of *Leicester*" had been inserted therein instead of the Word "Commissioners," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Words "Local Board" had been inserted therein instead of the Word "Commissioners."

Interpretation of Terms.

II. That in the Construction of this Act the Words "the Local Board" shall mean the "Mayor, Aldermen, and Burgesses of the Borough of *Leicester*, by the Council of the said Borough," and that the Word "Sewer" shall mean and include Sewers, Culverts, and Drains of every Description.

Short Title.

III. That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *Leicester* Sewerage Act, 1851."

Power to execute the Works.

IV. And whereas Plans and Sections showing the Line and Levels of the proposed Works, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands, Roads, Streets, Railway, River, and Canal, in, upon, through, under, across, or along which the same are intended to be made or pass, or into which the Sewers are intended to be emptied, or which are required for the Deposit or Conversion or Manufacture into Manure of the Sewage and Refuse, or which may be required for other the Purposes of this Act, have been deposited with the Clerk of the Peace for the County of *Leicester*: Be it therefore enacted, That it shall be lawful for the said Local Board, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make, construct, maintain, and carry such Sewers, Reservoirs, Sluices, Engines, and other Works and Conveniences connected therewith, as they may consider to be necessary for effectually

tually draining the said Borough of *Leicester*, and for other the Purposes of this Act, in the Line and on the Levels, and upon, through, under, or along all or any of the Land, Roads, Streets, Railways, Rivers, and Canals delineated on the said Plans and Sections and described in the said Book of Reference, and also to scour, cleanse, deepen, divert, and widen the Part of the River *Soar* as shown upon the said Plans and Sections, and to use the same for the Purpose of Communication between the Works of the said Local Board and the *Leicester* Navigation: Provided always, that nothing in this Act contained shall prejudice or affect the Powers conferred upon the Local Board by "The Public Health Act, 1848," of making, constructing, and maintaining any other Sewers or Works for effectually draining the said Borough.

Power to Local Board to enter Lands, &c. for repairing Sewers.

V. That it shall be lawful for the said Local Board from Time to Time to enter upon any Land, Street, Road, or Place through, under, or along which any Sewer shall be so constructed or made, for the Purpose of repairing or cleansing the same, doing as little Damage as may be, and making full Compensation for any Damage done, such Compensation to be settled and ascertained (in case of Dispute) in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to Questions of disputed Compensation.

Power to Local Board to amend and cleanse Sewers.

VI. That the said Local Board shall have Authority, from Time to Time as they shall see fit, to enlarge, lessen, deepen, alter, arch over, or otherwise improve all or any of the Sewers and Works constructed or made under the Powers of this Act, and to discontinue, close up, and destroy such of them as they may deem to have become unnecessary, in like Manner as such Local Board are authorized to do with respect to Sewers vested in the said Local Board by virtue of "The Public Health Act, 1848," and "The Public Health Supplemental Act, 1849," or either of them.

Errors and Omissions in Plans may be corrected by Two Justices, who shall certify the same.

VII. That if any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, and Occupiers of any Lands, described on any of the Plans or Books of Reference so deposited as aforesaid, it shall be lawful for the said Local Board, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Land affected by such proposed Correction, to apply to Two Justices of the County or Borough of *Leicester* in which such Lands may be situate, for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited

Certificate to be deposited.

deposited with the Clerk of the Peace of the County of *Leicester*, and shall be kept by such Clerk of the Peace with the other Documents to which it relates; and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Local Board to construct and make the Works according to such Certificate.

Power to deviate from the Line and Levels shown on Plans and Sections.

VIII. And with respect to the Execution of the Works hereby authorized to be made by the said Local Board, be it enacted, That it shall be lawful for the said Local Board to deviate from the Levels of such Works respectively, as shown on the said deposited Plans and Sections, to the Extent of Three Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made, and that it shall be lawful for the said Local Board to deviate from the Lines of such Works to the Extent delineated or set forth on the said Plans, but not to any greater Extent, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend; provided that Works shall not by means of any such Deviation as herein-before authorized be made to extend beyond the Limits of Deviation marked on the said Plan, nor into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in the Manner provided for in this Act, or the Lands Clauses Act incorporated herewith, in Cases of unintentional Errors in the said Book of Reference.

For preventing Obstructions to Turnpike Roads.

IX. That during the Construction or Repair of any Sewers or other Works under or along any Turnpike Road the said Local Board shall leave a free, open, and uninterrupted Carriageway along the same of not less than Fifteen Feet in Width, or of such other less Width as shall be approved of by the Trustees of such Road, doing as little Damage as may be during the Progress of the Construction or Repair of such Sewer or Works; and the said Local Board shall, immediately after the Completion of any such Construction or Repair, reinstate so much of such Road as shall from Time to Time have been taken up or displaced for the Purposes of this Act, to the Satisfaction of the Surveyor for the Time being of such Road, and shall keep the same in good Repair and Condition for Twelve Calendar Months after such Reinstatement; and in case the said Local Board shall neglect or omit to reinstate and keep in such good Repair and Condition any such Road, the said Local Board shall make full Compensation to the Trustees of such Road in manner prescribed by the One hundred and forty-fourth Section of "The Public Health Act, 1848."

X. That

Owners of Land may make Drains into Sewers.

X. That it shall be lawful for the Owner of any Land through which any of the Sewers shown on the deposited Plans shall be made, at his own Expense, to cause any Drains made by him for the Purpose of draining or improving such Lands to open into or communicate with such Sewer; and the Size and Number of such Openings or Communications, and the Manner and Form of Communication, shall in all respects be such as shall be approved of by the Local Board; and all Works to be made by any such Owner for the Purposes of such Openings or Communications shall be done to the Satisfaction of the Local Board, and under the Superintendence of their Engineer, or of some Person appointed by them.

House Drains to be kept in good Order by Owners and Occupiers.

XI. That all House Drains, as well upon or under the Lands or Tenements to which they belong as upon or under any Streets of the said Borough, shall be repaired and kept in proper Order at the Costs and Charges of the Owners of the Lands and Tenements to which the same belong, or for the Drainage of which the same were constructed; and if the Owner or Occupier of any such Lands or Tenements shall neglect to repair and to put the same into good Order, in the Manner required by the said Local Board, within Fourteen Days after Notice in Writing for that Purpose, under the Seal of the said Local Board, or signed by the Clerk or Surveyor for the Time being of the said Local Board, shall have been given to such Owner or Occupier, or left upon such Lands or Tenements, it shall be lawful for the said Local Board, or any Committee of the said Local Board, to order such Drain to be repaired and put in good Order, and to levy and recover the Costs and Expenses thereof from such Owner or Occupier in manner provided by "The Public Health Act, 1848," with respect to Private Improvement Expenses: Provided always, that if any Street, being Part of a Turnpike Road, shall be broken up or interfered with for the Purposes of any such Repairs or Works as last aforesaid, the Provision herein contained for the Prevention of Obstruction to Turnpike Roads during the Construction or Repair of any Sewers or Works, and for the Reinstatement and subsequent Repair of such Turnpike Roads, shall be held to apply in all respects to such Repairs or Works as aforesaid, and shall be binding on the said Local Board accordingly.

Sewers, &c., whether public or private, to be trapped.

XII. That all Sewers and Drains, whether public or private, within the Borough, shall be provided by the Local Board, or Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Power to Local Board to cause Sewers, &c.

XIII. That it shall be lawful for the said Local Board to cause any Sewers, Reservoirs, Sluices, or other Works to communicate with and empty themselves into the River, Canal, and Places delineated or

to empty themselves into certain Rivers, &c.

referred to in the said Plans and Sections in the Situations therein shown or described, and to cause the Sewage and Refuse from any of such Sewers, Reservoirs, Sluices, or other Works, or any of them, to be conveyed to and deposited on all or any Part of the Land mentioned in the said Plans or other convenient Site for their Collection and Sale, and for their Manufacture into Manure for agricultural Purposes, either by the said Local Board or by any Persons with whom they may contract, as herein-after mentioned.

Provision for protecting other Places against Effects of such emptying of Sewers.

XIV. That the said Local Board shall, previously to emptying or discharging the said Sewage and Refuse into the said River or Canal, or Places delineated and shown in the said Plans and Sections, use all such Ways and Means as may be practicable and may be reasonably required for disinfecting such Sewage and Refuse, so that the Sewage Water when discharged into such River, Canal, or Place may not be prejudicial to the Health of Persons residing in the Parishes and Places through or near which the same shall afterwards pass or flow; and in case the said River or Canal shall be rendered prejudicial to Health by the Exercise of the Powers hereby vested in the said Local Board, or in case the said Local Board shall neglect to use such Ways and Means for disinfecting as aforesaid, it shall be lawful for the General Board of Health, on the Application and Complaint of any Person or Persons prejudiced or affected thereby, who shall first give Twenty-one Days previous Notice in Writing to the said Local Board of his or their Intention to make such Application and Complaint, to hear such Application and Complaint, and to take such Course of Inquiry, and make such Order therein as they may think just and right; and the said General Board shall be at liberty, if they think fit, in any such Inquiry, to take into consideration the State and Condition of the said River or Canal previously to the passing of this Act, so far as they may think just and right towards all Parties; and any Order of the said General Board of Health in the Matter of such Complaint shall be binding and conclusive on the said Local Board, and any Person or Persons so complaining as aforesaid.

Remedy in case of Neglect.

Provision for Protection of Canal against Injury or Interruption.

XV. That the said Local Board shall not, in constructing or laying down such of the Sewers as shall be laid under the Canal or navigable Part of the River *Soar*, or in the necessary Repairs thereof, or in the making or laying down or Reparation of any future Sewer in lieu thereof, or in the Execution of any of the Works hereby authorized to be made, obstruct or impede the Navigation of the said River or Canal; and all such Works shall be constructed to the Satisfaction of the Engineer for the Time being of the Proprietors of the *Leicester* Navigation, or of some other Person authorized by them for that Purpose; and the said Local Board shall and they are hereby required, after the Construction or laying down of the said Works, to leave the

same free, open, uninterrupted, navigable Waterway in the said Canal or navigable Part of the said River as now existing therein, and also to keep and leave the Towing-path of the said Canal free from any Interruption by the said Board; provided that the said Board may and they are hereby authorized to construct and lay down the said Sewers or any of them, and to repair the same, and also to construct, lay down, and repair any future Sewer in lieu thereof, at such Time or Times as the Navigation of the said Canal or River shall be interrupted for Repairs, and for that Purpose, at such Time or Times as aforesaid, to draw off the Water from the said Canal, not occupying at any One Time more than Seven Days in the Construction, laying down, or repairing of the said Works, or the drawing off such Water as aforesaid, and giving to the Company of Proprietors of the *Leicester* Navigation full Compensation for the Damage which may accrue to them from the doing of such Acts as aforesaid, such Compensation to be ascertained and settled in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with regard to Questions of disputed Compensation.

Provision in case of Damage to Canal.

XVI. That in case the said Local Board shall, in the Execution of any of the Works by this Act authorized to be made, injure or damage the said Canal or navigable Part of the said River *Soar*, or the Towing-path or Banks thereof, they shall and they are hereby required forthwith to repair and make good, at their own Expense, such Injury or Damage, and also to pay to the Company of Proprietors of the *Leicester* Navigation the full Amount of all Loss or Damage which they may thereby sustain or be put unto; and in case the said Local Board shall not, on receiving One clear Day's Notice in Writing from the said Company, repair and make good, or begin and proceed with all due Despatch to repair and make good, such Damage and Injury, it shall be lawful for the said Company, at the Expiration of the Time mentioned in such Notice, by themselves, their Agents, Servants, or Workmen, to repair and make good such Injury or Damage; and all the Expenses thereof, and also the Loss and Damage occasioned thereby, shall be repaid by the said Local Board to the said Company; and in default of Payment thereof within Fourteen Days after Demand (so that such Demand be in Writing, and fully and accurately state the Particulars of all such Expenses, Loss, and Damage,) the said Company may sue for and recover the same, against and from the said Local Board, by Action of Debt or on the Case in any Court of competent Jurisdiction.

Provision for Protection of the Midland Railway.

XVII. That so much of any of the said Sewers or of any of the Works hereby authorized as shall be under or across any Part of the Line of the *Midland* Railway, or any Line of Railway belonging to the *Midland* Railway Company, shall from Time to Time be made, constructed, maintained, and repaired in such Manner as shall be approved

approved of by the Engineer for the Time being of the said Company, and in all respects to his Satisfaction, and so as not to alter, vary, use, or interfere with any such Line of Railway as aforesaid, or any of the Works thereof, or to obstruct, interfere with, or impede the Conveyance of Passengers and Goods along the said Railway, and the said Local Board making full Compensation for the Damage which may accrue to the said Company from the doing such Acts as aforesaid, such Compensation to be ascertained and settled in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to Questions of disputed Compensation.

Penalty in case of Default.

XVIII. That if the Local Board shall at any Time hereafter, contrary to the Provisions of this Act, alter, vary, use, or interfere with any of the said Lines of Railway, or of any of the Works thereof, or shall, in the Construction, Maintenance, or Repair of any Works by this Act authorized, do or cause to be done any Act, Matter, or Thing whereby the Conveyance of Passengers or Goods along any of the said Lines of Railway shall be obstructed, interfered with, or impeded, contrary to the Provisions of this Act, then and in every such Case they shall forfeit and pay, as and by way of Penalty, and in addition to any Damages which the *Midland* Railway Company may be entitled to recover from them, either under the said "Lands Clauses Consolidation Act, 1845," or otherwise, the Sum of Twenty Pounds, and also a further Penalty of Ten Pounds for each and every Day after the First Day during which any such Alteration, Variance, User, Obstruction, Interference, or Impediment as aforesaid shall continue; and such Penalties shall be recoverable in like Manner as other Penalties of the like Nature and Amount are by this Act recoverable, or by Action, with full Costs of Suit, in any Court of competent Jurisdiction.

Saving Rights of the Midland Railway Company.

XIX. That this Act, or anything herein contained, shall not 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, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

Power to take Lands delineated on Plans, &c.

XX. That it shall be lawful for the said Local Board to enter upon, take, and purchase the Land delineated in the said Plans and Sections or referred to in the said Book of Reference, or so much thereof as they may deem necessary for the Purposes of this Act.

Local Board may construct Sewers, but not compellable to purchase the Land.

XXI. That the said Local Board may, if they think proper, enter upon any Lands described in the said deposited Books of Reference, and may construct any Sewer into, through, and under such Lands; and the Local Board shall not be compellable to purchase such Lands, but shall make Compensation for any Damage done by them in manner herein-after

herein-after mentioned; and the Provisions contained in the Forty-seventh Section of "The Public Health Act, 1848," shall be applicable to every such Sewer.

Compensation for Lands purchased or used.

XXII. That the said Local Board shall pay Compensation for any Lands purchased under the Powers of this Act, and for any Damage done by the Local Board, whether temporary or permanent, in constructing and repairing any Sewers in Land not purchased by them, such Compensation to be settled and ascertained as provided by "The Lands Clauses Consolidation Act, 1845," with respect to Lands purchased by Agreement, or otherwise than by Agreement, as the Case may be.

Compensation for St. Margaret's Pasture and the Abbey Meadow.

XXIII. That with respect to any Compensation to be paid for entering, taking, or using any Part of the Land commonly called *Saint Margaret's Pasture* and the *Abbey Meadow*, or either of them, for the Purposes of this Act, the Amount which shall be payable in respect of the Rights or Privileges over the same of the Parishioners, Inhabitants, or Householders of the Parish of *Saint Margaret* in *Leicester* shall be settled and ascertained in manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to Common or Waste Lands, but the Amount of such Compensation shall be paid, applied, and disposed of in such Manner and for such Purposes (such Purposes being for the permanent Benefit of the Inhabitants of the said Parish) as shall be fixed and determined by the Majority of Persons interested therein who shall be present at the Meeting to be convened as mentioned in such last-mentioned Act for the Purpose of appointing a Committee to agree as to such Compensation, or at any subsequent Meeting to be convened in like Manner, the Notice for any such Meeting stating therein the Intention to determine the Mode of applying and disposing of such Compensation.

Corporation may hold Tenements, &c. for the Purposes of the Act.

XXIV. That for any of the Purposes aforesaid it shall be lawful for the said Mayor, Aldermen, and Burgesses to purchase and hold such of the Tenements to them and their Successors and Assigns as they may purchase by virtue of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Mayor, Aldermen, and Burgesses are hereby authorized and empowered to sell and dispose of and convey such of the Tenements as they may so purchase which shall not be required for the Purposes of this Act in such Manner, at such Time, on such Terms, and at such Prices as the said Local Board may think fit

Limiting Time for compulsory

XXV. That the Powers of the said Local Board for the compulsory Purchase or Use of Lands for the Purposes of this Act shall not be exercised

Purchase, &c. of Lands.

exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXVI. That the Works shown on the deposited Plans shall be completed within Seven Years after the passing of this Act, and on the Expiration of such Period the Powers by this Act given to the Local Board for executing the Works shown on such Plans shall cease to be exercised, except as to so much of such Works as shall then be completed.

For the Protection of public Roads not being Turnpike.

XXVII. That during the Construction or Repair of any Sewers or other Works under or along any public Street (not being a Turnpike Road), the Width of the Carriageway of which Street exceeds Thirty Feet, there shall be left a free, open, and uninterrupted Carriageway along the same of not less than Twelve Feet, and immediately after the Completion of any such Construction or Repair so much of the Road as shall have been taken up or displaced shall be reinstated; but if the Sewer proposed to be repaired or made is or will be situated in the Centre of such Street, or if the Carriageway do not exceed Thirty Feet in Width, it shall be lawful for the Local Board, or any Person acting under their Order, general or special, to close such Street, and to prevent the Passage of any Person, Horses, or Carriages along the same for a Period not exceeding Thirty Days, or for such further Period as from Time to Time any Two Justices may, on the Application of the Local Board, consider reasonable, having regard to the Nature of the Works to be constructed in such Street.

Provision for Protection of the Public during the Continuance of Works.

XXVIII. That every Person who shall contract for the Construction or Repair of any Sewer or for the Performance of any Works authorized by this Act, or by "The Public Health Act, 1848," in any Street or Turnpike Road, shall, during the Construction or Repair of such Sewer or the Progress of such Works, well and sufficiently guard and protect the Public against Danger or Injury by such Guard, Fence, or other Protection, and by burning such Light or Lights near the same during the Night as shall be effectual and sufficient to warn Persons against Danger or Injury therefrom; and in case any such Person shall neglect or omit to guard and protect the Public in manner aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Five Pounds for every Day after the First Day during which such Omission or Neglect shall continue, to be recovered and applied in like Manner as Penalties under "The Public Health Act, 1848."

Fences and Lights to be provided

XXIX. That during the Construction or Repair of any Sewer and during the Progress of any Works authorized by this Act, or by "The

during the Construction of Sewers in Turnpike Roads.

"The Public Health Act, 1848," in any Turnpike Road, the said Local Board shall well and sufficiently guard and protect the Public, or cause the Public to be well and sufficiently guarded and protected, against Danger or Injury, by such Guard, Fence, or other Protection, and by burning such Light or Lights near the same during the Night, as shall be effectual and sufficient to warn Persons against Danger or Injury therefrom, and to the Satisfaction in all respects of the Surveyor for the Time being of such Turnpike Road; and in case the said Local Board shall neglect or omit to guard and protect the Public, or cause the Public to be guarded and protected, in manner aforesaid, they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Five Pounds for every Day after the First Day during which such Neglect or Omission shall continue, to be recovered and applied in like Manner as Penalties under "The Public Health Act, 1848;" such Sum or Sums to be by way of Penalty, and over and above any Compensation to the Trustees of any such Turnpike Road for any Damage or Expense to be incurred by them by reason of such Neglect or Omission; and which Compensation shall be ascertained and settled in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to Questions of disputed Compensation.

Sewers vested in the Local Board.

XXX. That all Sewers, Reservoirs, and Works made under the Powers of this Act shall be vested in and belong to and be under the Management and Control of the said Local Board.

For preventing the Contamination of the River and Canal.

XXXI. That if a Sewer vested in or made by the said Local Board shall be within One hundred Feet of any Part of a House, Building, Manufactory, Yard, or Land within the said Borough, the Local Board may cause Notice in Writing to be given to the Owner or Occupier of such Premises, requiring him forthwith, or within a Time to be specified in such Notice, to prevent any Nightsoil, Filth, Dye or Scouring Water, Slaughter-house Refuse, Gas Refuse, Soapsuds, or other noisome or offensive Matter, flowing or passing or being emptied or discharged from such Premises into the River *Soar* or *Leicester* Navigation, or into any Branch thereof respectively, or any Stream or Ditch running into such River or Navigation, and also to divert the Sewers, Drains, or Pipes communicating with the said River or Navigation from such Premises, and to carry the same into any Sewer vested in or made by the said Local Board, being within One hundred Feet of any Part of such Premises, and for that Purpose to construct and lay down in connexion with such Premises One or more covered Drain or Drains, of such Materials and Size, and at such Level, and with such Fall, as shall be approved of by the Surveyor of the said Local Board; and if the Owner or Occupier fail to comply with any such Notice as aforesaid, he shall, for every Day during

during which the Offence is continued or Default is made after the Expiration of the Time specified in such Notice, forfeit and pay a Sum not exceeding Twenty Shillings, to be recovered and applied in like Manner as Penalties under "The Public Health Act, 1848;" and the said Local Board may also, if they shall think fit, after the Expiration of the Time mentioned in such Notice, do the Works necessary for preventing any Nightsoil or other Matter aforesaid flowing or passing from such Premises into the said River or Navigation as aforesaid, and the Expense incurred by them in so doing shall be recoverable by them from the Owner of the said Premises in a summary Manner, or, by Order of the said Local Board, shall be declared Private Improvement Expenses, and as such be recoverable from and payable by the Owner or Occupier in manner provided by "The Public Health Act, 1848," with respect to Private Improvement Expenses: Provided always, that any Person who may deem himself aggrieved by any such Notice as aforesaid may, within Ten Days after the same shall have been delivered to him, or left at his usual Place of Abode or Business, address a Memorial to the General Board of Health, stating the Grounds of his Complaint, and the said General Board may make such Order in the Matter as to them shall seem just.

Persons aggrieved may appeal to the General Board.

Houses may be numbered.

XXXII. That the said Local Board may from Time to Time cause the Houses and Buildings in all or any of the Streets to be marked with Numbers as they think fit; and the Occupiers of such Houses and Buildings shall renew such Numbers as often as they become obliterated or defaced; and if any Occupier fail for One Week after Notice from the said Local Board to renew the Numbers of his House or Building when obliterated or defaced, the said Local Board may cause such Numbers to be renewed, and the Expense thereof shall be repaid to them by such Occupier, and shall be recoverable as Damages.

Repair of new Streets not properly paved.

XXXIII. That where any Street or Part of a Street, being a Carriageway, has been already formed and opened for Use since an Act passed in a Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, or where any Street or Part of a Street, being a Carriageway, shall at any Time hereafter be formed and opened for Use within the said Borough, and the same hath not been or shall not be certified by Two Justices to have been put in proper Repair as required by the said Act, and the same or any Part of such Street, together with the Footways thereof, be not sewered, levelled, paved, and channelled to the Satisfaction of the said Board, it shall be lawful for the said Board to require the Owners

of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, or channelled to sewer, level, pave, or channel the same, and to proceed therein in all respects as prescribed by the Sixty-ninth Section of "The Public Health Act, 1848," with respect to Streets not being Highways.

Streets may be declared Highways.

XXXIV. That if any Street so formed and opened for Use, or so to be formed and opened for Use, shall at any Time be sewered, levelled, paved, and channelled to the Satisfaction of the said Local Board, then, on the Application of the Persons being the Owners of the Land, Houses, or Buildings adjoining to or abutting upon such Street, or being the Owners of the greater Part in Extent of such Land, Houses, or Buildings, by Writing under their Hands, made to the said Local Board, it shall be lawful for the said Local Board, by Writing under their Common Seal, to declare the same to be a public Highway; and after such Declaration the same shall be a public Highway, and for ever afterwards vested in the said Local Board, and be repaired by the said Local Board, under "The Public Health Act, 1848."

Courts and Passages to be flagged and channelled.

XXXV. That every Court, Square, common Yard, and Passage within the Borough shall be well and sufficiently, to the Satisfaction of the said Local Board, paved or flagged, drained and channelled, by the Owners of the Houses, Buildings, and Lands abutting thereon, and having the Right to the Use thereof; and if any such Court, Square, common Yard, or Passage shall not be well and sufficiently paved or flagged, drained and channelled as aforesaid, and kept in good Repair, to the like Satisfaction, it shall be lawful for the said Local Board to cause the same to be done; and the whole of the Costs, Charges, and Expenses attending the same shall be paid and reimbursed to the said Local Board by the Owners of such Houses, Buildings, and Lands, in such Proportions as the said Local Board shall think just and right, having regard to the Value of such Houses, Buildings, and Lands, and be recoverable as provided by "The Public Health Act, 1848," with respect to Private Improvement Expenses.

Certain Provisions of 2 & 3 W. 4. c. 10. as to Surveyors of the Highways repealed.

XXXVI. And whereas by a Local Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better assessing and collecting the Poor and other Parochial Rates and for the better Maintenance and Employment of the Poor of the Parish of* Saint Margaret *in the Borough and County of* Leicester, it is, amongst other things, provided, that the Select Vestry for the said Parish constituted by the said Act should consist of Twenty Select Vestrymen, appointed as therein mentioned, and of the Vicar, Churchwardens, and Overseers of the Poor, and the Surveyors of the Highways for the Time being of the said Parish, and that Two Sur-

veyors of the Highways for the said Parish should be annually appointed in manner therein mentioned: And whereas the Local Board of Health for the Borough of *Leicester*, by virtue of "The Public Health Act, 1848," and "The Public Health Supplemental Act, 1849," now execute the Office of and are Surveyors of Highways within the Limits of their District, which comprises the said Parish of *Saint Margaret*: Be it therefore enacted, That the Select Vestry of the said Parish of *Saint Margaret* for carrying the said Local Act into execution shall, since the passing of "The Public Health Supplemental Act, 1849," consist of Twenty Select Vestrymen, appointed as mentioned in the said Local Act, and of the Vicar and Churchwardens and Overseers of the Poor of the said Parish of *Saint Margaret* for the Time being; and that all and every the Provisions contained in the said Local Act relating to the Appointment of Surveyors of the Highways for the said Parish, or to such Surveyors of the Highways, being Select Vestrymen of the said Parish, shall be and the same are hereby repealed.

Power to Local Board to contract for Sale of Sewage.

XXXVII. That it shall be lawful for the said Local Board from Time to Time to contract and agree with any Person or Persons for the Sale of the Sewage and Refuse of the Sewers vested in or belonging to the said Local Board, or of the Manure, Dung, Soil, or Filth vested in the said Local Board, or of which they may have Power to dispose, to any Person or Company willing to take or purchase the same, on such Terms, and subject to such Agreements and Conditions as to the Manufacture thereof into Manure, or the Payments to be made to the said Local Board out of any Profits which may arise from the Manufacture and Sale thereof as Manure, or the Erection of any Buildings, Reservoirs, or Works necessary for the Purpose of receiving or storing such Sewage or Manure, or the Expense of lifting the said Sewage, or the disinfecting the same previously to the same being emptied or discharged into the said River or Canal, or the renting or leasing of any Land purchased by the said Local Board under the Powers of this Act, or other Matters relating thereto, as any such Person or Company and the said Local Board may mutually agree, and without rendering the said Local Board liable as Partners with any such Person or Company by reason of any Payments which may be made to the said Local Board out of any Profit to arise from the Manufacture or Sale of such Manure: Provided always, that every such Contract shall be for a Period not exceeding Thirty Years.

Power to Local Board to delegate certain Powers to Committees.

XXXVIII. That it shall be lawful for the said Local Board to authorize any Committee or Committees appointed by them under the Provisions of "The Public Health Act, 1848," to give Notices or Directions or make Orders in relation to the Removal or Prevention of

of Nuisances, the Infringement of Byelaws, the Examination of Sewers, Drains, Water-closets, Privies, Cesspools, or Ashpits, or the Prosecution of Offences punishable by summary Conviction, or the Recovery of Rates; and any Notice, Order, Authority, or Direction under the Hand of the Chairman for the Time being of such Committee, or of the Clerk of the said Board, with regard to any of the Matters or Things aforesaid which such Committee shall have been empowered and appointed by the said Local Board to regulate, manage, or superintend, shall be as effectual as if such Notice, Order, Authority, or Direction had been under the Seal of the said Local Board.

Power to borrow Money.

XXXIX. That it shall be lawful for the said Local Board, with the previous Consent of the General Board of Health, from Time to Time to borrow at Interest on Mortgage of the General District Rates authorized to be made by "The Public Health Act, 1848," and by this Act, or on Mortgage of any Lands, Tenements, or Property of the said Mayor, Aldermen, and Burgesses, such Sum or Sums of Money as may be necessary for the Purposes of this Act, and for making or constructing any Sewers, Drains, or other Works of a permanent Nature for draining the said Borough, under the Powers of "The Public Health Act, 1848:" Provided always, that the Money borrowed by the Local Board under the Authority of the Public Health Act and of this Act, and of any other Act relating to the said Local Board, shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under "The Public Health Act, 1848," towards the General District Rates, therein mentioned, in and for the Borough of *Leicester*.

Limitation of Amount to be borrowed.

Power to borrow for the Purpose of repaying Money.

XL. That the said Local Board may borrow on such Mortgage as aforesaid, at such Rate of Interest as they may agree, from any Person or Persons willing to lend the same, any Sum or Sums of Money which may be necessary for the Purpose of repaying any Principal Monies borrowed under the Authority of this Act, at the Expiration of the Period or Time for which the same may have been lent and fixed in the Mortgage Deed.

Sinking Fund to be provided.

XLI. That for the Purpose of providing a Sinking Fund for paying off the Principal Monies borrowed as aforesaid the said Local Board shall, every Year after the Expiration of Seven Years next after the passing of this Act, or sooner, if they shall think fit, pay off and discharge such Sum as they shall think proper, not being less than Three Pounds *per Centum* of the Money which shall have been borrowed as aforesaid, or otherwise appropriate and set apart such Sum as a Sinking Fund for that Purpose in manner prescribed by "The Commissioners Clauses Act, 1847:" Provided always, that

it

This Provision not to apply to Cost of Main Sewers, &c. herein-before mentioned.

it shall not be necessary for the said Local Board to provide such Sinking Fund as aforesaid for repaying any Money to the Extent of Thirty thousand Pounds which shall have been borrowed for the Purpose of providing, constructing, and making the Main Sewers and Outfall delineated on the Plans and Sections herein-before mentioned, or the Works connected therewith or incident thereto, until after the Expiration of Twenty Years next after the passing of this Act, unless the said Local Board shall think fit so to do.

Power for the Corporation to apply Money arising from Sales of their Estates in repaying Money borrowed for Main Sewers, &c.

XLII. That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough, from Time to Time, by and out of their Real Estates or any Part thereof, or with the Monies arising from the Sale of a competent Part or Parts thereof, to pay off and discharge any Sum or Sums of Money which shall have been borrowed for the Purposes of this Act, not exceeding altogether the Amount which shall have been expended in providing, constructing, and making the Main Sewers and Outfall delineated in the said Plans and Sections, and the Works connected therewith or incident thereto, and for such Purpose, with the Approbation of the Commissioners of Her Majesty's Treasury, or any Two of them, from Time to Time to contract for and to sell, either by Public Auction or Private Contract, and either at One or more Time or Times, and either in One or more Lot or Lots, and by any Deed or Deeds under the Common Seal of the said Mayor, Aldermen, and Burgesses to convey to the Purchaser or respective Purchasers any Part or Parts of the Lands, Tenements, and Hereditaments now vested in or belonging to the said Mayor, Aldermen, and Burgesses which they may think fit; and all Contracts, Sales, and Conveyances which may be made by virtue of this Act shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Power to Treasurer to give Receipts for the Purchase Money of Lands, &c.

XLIII. That upon Payment of the Money which shall be contracted or agreed to be paid for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, it shall be lawful for the Treasurer for the Time being for the said Borough to sign and give an effectual Receipt for the Sum or Sums of Money therein expressed or acknowledged to be received; and no Purchaser, his Heirs, Executors, Administrators, or Assigns, shall be bound to see to the Application of his Purchase Money, or to inquire into the Necessity or Propriety of any such Sale.

Town Council not to sell or incumber certain Lands, &c. without the Approbation

XLIV. That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses to sell, alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Two of them, any Lands, Tene-

ments, or Hereditaments which they could not have sold, alienated, incumbered, or demised, without such Approbation, before the passing of this Act, anything in this Act to the contrary notwithstanding. of the Treasury.

XLV. That it shall be lawful for the said Local Board, and they are hereby required, in estimating the Amount required to be raised by means of General District Rates for the Purposes of the said Borough, under the Provisions of "The Public Health Act, 1848," and in making such Rates, to include the Money required for the Purposes of this Act in One and the same Rate or Assessment, as the Money authorized to be levied by "The Public Health Act, 1848," by means of the Rate or Rates called General District Rates, therein mentioned, and to collect the same as Part thereof, in like Manner as if the same were Expenses charged by the said Act upon such Rate or Rates. Power to make Rate.

XLVI. That the Money to be borrowed as aforesaid, or raised by Rates, under the Powers of this Act, or to be received in respect of the Sale of the Sewage and Refuse, or by virtue of any Contract to be entered into respecting the Profits of the Manufacture of the Sewage into Manure, and all other Sums to be received under the Authority of this Act, shall be paid to the Treasurer of the said Local Board, to be by him applied as Part of the General District Rates of the said Borough. Application of Money borrowed or raised.

XLVII. That the Costs, Charges, and Expenses of or incident to the obtaining this Act, and the Expense of all Surveys, Plans, Estimates, and Reports respecting the Sewerage and Drainage or the sanitary Regulation of the said Borough, preliminary to the Application for this Act, and also all the Costs and Expenses of constructing, making, and keeping in repair all Sewers and Works, and the Purchase of any Lands hereby authorized, and the Payment of any Principal Money borrowed under the Authority of this Act, and the Interest thereof, and all other Costs, Charges, and Expenses attending the Execution of this Act, shall be chargeable upon the General District Rates made by the said Local Board under the Powers of "The Public Health Act, 1848," or of this Act, in like Manner as if the same were Expenses charged upon and payable out of the Money levied by means of such Rates under the said Public Health Act, and may be lawfully advanced and paid out of such Money. Expense of Act, and of carrying the same into execution.

XLVIII. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy Authorizing Sale of Lands belonging to the Duchy of Lancaster, and provid-

ing for Application of Purchase Money.

Duchy of *Lancaster* for the Time being to agree with the said Local Board for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Local Board, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands, and the Fee Simple and Inheritance thereof, to the Local Board, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same; and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His Majesty
48 G. 3. c. 73. King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein-recited Acts; or the same or any Part thereof may, either without any previous Investment, or after such, and either alone, or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments, Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third,
57 G. 3. c. 97. intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hale *Viscount* Gage *and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*; or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the

same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Local Board were vested in Her immediately before such Conveyance, and be held with the like Incidents, and be subject to the same Application, to all Intents and Purposes, as the said Lands so to be conveyed to the said Local Board were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked (A.) in the Schedule to this Act annexed, or as near thereto as may be.

For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

XLIX. And every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Local Board the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or in any other Act, to the contrary in anywise notwithstanding.

13 W. 3. & 1 Anne, c. 7.

Saving Rights of the Crown and the Duchy of Lancaster.

L. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Saving Powers of the Local Board.

LI. That this Act or anything herein contained shall not take away, lessen, abridge, alter, or prejudice any of the Powers, Rights, Privileges, and Authorities of the said Mayor, Aldermen, and Burgesses, or of the said Local Board, but that all such Powers, Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

SCHE-

SCHEDULE referred to in the foregoing Act.

SCHEDULE (A.)

Conveyance to Her Majesty in right of Her Duchy of Lancaster.

THESE are to witness, That in consideration of the Sum of £ paid to *A. B.* of by *C. D.*, the Receiver General of the Revenues of the Duchy of Lancaster, on behalf of Her Majesty, he the said *A. B.* doth by these Presents grant, convey, and assure unto the said *C. D.*, his Heirs and Assigns, all that to have and to hold the same unto the said *C. D.* his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy.

In witness, *&c.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.