



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cclxxxii.

An Act for better supplying with Water the Inhabitants of the Borough of *Leicester*, and certain Parishes and Places adjacent thereto, in the County of *Leicester*. [22d July 1847.]

WHEREAS the Inhabitants of the Borough of *Leicester* and the Neighbourhood thereof are now very inadequately supplied with Water: And whereas a sufficient and constant Supply of pure and wholesome Water would be of great Advantage to the Inhabitants of the said Borough of *Leicester* and Neighbourhood: And whereas it is ascertained that such a Supply can be obtained, and the several Persons herein-after named, together with others, are willing at their own Expencc to make and maintain all the necessary Works for affording such Supply to the said Inhabitants; but such Object 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 the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, [Local.] 46 G 1845,"

Provisions of
8 & 9 Vict.
cc.16. and 18.

and 10 & 11
Vict. c. 17.
extended
to this Act.

1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Town Com-
missioners.

II. And be it enacted, That the Expression "Town Commissioners" shall mean the Board of Highways, or the Surveyors of Highways, or other Persons or Parties having the Charge, Control, or Management of the Streets of the several Parishes and Places respectively within the Limits of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Leicester* Waterworks Act, 1847."

Limits of
Act.

IV. And be it enacted, That the Limits of this Act shall comprise and include the Borough of *Leicester* and the several Parishes and Places of *Belgrave* and *Knighton* in the said County of *Leicester*.

Incorpo-
ration of
Company.

V. And be it enacted, That *Isaac Hodgson, John Ellis, John Taylor, Joseph Cripps, John Nedham, Edward Shipley Ellis, George Byng Paget, Thomas Paget (Surgeon), Alfred Burgess, George Shaw M.D., William Parsons, Samuel Berridge, John Sydney Crossley, Colin Campbell Macaulay, Joseph Knight, Charles Thomas Freer, John Whitmore, Joseph Ellis, Samuel Stephens Bankart, Richard Harris, John Dove Harris, John Biggs, Thomas Nunneley, Henry Payne, Joseph Whetstone, William Taylor, William Biggs, Richard Harris junior, Joseph Fielding, William Evans Hutchinson, and Joseph Underwood*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the said Limits, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said incorporated Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Leicester* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital.

VI. And be it enacted, That Eighty thousand Pounds shall be the Capital of the Company.

Shares.

VII. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Three thousand two hundred, and the Amount of each Share shall be Twenty-five Pounds.

Limiting
Number of
Shares to be
held.

VIII. And be it enacted, That no Person shall at any Time hereafter hold more than Two hundred Shares in the said Undertaking otherwise than by Bequest, Marriage, or by virtue of the Statute of
Distribution

Distribution of Intestate's Effects, or by original Allotment and Subscription : Provided always, that it shall not be lawful for any Person who may by Bequest, Marriage, or by virtue of the Statute of Distribution of Intestate's Effects, acquire or become possessed of a greater Number of Shares than Two hundred, to continue to hold such greater Number of Shares for a Period exceeding Two Years from the Date of the Registration of such Shares in the Name of such Person ; and if any Person shall continue to hold such greater Number of Shares beyond Two Years the Company may, if they think fit, sell such greater Number held by such Person by public Auction, and shall pay the Proceeds, deducting the Expence of such Sale, to such Person whose Shares shall be so sold, upon Demand.

IX. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall intervene between the making of any Two successive Calls.

X. And be it enacted, That the Number of Directors for the Company shall be Sixteen, One Fourth of whom shall from Time to Time be elected by the Town Council of the Borough of *Leicester* on the Day appointed by Law for the Election of Mayor for the said Borough, or within Twenty-one Days thereafter ; and the Qualification of a Director shall be the Possession by him in his own Right of Twenty Shares at the least in the said Undertaking, or being a Member of the Town Council, and duly elected by them to the Office of a Director for the Company.

XI. And be it enacted, That the said *John Taylor, Alfred Burgess, John Ellis, George Shaw, William Parsons, John Biggs, John Nedham, Joseph Cripps, Edward Shipley Ellis, John Sydney Crossley, Joseph Knight, and Richard Harris junior*, together with Four Members of the Town Council, to be elected within Twenty-eight Days after the passing of this Act, shall be the first Directors of the Company.

XII. And be it enacted, That the Twelve Directors before named shall go out of Office in the following Rotation ; (that is to say,) At the End of the First Year One Third of those first appointed ; At the End of the Second Year One Half of the Remainder of those first appointed ; At the End of the Third Year the Remainder of those first appointed ; And at the End of every subsequent Year One Third of the Directors elected by the Company shall go out of Office ; But any Directors so going out of Office shall be eligible to be re-elected.

XIII. And be it enacted, That a Quorum of a Meeting of Directors shall be Five.

XIV. And be it enacted, That the Number of Directors of which the Committee appointed by the Directors shall consist shall not be less

less than Three nor more than Seven, and the Quorum of such Committee shall be Three.

First and other Meetings.

XV. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held yearly in the Month of *May*; and all Meetings, whether ordinary or extraordinary, shall be held in the Borough of *Leicester*.

Quorum of Meetings.

XVI. And be it enacted, That the Quorum for every Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Eight thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XVII. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required shall be not less than Ten, and such Shareholders shall hold in the aggregate not less than Six thousand Pounds in the Capital of the Company.

Scale of voting.

XVIII. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for One Share or more, but not exceeding Twenty, One Vote in respect of each Share, and for more than Twenty Shares an additional Vote for every Five Shares.

Power to borrow Money on Mortgage.

XIX. And be it enacted, That after the whole of the Capital of Eighty thousand Pounds shall have been subscribed for, and One Half shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Twenty-six thousand six hundred Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Undertaking and the future Calls on the Shareholders of the Company, or to give Bonds in manner prescribed by the said "Companies Clauses Consolidation Act, 1845."

Mortgages and Transfers, &c. to be stamped.

XX. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Power to make Waterworks according to deposited Plan.

XXI. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Leicester*; be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained,

contained, to make and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters mentioned in the said Plan and Book of Reference as shall be necessary for that Purpose, or to agree for a Lease of such Lands and Streams, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

XXII. And be it enacted, That the Persons empowered by the said "Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands or Streams. Proprietors enabled to grant Leases.

XXIII. And be it enacted, That the Waterworks shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed, and such Works as shall be necessary to extend the Supply of Water. Period within which Works are to be completed.

XXIV. And be it enacted, That the Company shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House within the Limits of this Act, near to which any Service Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Uses of every such Occupier at the following Rates *per Annum*; (that is to say,) Rates at which the Company are to supply Water.

When the Value of the Premises so supplied with Water shall not amount to Ten Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings:

When such Value shall be Ten Pounds and under Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds:

When such Value shall be Twenty Pounds and under Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings:

When such Value shall be Forty Pounds and under Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds:

When such Value shall be Eighty Pounds and upwards *per Annum*, at a Rate *per Centum per Annum* not exceeding Four Pounds and Ten Shillings:

Provided always, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, or Cattle, or for washing Carriages, or for any Trade or Business whatsoever, or for watering Gardens, or for Fountains or other ornamental Purposes.

XXV. And be it enacted, That the Company shall not charge more in any One Year than the several Rates hereafter specified in Limiting Amount of Charge of
[Local.] 46 H respect

Water for
Water-
closets,

respect of Waterclosets and private Baths in or belonging to any separate private Dwelling House; (that is to say,)

When the annual Value shall not amount to Ten Pounds *per Annum*, the Sum of Four Shillings for each such Watercloset or Bath:

When such Value shall be Ten Pounds and under Twenty Pounds *per Annum*, the Sum of Six Shillings for each such Watercloset or Bath:

When such Value shall be Twenty Pounds and under Forty Pounds *per Annum*, the Sum of Eight Shillings for each such Watercloset or Bath:

When such Value shall be Forty Pounds and under Eighty Pounds *per Annum*, the Sum of Ten Shillings for each such Watercloset or Bath:

When such Value shall be Eighty Pounds and upwards *per Annum*, the Sum of Twelve Shillings for each such Watercloset or Bath:

Provided always, that the Company shall not be compelled to supply any Watercloset or Bath, or the Apparatus or Pipes connected therewith, which shall not be constructed and used in manner approved of by the Company.

Owners of
Dwelling
Houses con-
tracting with
the Company
to be allowed
an Abate-
ment of
One Fifth
of the Rates.

XXVI. Provided always, and be it enacted, That in consideration of the Losses which Owners of Dwelling Houses not exceeding the annual Value of Ten Pounds are liable to sustain by Nonpayment of Rent and Nonoccupation of Premises or otherwise, the said Company in all Cases in which the Owners of any such Dwelling Houses shall contract with them for the Payment of Rates, Rents, or Remunerations in respect of the Supply of Water to any such Dwelling Houses, whether the same shall be tenanted or untenanted, or in which the Owners of such Houses shall by virtue of this Act be required by the said Company to pay such Rates, Rents, or Remunerations, shall allow and make a Return or Abatement of One Fifth of the Amount of such Rates, Rents, or Remunerations to such Owners respectively in full Satisfaction for the Considerations aforesaid.

Branch Pipes
to be laid
down by the
Company.

XXVII. And be it enacted, That the said Company shall and they are hereby required at their own Cost to lay down and maintain in the public Highways and Streets within the Limits of this Act in which any Main or other Pipes of the Company may be laid down a Branch or Communication Pipe for the Supply of Water to the Owner or Occupier of any Dwelling House requiring the same, extending from such Main or other Pipe to the Side of such Street or Highway near to which such Dwelling House shall be situate, and as near to the said Dwelling House as the Side of the Street or Highway shall extend.

As to Supply
of Water for
the public
Buildings,

XXVIII. And be it enacted, That the Company shall, at the Request of the Town Council of the Borough of *Leicester*, furnish to them a Supply of Water for the Use of the public Buildings, public Markets,

Markets, Baths, and Wash-houses of or belonging to the Mayor, Aldermen, and Burgesses of the said Borough, and for the Gaol and House of Correction of the said Borough, at not more than One Half the lowest Rate charged by the Company to the largest private Consumer of Water from the Works of the Company.

Baths, and Wash-houses of the Corporation.

XXIX. And be it enacted, That the Company shall, if hereafter required by the Town Council, or by any public Body having the Charge of the Sewerage of the said Borough of *Leicester*, or of the Highways thereof, by virtue of any Act which may be passed in this or any future Session of Parliament, provide in the Main Pipes to which any Fireplug shall be affixed as hereafter mentioned a Supply of Water for flushing and cleansing the Sewers, and for cleansing and watering the Streets or any of them, and shall charge the Mayor, Aldermen, and Burgesses aforesaid, or such public Body as aforesaid, not exceeding Half the lowest Rate charged to the largest private Consumer from the Works of the Company.

As to Supply of Water for cleansing and watering the public Markets, &c.

XXX. And be it enacted, That if the clear Profits of the said Undertaking, over and above the Profits arising from supplying the public Baths and Wash-houses, and the public Buildings, and also for cleansing the public Markets and Sewers, and watering and cleansing the Streets, as and in manner aforesaid, shall amount to a larger Sum than shall be sufficient to make a Dividend on the Capital of the Company of Five Pounds *per Cent. per Annum*, then and in such Case, and so long as such clear Profits shall continue to exceed the Rate aforesaid, the said Company shall provide a Supply of Water for the said Mayor, Aldermen, and Burgesses, and such other public Body as aforesaid, for the Purposes aforesaid, without Charge therefor.

As to Supply of Water for public Purposes after a Dividend of 5% per Cent. on the Capital has been paid.

XXXI. And be it enacted, That the Quantity of Water to be supplied gratuitously by the said Company for the Purposes aforesaid shall not exceed the average Consumption for such Purposes of the Two Years preceding the Period when the clear Profits of the said Undertaking, over and above the Profits arising from the Supply for such public Purposes aforesaid, amounted to Five Pounds *per Cent. per Annum* on the Capital of the Undertaking, but in case a further Quantity of Water shall be required for the public Purposes aforesaid, such further Quantity shall be charged at a Rate not exceeding Half the Rate charged to the largest private Consumer: Provided nevertheless, that the total Supply of Water so to be given on the Terms aforesaid shall not exceed in the whole the Quantity of Three million Gallons in any One Month, but in the event of any greater Quantity being required, the Price to be paid for such greater Quantity shall be determined by Agreement between the Parties, and in case of Difference by the President of the Board of Trade, or such Person as he shall appoint, unless in the meantime an Inspector or public Officer shall be appointed under some general Act, and after the Appointment of such Inspector or public Officer as aforesaid then by such Inspector or public Officer so appointed.

Limiting the Supply of Water to be furnished gratuitously by the Company.

XXXII. And

Water for other than domestic Purposes to be supplied by Agreement.

XXXII. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes and Waterclosets at such Rent, and upon such Terms and Conditions, as shall be agreed upon between the Company and the Person desirous of having such Supply of Water.

Constant Pressure to be afforded from Reservoir.

XXXIII. And with respect to the Supply of Water in pursuance of the Thirty-fifth Section of the Waterworks Clauses Act, 1847, be it enacted, That the Water so to be supplied need not be constantly laid on under a Pressure greater than that to be afforded from the Reservoir by this Act authorized to be constructed on the Racecourse in the Parish of *Saint Mary* in the Borough of *Leicester* aforesaid.

Power to sell or lease the Waterworks and Rates to the Corporation of Leicester.

XXXIV. And whereas it may hereafter be desirable that the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* should be possessed of the Reservoirs and Aqueducts, Works, Pipes, Lands, Tenements, and Hereditaments, hereby authorized to be made, constructed, or purchased by the said Company, with the Rights and Interests and the Rates and Remunerations belonging to the said Company in respect thereof: And whereas it is expedient to enable the said Corporation to purchase the said Works, Property, Rights, Rates, and Remunerations: Be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, and for the Company hereby incorporated, to treat and agree for the Lease, Sale, Purchase, and Transfer of all and singular the said Reservoirs and Aqueducts, Works, Pipes, Lands, Tenements, Hereditaments, Rights, Interests, Rates, and Remunerations whatsoever, hereby authorized to be made, raised, constructed, or purchased, either for a Term or Terms of Years, or absolutely and in Fee, upon such Terms and Agreements, and subject to such Conditions and Limitations, and for such Considerations, as the Company hereby incorporated and the said Mayor, Aldermen, and Burgesses shall by Agreement under their respective Common Seals mutually agree and determine upon; and in case the said Mayor, Aldermen, and Burgesses, or the said Town Council, shall at any Time hereafter give Notice to the said Company of their Desire to purchase the said Reservoirs and Aqueducts, Works, Pipes, Lands, Tenements, and Hereditaments, Rights, Interests, Rates, and Remunerations, hereby authorized to be made, raised, constructed, or purchased, and no Agreement as to the Terms of such Purchase shall be made or entered into between the said Mayor, Aldermen, and Burgesses and the said Company pursuant to the Power and Authority herein-before contained within Three Calendar Months from the Time of such Notice being given to the said Company, then and in such Case it shall be lawful for the said Mayor, Aldermen, and Burgesses to purchase all and singular the said Reservoirs, Aqueducts, Works, Pipes, Lands, Tenements, and Hereditaments, Rights, Interests, Rates, and Remunerations, upon such Terms and Agreements, and for such Considerations, as shall be determined upon by the Commissioners of the Board of Trade for the Time being.

Power to lease the Water Rates.

XXXV. And be it enacted, That it shall be lawful for the Company to lease the whole or any of the Water Rates or Rents payable to the Company by virtue of this Act or otherwise to any Person or Persons

Persons other than the said Mayor, Aldermen, and Burgesses for any Time not exceeding Three Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit: Provided always, that no such Lease shall defeat or abridge the Power by the said Waterworks Clauses Act given to the Court of Quarter Sessions of directing the Reduction of the Rates, and the Company shall reduce the Rates in the same Manner as they would have done in case no Lease had been granted.

XXXVI. And be it enacted, That the Company, at the Request of the Town Council of the Borough of *Leicester* aforesaid, shall and they are hereby required to fix at their own Expence not fewer than Six hundred proper Fireplugs in the Streets of the said Borough where Pipes shall be laid down for the Supply of Water for the Inhabitants thereof, and at such convenient Distances from each other, and at such Places, as may be considered most proper and necessary for the Supply of Water for extinguishing Fire, and as shall be satisfactory to the said Town Council.

Company to affix Fire-plugs in Streets of Leicester.

XXXVII. And be it enacted, That the Company shall from Time to Time repair, renew, and keep in proper Order every such Fireplug, and as soon as any such Fireplug shall have been completed the said Company shall deposit a Key thereof at each Place within the Limits of this Act where any public Fire Engine shall be kept for extinguishing Fire, and affix a public Notification in some conspicuous Place by the Side of each Street, Highway, or Place in which such Pipe shall be situate to denote the Situation and Distance of such Fireplug, and which Notification the Company are hereby authorized and empowered to put upon any House or Building, or the Side of such Street, Highway, or Place.

Keys of the Fireplugs to be kept at Engine Houses.

XXXVIII. And be it enacted, That the Company shall, at the Request and Expence of the said Town Council, place and maintain a Fireplug or Fireplugs (to be used only for extinguishing Fires) opposite or near to any public Work or Building belonging to the Mayor, Aldermen, and Burgesses of the said Borough of *Leicester*, situated near to any Service Pipe of the Company.

Town Council may require the Company to affix other Fireplugs.

XXXIX. And be it enacted, That if in carrying into execution any of the Powers by this Act granted any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things already or hereafter to be laid down by the *Leicester* Gaslight Company for the Purpose of supplying with Gas the said Borough of *Leicester* and the Neighbourhood thereof, or any Part thereof, either by removing or disturbing the Ground in, upon, or near to which the same is or are placed, or by the Compression or subsequent settling or lowering of the same at any Time afterwards, or otherwise, the said Water Company shall, at their own Expence, Cost, and Charges, within Twenty-four Hours next after Notice in Writing given to them by the said Gaslight Company or their Clerk, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended, and also to pay the said Gaslight Company the Amount of all Damage or Loss which

For Protection of the Leicester Gaslight Company.

may accrue from the Escape of Gas by reason of any such Injury or Damage; and in default or neglect thereof it shall be lawful for the said Gaslight Company, and they are hereby authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid to be effectually repaired, amended, and made good; and the reasonable Costs and Charges attending the same, together with the Amount of all Damage or Loss which may accrue to the said Gaslight Company from such Escape of Gas as aforesaid, shall be defrayed and paid by the said Waterworks Company or their Treasurer to the said Gaslight Company, the same having been ascertained and settled, in case of Dispute concerning the same, by some Justice not being a Proprietor of any Share in either of the said Companies, which Determination shall be final and conclusive; and the Amount of such Expences, Damages, and Loss, together with such Costs and Charges as shall be by such Justice allowed, shall be levied and recovered by Warrant of Distress under his Hand and Seal.

Pipes to be laid Four Feet from Gas Pipes.

XL. And be it enacted, That all and every the Pipes, Conduits, and Service Pipes to be laid by virtue of this Act for the Conveyance of Water in or under any Highway, Footway, Turnpike Road, or Street, shall be so laid, if Circumstances will allow thereof, at the Distance of Four Feet at the least from the nearest Part of any Main or Pipe then laid for the Conveyance of Gas.

Persons interested in certain Water Mills to receive Compensation for Injuries.

XLI. And be it enacted, That all Persons interested in the Water Mills situated on the Stream flowing from the Reservoir by this Act authorized to be made at or near *Thornton* aforesaid, and lying above the Junction of such Stream with the River *Soar* or *Leicester* Navigation, shall be entitled to pecuniary Compensation for or in respect of any Injury they may respectively sustain by the Abstraction of Water for the Purposes of this Undertaking, and the Amount of such Compensation shall, in case of Disagreement between the Company and such Persons respectively, or any of them, be settled by Arbitration in manner provided by the said Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation.

Company not to impound all the Water of the Streams on the first filling of the Storage Reservoir.

XLII. And be it enacted, That so long as the Waters of the Brooks flowing into the Storage Reservoir by this Act authorized to be made at or near *Thornton* aforesaid shall be impounded for the first filling thereof, the Company shall and they are hereby required to discharge from and out of such Reservoir for the Supply of the Mills upon the River *Soar* a Quantity of Water not less than One million Gallons *per* Day for each and every working Day on which the said Brooks shall yield One million Gallons, and if and when they shall not so yield One million Gallons then a Quantity of Water at least equal to the entire united Volumes of such Brooks; and if the Company shall refuse or neglect to discharge such Water as aforesaid they shall be liable to make full Compensation to the several Occupiers of such Mills for and in respect of any Loss or Damage such several Occupiers may sustain or be put unto by or in consequence of such Refusal or Neglect, and such Compensation shall be ascertained

by Arbitration in the Manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation.

XLIII. And be it enacted, That the Company shall and they are hereby required to lay down such of their Pipes as shall be laid under the River *Soar* or *Leicester* Navigation, so as that no Part of the Surface of such Pipes shall at any Time be higher than Seven Feet below the Surface of the *Weir* upon the said River *Soar* or *Leicester* Navigation, situate near or adjoining the Mill called the North Mill; and the Company shall not in laying down such Water Pipes, or in the necessary Repairs thereof, or in the laying down or Reparation of any future Pipes 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 *Soar* or *Leicester* Navigation; and the Company shall and they are hereby required, after the laying down of such Pipes, to leave a free, open, uninterrupted navigable Waterway in the said River *Soar* or *Leicester* Navigation at least Seven Feet deep below the Surface of the said *Weir*, and also to keep and leave the Towing Path of the said River *Soar* or *Leicester* Navigation free from any Interruption by the said Company, provided that the Company may and they are hereby authorized to lay down the said Pipes, and to repair the same, and also to lay down and repair any future Pipes in lieu thereof, at such Time or Times as the Navigation of the said River *Soar* or *Leicester* Navigation shall be interrupted for Repairs, and for that Purpose, at such Time or Times as aforesaid, to draw off the Water from the said River *Soar* or *Leicester* Navigation above the Lock called the North Lock, not occupying at any one Time more than Six Days in the laying down or Repairs of the said Pipes, or the drawing off such Water as aforesaid, and giving to the Company of Proprietors of the said *Leicester* Navigation Fourteen clear Days Notice of their Intention to do any such Acts as aforesaid, and paying to the said Company of Proprietors of the *Leicester* Navigation, and all other Persons who may be injured, full Compensation for the Damage which may accrue to them respectively 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.

Regulations
as to laying
down Pipes
under the
Leicester
Navigation.

XLIV. And be it enacted, That in case the said Company shall in the Execution of any of the Works by this Act authorized to be made injure or damage the said River *Soar* or *Leicester* Navigation, or the Towing Path or Banks thereof, they shall and they are hereby required forthwith to repair and make good at their own Expence 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 Company shall not, on receiving One clear Day's Notice in Writing from the said Company of Proprietors of the *Leicester* Navigation, 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 of Proprietors of the *Leicester* Navigation, and they

Penalty for
the Obstruc-
tion of the
Leicester
Navigation,
and to
make good
Damage
thereto.

they are hereby authorized and empowered, 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 Expences thereof, and also the Loss and Damage occasioned thereby, shall be repaid by the Company to the said Company of Proprietors of the *Leicester* Navigation; and in default of Payment thereof, on Demand, (so that such Demand be in Writing, and fully and accurately state the Particulars of all such Expences, Loss, and Damage,) the said Company of Proprietors of the *Leicester* Navigation shall and may sue for and recover the same against and from the said Company by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster* as and for liquidated Damages; and in case by and during the Progress of the Works or the Repairs thereof by this Act authorized to be made, or by reason of any of the Causes aforesaid, the Waterway of the Navigation of the said River *Soar* or *Leicester* Navigation, or the Towing Path by the Side of the said Waterway, shall at any Time hereafter be interrupted or obstructed, then and in every of the said Cases the Company shall pay unto the said Company of Proprietors of the *Leicester* Navigation the Sum of Thirty Pounds *per* Day as ascertained Damages for such Interruption or Obstruction for each and every Day that the Navigation of the said River or *Leicester* Navigation shall be so interrupted or obstructed as aforesaid, and so long as the same shall continue, and so in proportion for any Period less than a Day, to be recovered in manner aforesaid, and also shall make Compensation to all other Parties navigating on the said River or *Leicester* Navigation for all Loss or Injury which they may sustain by such Obstruction or Delay as aforesaid, to be recovered in like Manner.

Lands described in the Plans for the Service Reservoir not to be taken if Town Council sell and convey other Lands to the Company for that Purpose.

XLV. And be it enacted, That inasmuch as it has been agreed by and between the Company and the Town Council of the Borough of *Leicester*, that the said Town Council shall, with the Consent of the Lords of Her Majesty's Treasury, and at the Request of the said Company, sell and convey to the Company a certain Piece or Parcel of Land for a Service Reservoir situated on the Racecourse near *Leicester*, and at the Distance of Eighty Yards from the Turnpike Road leading from *Market Harborough* to *Leicester* aforesaid, and also at the Distance of Twenty-five Yards from the present Winning Post on the said Racecourse, with a proper Access thereto from the said Turnpike Road, and Power to lay down Pipes to communicate therewith, the Company shall not take or use under the Powers of this Act the Lands of the said Town Council in or near the said Racecourse described in the Plans and Books of Reference deposited with the Clerk of the Peace of the County of *Leicester*, provided the Town Council shall, within Six Calendar Months after Notice shall have been given by the Company to the Mayor for the Time being of the said Borough of their Desire to purchase such Land so agreed to be sold as aforesaid, effect a valid Sale and Conveyance of the said Land and Premises pursuant to such Agreement.

Special Terms in regard to the

XLVI. And be it enacted, with respect to any Land or Ground belonging to the Mayor, Aldermen, and Burgesses of the Borough of

of *Leicester* which may be taken or used by the Company under the Provisions of this Act or the incorporated Acts, or any of them,

Lands of the Mayor, &c. of Leicester.

That any House or Building to be erected on the same shall be built in an ornamental Style, to be approved by the said Town Council, the Company nevertheless not to be required to expend in the Erection thereof more than the Sum of Two hundred Pounds :

That no Steam Engine shall be erected or put on the said Land or Ground :

That the whole of the Sides of the Service Reservoir shall be covered by a sloping Embankment, and ornamentally planted, and of such Inclination as shall render the same secure, and be suitable for Plantations :

That the Company shall be required and liable to pay from Time to Time to the said Mayor, Aldermen, and Burgesses, or to the Owners or Occupiers for the Time being of any of the adjoining Lands now belonging to the said Mayor, Aldermen, and Burgesses, Compensation for all Damage to be done to such Lands by Escape of Water and Soakage, such Compensation to be ascertained and settled, in case of Disagreement, in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with regard to the Question of disputed Compensation.

XLVII. And be it enacted, That as regards the Storage Reservoir at or near *Thornton* aforesaid, the Company shall execute the Accommodation Works, and comply with the Requirements following; namely,

Roads and Fences to be made round the Storage Reservoir.

First, they shall make and for ever after maintain in good Repair a Road round such Reservoir, of the Width of Eighteen Feet, with a Hedge and Ditch of the Width of Six Feet, for the joint Use of the Company and of the Owners and Occupiers for the Time being of all the Lands adjacent to such Reservoir :

Second, they shall construct and maintain a Ditch round such Reservoir to afford effectual Drainage to the adjacent Land and to the Village of *Thornton* :

Third, they shall make and maintain a Trough below the Embankment of such Reservoir, and shall keep the same constantly supplied with Water from the said Reservoir for the free Use of the Inhabitants of the Village of *Thornton* :

Fourth, they shall not erect or permit to be erected on any Lands in the Parish of *Thornton* acquired by them for or near to such Reservoir any Houses or Buildings other than such as may be required for carrying on and superintending the Waterworks of the Company.

XLVIII. And be it enacted, That this Act shall not interfere with any Rights of the Right Honourable *Henry Viscount Maynard*, or other the Lord of the Manor of *Thornton* for the Time being, with respect to angling in the proposed Reservoir, but that the said Viscount *Maynard*, or other the Lord of the Manor of *Thornton* aforesaid, or his Assigns, shall have all such and the same Rights, Powers, and Authorities with respect to angling for Fish in the said Reservoir as he now of right has in the Brooks or Streams which are intended to

Right of fishing in the Reservoir reserved to the Lord of the Manor of Thornton.

run into and from the proposed Reservoir: Provided nevertheless, that such Rights, Powers, and Authorities shall not in anywise interfere with the Right, Power, and Authority of the Company at all Times to draw off the Water from the said Reservoir, and to do all such other Acts, Matters, and Things whatsoever as may be expedient or necessary for cleansing and repairing the said Reservoir, and for preventing the Water therein from being fouled or disturbed.

Company
restricted
from taking
Fish in the
Reservoir.

XLIX. And be it enacted, That the Powers herein contained to take and use the said Lands and Streams at *Thornton* aforesaid shall not confer on the said Company, their Successors or Assigns, any Right to the Fish in the Reservoir proposed to be made on the said Lands, or to take the same.

Lord of the
Manor to
have a Right
to use and
keep a Boat
on the Reser-
voir.

L. And be it further enacted, That it shall be lawful for the Lord of the Manor of *Thornton* for the Time being, at his own Will and Pleasure, to keep a Boat upon the said Reservoir for the Use of himself and others, with his Permission, and to erect in some convenient Place on the Banks of the said Reservoir a proper Boathouse or Shed for the Covering and Protection of the said Boat.

Public Act.

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

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