



ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. xxiv.*

An Act for empowering the Corporation of the Borough of *Leicester* to execute Works for Prevention of Floods on the River *Soar* and other Waters within the Borough, and additional Sewerage and Drainage Works, to make new Streets and Improvements, to establish a Vegetable Market, and to make Arrangements with the Visitors of the *Leicestershire and Rutland* Lunatic Asylum, and for establishing sanitary and other Regulations for the Borough; and for other Purposes. [29th *May* 1868.]

**W**HEREAS the Borough of *Leicester* (in this Act called the Borough) is a Municipal Borough, under the Government of the Mayor, Aldermen, and Burgesses of the Borough (in this Act called the Corporation), and is regulated by the Acts relating to Municipal Corporations in *England*, and by various Local [Local.] 3 P. Acts,

*The Leicester Improvement, Drainage, and Markets Act, 1868.*9 & 10 Vict.  
c. xxix.

Acts, including an Act of the Session of the Ninth and Tenth Years of Her Majesty's Reign (Chapter Twenty-nine), "for improving the Borough of *Leicester*" (in this Act called the Improvement Act of 1846): And whereas the Corporation by the Council of the Borough are the Local Board of Health for the Borough (and as such the Corporation are in this Act designated the Local Board): And whereas Parts of the Borough are liable to periodical Floods from the overflowing of the River *Soar* and other Waters produced by natural or artificial Obstructions to the Course thereof, and it is expedient that the Local Board be empowered to execute Works for the Purpose of preventing the Recurrence of such Floods: And whereas it is expedient that the Local Board be also empowered to execute Improvements of the Sewerage Works of the Borough, and to make a new Street and Improvements of Streets, new Footpaths or Diversions of Footpaths, and other Improvements within the Borough: And whereas the present Market Place in the Borough is used on *Saturdays* for the Sale of Meat, Vegetables, and other Commodities, and the Corporation are or claim to be the Owners of the Soil of the Market Place, and they receive the Tolls of the Market, and it is expedient that they be authorized to establish, maintain, and regulate a Market, to be also held in the present Market Place, for the Sale of Vegetables, Fruit, Flowers, Butter, Eggs, and Poultry, and other Articles, on all or some of the other Days of the Week, and to take Tolls therein: And whereas it is expedient that Provision be made for preventing the placing or Exposure for Sale in Parts of the Borough, not being authorized Market Places, of certain Commodities for which Market Places are provided by the Local Board under statutory Powers, and for preventing the overcrowding of Streets by Carts and other Vehicles: And whereas it is expedient that statutory Regulations be established for controlling the Erection of Buildings, and the laying out of Streets, and for preventing Obstructions and Nuisances in the Streets and other Parts of the Borough, and for otherwise promoting the Improvement of the sanitary Condition of the Borough, and securing the good Government thereof: And whereas by the Improvement Act of 1846 a Rate called the *Leicester* Improvement Rate is authorized, and that Rate is of small Amount, but is expensive in Collection, and it is therefore expedient that Provision be made for the Payment out of the general District Rates of the Amount requisite to meet the Charges for which the Improvement Rate is authorized to be levied: And whereas by the *Leicester* Lunatic Asylum and Improvement Act, 1865, the Corporation were empowered to provide and maintain an Asylum for the Pauper Lunatics of the Borough, and Provision was made for the Dissolution of the Union theretofore subsisting between the Counties of *Leicester* and *Rutland* and the Borough for the Use of the *Leicestershire and Rutland* Lunatic Asylum for the Pauper Lunatics of

The Leicester Improvement, Drainage, and Markets Act, 1868.

of the Borough: And whereas under the same Act such Dissolution was to take effect from and after the 25th Day of *March* 1868, and Provision was thereby made for the gradual Discontinuance after that Day of the Reception and Maintenance in the last-mentioned Asylum of the Pauper Lunatics of the Borough, but it is now expedient that Provision be made for the continued Reception and Maintenance in that Asylum of such Pauper Lunatics for a further Period: And whereas the Acts relating to the Borough require Amendment in various Particulars: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: And whereas Plans and Sections describing the Lines, Situations, and Levels of the intended Works, and a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands in the Line of the proposed Works, or within the Limits of Deviation as defined on the Plans, and describing those Lands, have been deposited with the Clerk of the Peace for the County of *Leicester* (which are in this Act referred to as the deposited Plans, Sections, and Book of Reference): May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited as the *Leicester Improvement, Drainage, and Markets Act, 1868.* Short Title.

2. The following Acts and Parts of Acts (as far as they are applicable for the Purposes and are not inconsistent with the Provisions of this Act) are hereby incorporated with this Act; namely, The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860: The Provisions of the Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners.

8 & 9 Vict.  
c. 18.,  
10 & 11 Vict.  
c. 14., and  
23 & 24 Vict.  
c. 106. incor-  
porated.

3. With respect to the Interpretation of Terms in and for the Purposes of this Act the following Provisions shall have Effect; namely,

Interpre-  
tation of  
Terms.

Terms to which Meanings are assigned in the Acts incorporated wholly or in part with this Act, or which have therein special Meanings, have in this Act the same respective Meanings:

In this Act, and for the Purposes of this Act in any Act incorporated wholly or in part with this Act, the Term "Court of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which it is used was a common Simple Contract Debt, and not a Debt or Demand created by Statute,  
and

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

To widen and deepen the River and Canal from the *Old Soar Corner* aforesaid to the Weir of the *Castle Mill*:

To remove the solid Towing-path under the Bridge carrying the *Cow Lane* over the *Leicestershire and Northamptonshire Union Canal*, and to substitute a Towing-path on Piles:

To remove the solid Towing-path under the *West Bridge*, and to substitute one on Piles:

To widen the *Leicester Navigation* at or near to the Warehouse and Office of the *Leicester and Swannington Branch* of the *Midland Railway*:

To construct an Overfall Weir on the *Leicester Navigation* near the *Whitwick Dock* with Sluices, and also a new Cut or Channel commencing at or near such intended Weir, and terminating in the River *Soar* in the Place or District called the *Leicester Abbey* at or about Nine Chains Westward of the *North Bridge*, with an Overfall Weir at or near the Towing-path Bridge over the *North Mill Goit*, and a new Bridge for carrying the *Leicester and Swannington Branch* of the *Midland Railway* over such new Cut:

To remove the Stone Weir between *Saint Margaret's Pasture* and the *Abbey Meadows*, and to construct a new Weir in lieu thereof:

To construct on the Southern Bank of the River *Soar*, at or near the *Abbey Mill* Sluices, an Overfall Weir with Sluices at or near the Site of the *Old Abbey Mill*, and to construct an Overfall Weir with proper Works in extension of the *Swan's Nest Weir*:

To construct a Drain or Culvert commencing in the Meadow on the South Side of *Mill Lane* at or near the *Swan's Mill*, and terminating at or near the *Castle Mill Weir*:

with all proper Weirs, Banks, Dams, Sluices, Cuts, Channels, Watercourses, Bridges, Arches, Pipes, Sewers, Drains, Works, and Conveniences connected therewith, and to enter on, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they require for any of those Purposes.

Local Board  
to be Con-  
servators of  
River Soar,  
&c.

8. The Local Board are hereby constituted Conservators of the Part of the River *Soar* within the Borough, and all Backwater Streams and Watercourses within the Limits in the last foregoing Section described, and are hereby empowered from Time to Time as such Conservators by all lawful Ways and Means to prevent the Creation and to effect the Removal of Banks, Shoals, and other Impediments and Obstructions to the free Flow of the Waters in the said Rivers, Streams, and Watercourses, whether produced by ordinary or extraordinary, natural or artificial Causes, and all Encroachments on and other Injuries or Nuisances to the Banks, Beds,  
and

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

and Waters of the said River, Streams, and Watercourses, and generally the Local Board shall have and may from Time to Time exercise all lawful Powers of Conservancy in relation to the said River, Streams, and Watercourses, and in case any Person at any Time within the Borough makes or causes to be made any Bank, Shoal, or other Impediment or Obstruction to the free Flow of the Waters in the said River, Streams, and Watercourses, or any of them, or makes or does or causes to be made or done any Encroachment on or Injury or Nuisance to the Banks, Beds, and Waters of the said River, Streams, and Watercourses, or any of them, then he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in case of a continuing Offence to a further Penalty not exceeding Forty Shillings for each Day during which such Offence continues after Conviction for such Offence.

9. Subject and according to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Local Board may make, execute, and maintain in the Lines and Situations and according to the Levels described on the deposited Plans and Sections, the new Sewers and Improvements of Sewers shown on the deposited Plans, with all proper Drains, Works, and Conveniences connected therewith, and may enter on, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they require for any of those Purposes, so nevertheless that the Local Board shall not be compellable to purchase for any of those Purposes any of those Lands, but shall make Compensation for all Damage done by them in manner provided by this Act and the Acts incorporated wholly or in part with this Act.

Power to  
make  
Sewerage  
Works, and  
take Lands.

10. Where the Local Board have before or after the passing of this Act constructed a Sewer, and it becomes expedient, either by reason of the Land through which the Sewer is made being converted into Building Land, or for any other Reason, that the Sewer should not continue to pass through that Land, the Local Board may, at the Request of the Owner of that Land, divert the Sewer, and carry and construct the same into, through, or under any other Land of the same Owner, or into, through, or under any Lands into, through, or under which it is for the Time being lawful for them, by virtue of this or any other Act, to carry and construct Sewers.

Power to  
divert  
Sewers from  
Building  
Land, &c.  
with Con-  
sent.

11. Subject to the Provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the Local Board may make, execute, and maintain in the Lines and Situations and according to the Levels described on the deposited Plans and Sections the new Streets and Improvements shown on the deposited Plans, with all proper Roadways, Footways, Pavements, Sewers, Drains, Gutters, Works,

Power to  
make new  
Streets, &c.,  
and take  
Lands.

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

Works, and Conveniences connected therewith, and may enter on, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they require for any of those Purposes, or for providing Space for the Erection of Houses and Buildings adjoining or near to any of the new Streets or Improvements.

Provision  
respecting  
Church-  
yards.

12. Where any Portion of the Lands described in the deposited Plans and Book of Reference forms Part of a Churchyard, then, notwithstanding anything in this Act, the following Provisions shall have Effect in relation thereto; namely,

- (1.) It shall not be lawful for the Local Board to enter on, take, or use the same without the previous Consent in Writing of the Incumbent and Churchwardens of the Parish or other Ecclesiastical District to which the Churchyard belongs and of the Bishop of the Diocese:
- (2.) The Incumbent and Churchwardens are hereby empowered with the Consent of the Bishop to sell and convey such Land to the Local Board for the Purposes of this Act, and to enter into all necessary Agreements for that Purpose under and according to the Lands Clauses Consolidation Act, 1845:
- (3.) If the Purchase or Compensation Money to be paid by the Local Board for such Land does not exceed the Sum of Two hundred Pounds, the same shall be paid to the Incumbent and Churchwardens, and shall be applied in such Manner as on the Recommendation of the Incumbent and Churchwardens the Bishop approves:
- (4.) If the Purchase or Compensation Money exceeds the Sum of Two hundred Pounds, the same shall be paid by the Local Board into the Court of Chancery to an Account intituled *ex parte* the Churchyard of the Church of the Parish of  
(or as the Case may be), in the same Manner and subject to the same Provisions as are prescribed in the Lands Clauses Consolidation Act, 1845, in Cases where Owners fail to make out a Title to Land to the Satisfaction of the Promoters:
- (5.) If in the Execution of any Works authorized by this Act it is found necessary to interfere with any Grave or Vault in any such Churchyard, the same shall be disturbed as little as possible, and the Local Board shall, with all reasonable Despatch and at their own Expense, cause the Remains of any Persons in any Graves or Vaults disturbed to be re-interred either in the same Churchyard or in a Cemetery, with the Approval and to the Satisfaction of the Bishop, and with the Observance of such Precautions as the Officer of Health for the Borough of *Leicester* directs.

13. With

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

13. With respect to any Compensation to be paid for entering on, taking, or using for Purposes of this Act any Part of the Lands commonly called the *Abbey Meadow*, 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 like Manner and for the like Purposes as the Compensation paid by the Corporation under the *Leicester Sewage Act, 1851*, is now applicable.

Compensation for Abbey Meadow.

14. In case the Local Board acquire under this Act any Part of the Property now belonging to the Trustees of the Hospital of *William Wyggeston*, they may, if they think fit, with a view to the more effectual Completion of any of the Improvements authorized by this Act, exchange the same Land, or any Part thereof, for any Land which they require for any of the Purposes of this Act, and any Person empowered under this Act to sell Lands for the Purposes thereof may make such Exchange with the Local Board accordingly, and on any such Exchange Money may be paid by either Party for Equality of Exchange, and such of the Provisions of the Lands Clauses Consolidation Act, 1845, as relate to Purchase Money or Compensation coming to Parties having limited Interests shall apply to Money coming to any such Party on any such Exchange.

Power to exchange Hospital Lands.

15. Subject and according to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Local Board may make and maintain a new Footpath in the Parish of *Saint Mary* in *Leicester*, commencing out of the *Victoria Road*, in continuation of the Footpath forming the Walk or Promenade called the *New Walk*, and terminating at or near the *New Road* in the *Victoria Park* called the *Pavilion Road*, and may divert into such new Footpath so much of the *New Walk* aforesaid as lies between the Points of Commencement and Termination of the said new Footpath, and may stop up such diverted Part of the *New Walk*, and the Site thereof may be held, used, and sold by the Corporation, subject and according to the Provisions of the Municipal Corporations Acts relating to Lands belonging to Municipal Corporations, and the Corporation may enter on, take, hold, and use such of the Lands described in the deposited Plans and Book of Reference as they require for the Purposes of this Section; and when and as soon as such new Footpath is made and opened for Use all Rights of Way on, over, or affecting the diverted Part of the *New Walk* shall cease and be extinguished, and the new Footpath shall

Power to make new Footpath and Diversion at New Walk, and to take Lands.

[Local.]

3 R

be

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

be held on and for the same Trusts and Purposes on and for which such diverted Part is held.

Power to  
divert  
Footpath to  
Evington.

**16.** Subject and according to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Local Board may divert or stop up the Footpath running from the *London Road* into the Parish of *Evington* as far as the same Footpath is situate within the Borough of *Leicester*, and the Local Board may, by Agreement with the Owners of Lands and other Persons having Openings to the existing Footpath, substitute a new Footpath or Road in lieu thereof, provided that they open the new Footpath or Road before stopping up the existing Footpath.

Correction  
of Errors,  
Omissions,  
&c.

**17.** If any Omission, Mis-statement, or erroneous Description is found to have been made of any Lands, or of any Owners, Lessees, or Occupiers of any Lands, described or intended to be described in the deposited Plans or Book of Reference, the Local Board may apply to Two Justices, not being Members of the Local Board, for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by the proposed Correction; and if it appears to such Justices that the Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, stating the Particulars of the Omission, Mis-statement, or erroneous Description, and such Certificate shall be deposited with the Clerk of the Peace for the County of *Leicester*, and shall be kept by him with the other Documents to which it relates, and subject and according to the same Enactments and Provisions as apply to those other Documents, and thereupon the deposited Plans or Book of Reference (as the Case requires) shall be deemed to be corrected according to the Certificate, and the Local Board may enter on, take, hold, and use those Lands accordingly.

Power to  
agree for  
Easements,  
&c.

**18.** The Local Board may take by Agreement, and any Person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell Lands, may grant to them, any Term, Estate, Easement, Interest, Right, or Privilege in, over, affecting, or belonging to Lands at a yearly Rent or otherwise; but in the Case of a Person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell Lands, then subject and according to the Provisions relative to the taking of Lands by Agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which Purpose any such Term, Estate, Easement, Interest, Right, or Privilege shall be deemed Lands within the Meaning of those Acts.

**19.** In



*The Leicester Improvement, Drainage, and Markets Act, 1868.*

**19.** In making any of the Works by this Act authorized the Local Board may deviate to any Extent not exceeding Five Feet from the Levels thereof defined on the deposited Sections, and may deviate from the Lines thereof respectively in all Cases within the Limits of Deviation defined on the deposited Plans, and beyond those Limits, with the Consent of the Owners, Lessees, and Occupiers of the Lands through which any such Deviation is to be made, but not otherwise.

Power to deviate from Levels, &c.

**20.** The Local Board may stop up and discontinue as Thoroughfares, and appropriate for the Purposes of this Act, the Sites of so much of the Streets, Roads, Quays, Thoroughfares, Courts, Alleys, Passages, and Places widened, altered, improved, or interfered with by the Works authorized by this Act, and all such other Courts, Passages, and Approaches within the Limits of Deviation shown on the deposited Plans as intended to be stopped up in order to the Construction and Execution of those Works.

Stopping up of Thoroughfares, and Appropriation of Sites.

**21.** The Powers of the Local Board for compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Period for compulsory Purchase.

**22.** If the Works authorized by this Act are not completed within Seven Years from the passing of this Act, then on the Expiration of that Period the Powers by this Act granted to the Local Board for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for Completion of Works.

**23.** If in or by reason of the Execution of any of the Works hereby authorized, or the Exercise of the Powers of this Act, Loss or Damage, whether temporary or permanent, shall be occasioned to the Owners, Lessees, or Occupiers of any Mills upon or near to the Banks of the said River *Soar*, or any Branches or Tributaries thereof, which Mills are wholly or in part worked by the Water of such River, Branch, or Tributary, or to the Owners, Lessees, or Occupiers of any Lands bordering upon the said River, Branches, or Tributaries, or either of them, then and in every such Case the Local Board shall be bound to make full Compensation to the Persons respectively by whom any such Loss or Damage may be sustained; and in case of Difference as to the Amount of Compensation to be so made, the same shall be ascertained and settled in the Manner provided by "The Lands Clauses Consolidation Act, 1845," as to Questions of disputed Compensation, and for the Purposes of any Proceeding under the said Act the Local Board shall be deemed to be the Promoters of the Undertaking, and the said several Persons to be Parties injuriously affected within the Meaning of the said Act.

Compensation to be made for Injury to Millowners and others.

**24.** All

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

Protection of  
Leicester  
Navigation  
Company.

24. All the Works to be constructed under the Powers of this Act affecting the Works or Water of the Company of Proprietors of the *Leicester Navigation* shall be constructed under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of that Company.

Protection of  
Union Canal  
Company.

25. All the Works to be constructed under the Powers of this Act affecting the Works or Water of the *Leicestershire and Northamptonshire Union Canal Company* shall be constructed under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of that Company, and in particular with respect to the Weir situate at or near the *Castle Mill* the same shall be constructed and maintained according to the following Provisions; namely,

- (1.) The Weir shall be so formed that the Top of the permanent or immoveable Portion thereof over which the Water will flow during Floods shall not be more than Eleven Inches below the present Level of the said *Castle Mill Weir* as the same now exists:
- (2.) Except during the Prevalence of a Flood, the Corporation shall place and maintain on such permanent Top or immoveable Portion Two Water-tight Dam Planks or Flush Boards, the lowermost to be Five Inches in Height, and uppermost Six Inches in Height:
- (3.) Such Dam Planks or Flush Boards may nevertheless be removed by the Corporation whenever the Water in the Canal flows over the Top of the uppermost Plank or Board, and shall be replaced by them whenever the Level of the Water in the Canal has again descended to the Level of the Top of such Plank or Board.

If by reason of the Non-observance by the Corporation of the Conditions prescribed by this Section the Depth of the Water in the Canal is at any Time so reduced that the Navigation on the Canal is in any way interfered with or obstructed, then the Company or any Person trading on the Canal may, in addition to all or any other Remedies or Remedy, claim and recover Compensation for any Loss or Damage which may be occasioned by them or him respectively by such Non-observance, and the Amount of such Compensation shall, in case of Difference, be ascertained and settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," as to Questions of disputed Compensation, and for the Purposes of any such Arbitration the Corporation shall be deemed to be the Promoters of the Undertaking, and the Company or such other Person as aforesaid to be a Party injuriously affected within the Meaning of the said Act.

26. All

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

**26.** All Works to be executed or constructed under the Powers of this Act near to or adjoining the Mains, Pipes, and Works of the *Leicester Waterworks Company* shall be executed or constructed by and at the Expense of the Local Board under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said Company; but if any such Works to be done, executed, or constructed under the Powers of this Act shall necessitate any Removal or Alteration of the Position or the Levels of any of the Mains, Pipes, and Works of the said Company, then such Removal or Alteration of the Position or Levels of such Mains, Pipes, and Works, and any Works that may be rendered necessary thereby, or for securing the constant Continuance of the Supply of Water to the Town during the Progress of such Removal or Alteration of the Position or Levels of such Mains, Pipes, or Works of the said Company, and all Work in relation thereto, shall be done by the said Company under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said Company; and all Expenses which may be incurred by or accrue to the said Company in or about the doing of the same, or in anywise in relation thereto, shall be borne and paid by the Local Board; and all such Works as aforesaid shall be so executed and constructed as to cause no permanent Injury to the Mains, Pipes, or Works of the said Company, or any Interference with the efficient Use thereof, or with the constant Supply of Water by the said Company through or by means of the same.

For Protection of Works of Leicester Waterworks Company.

**27.** Previously to the Local Board commencing any Work near to or adjoining the Mains, Pipes, Works, or other Property of the *Leicester Waterworks Company*, or requiring any Works to be done which in the doing thereof may in anywise interfere with or affect the Mains, Pipes, Works, or other Property of the said Company, the Local Board shall give to the said Company at least Ten Days Notice in Writing of such their Intention, describing the Manner in which it is proposed or desired to do any such Work near to or adjoining the Mains, Pipes, Works, or other Property of the said Company, or to require any Works to be done which in the doing thereof may in anywise interfere with the Mains, Pipes, Works, or other Property of the said Company, and such Notices shall from Time to Time be given to or left with the Secretary for the Time being of the said Company.

Notice to be given to Waterworks Company.

**28.** The Local Board shall not commence any Works authorized by and to be constructed under the Powers of this Act which shall be under or across or shall affect any Part of the Line of the *Midland Railway*, or any Line of Railway, Lands, Buildings, Stations, Works, or Property of the *Midland Railway Company*, unless and until they have given to the said Company Seven Days previous Notice

For Protection of the Midland Railway Company.

[Local.]

3 S

of

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

of their Intention so to do, and all such Works shall from Time to Time be made, constructed, maintained, and repaired in such Manner as shall be previously approved of by the Engineer for the Time being of the said Company, or in case of Dispute as shall be settled by an Arbitrator to be appointed on the Application of either Party by the Board of Trade, and in all respects to his reasonable Satisfaction, and so as not to alter, vary, or permanently interfere with the Use of any such Line of Railway as aforesaid, or any of the Works thereof, or to obstruct, interfere with, or impede the Conveyance of Passengers and Goods along the said Railway, or the Use and Enjoyment by the said Company of their said Lands, Buildings, Stations, Works, and Property, and the Local Board making full Compensation for the Damage which may accrue to the said Company from the doing of such Acts as aforesaid, such Compensation to be ascertained and settled in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to Questions of disputed Compensation.

Penalty  
in case of  
Default.

**29.** If the Local Board shall at any Time hereafter, contrary to the Provisions of this Act, alter, vary, or otherwise than temporarily (and then only for the Purpose of constructing the Flood Works by this Act authorized) interfere with the Use of any of the said Lines of Railway, or any of the Works thereof, or any of the Lands, Property, or Works of the said *Midland* Railway Company, 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 the said Railway shall be obstructed or impeded, or the Use and Enjoyment by the said Company of their Lands and Property interfered with or interrupted, contrary to the Provisions of this Act, then and in every such Case the Local Board shall forfeit and pay as and by way of Penalty, and in addition to any Damages which the said Company may be entitled to recover from them either under the 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, Interference, Obstruction, or Impediment as aforesaid shall continue, and such Penalties shall be recoverable in like Manner as other Penalties of the like Nature and Amount are by this Act recoverable, or by Action, with full Costs of Suit, in any Court of competent Jurisdiction.

Saving  
Rights of  
the *Midland*  
Railway  
Company.

**30.** This Act or anything herein contained shall not, except as herein is provided, take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities now vested in or used or exercised by the *Midland* Railway Company.

**31.** If

The Leicester Improvement, Drainage, and Markets Act, 1868.

**31.** If in the Exercise of the Powers by this Act conferred on the Local Board as Conservators of the said River they shall require to execute any Works or do any Act which may prejudicially affect the Owners of or other Persons interested in any Land upon which such Works are to be executed or Act done, or of any Land adjoining or near thereto, or of any Buildings erected on such Land, the Local Board shall, at least Twenty-one Days before proceeding to execute such Works or do such Act, give Notice in Writing of their Intention to the Owners and Occupiers of such Land or Buildings, and in such Notice shall specify the particular Works or Acts intended to be executed or done; and on the Service of such Notice any Owner or other Person interested may demand that such Works be constructed or Acts done by the Local Board as may be reasonably required for the Safety or Protection of such Land or Buildings; and in case of Refusal or Neglect by the Local Board to comply with such Demands, or of Difference between the Local Board and the Claimant as to the Kind or Description of Works to be so executed or Acts to be done, the Question shall be determined by Two Justices in the Manner provided by the Railway Clauses Consolidation Act, 1845, with respect to Accommodation Works to be constructed by Railway Companies, the Provisions of which Act shall in that respect, *mutatis mutandis*, be applicable to and enforceable against the Local Board; and the Local Board shall also make full Compensation to every such Owner and Occupier, and all other Persons interested in any such Land or Buildings or having Rights in or over the same, for all Damage or Injury which may be sustained by them respectively by reason of the Execution of any Works hereby authorized, or the Exercise of any Powers hereby conferred by the Local Board as such Conservators as aforesaid; and the Amount of Compensation shall, in case of Difference, be settled and determined by Arbitration in the Manner prescribed by and under the Provisions contained in the Lands Clauses Consolidation Act, 1845, with respect to disputed Claims of Compensation, and for the Purpose of such Arbitration the Local Board shall be deemed to be the Promoters within the Meaning of the said Act.

Providing for Works to protect Owners, &c. of adjoining Land against Damage by the Exercise by the Local Board of their Powers as Conservators, and for Compensation for Damage or Injury to such Owners.

**32.** It shall be lawful for the Owners and Occupiers of any Land through which any Sewer or Drain shown on the deposited Plans shall be constructed by the Local Board under the Powers of this Act, or of any Land situate in the Borough of *Leicester* adjoining or near thereto, or of any Buildings erected thereon, at their own Expense, to convey the Drainage and Sewage of such Land or Buildings into any Sewer or Drain to be so constructed, without being required to make any Payment or Compensation for such Use or Privilege, and the Size and Number of the Openings or Communications into such Sewer or Drain, and the Manner and Form

Owners, &c. of adjoining Land to have Power to drain into Sewer constructed by the Board without Payment or Compensation.

of

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

of Communication with such Sewer or Drain, shall in all respects be subject to the reasonable Approval of the Local Board; and all Works to be made by any such Owner or Occupier for the Purpose of such Openings or Communications shall be done to the reasonable Satisfaction of the Local Board, and under the Superintendence of their Engineer, or of some Person appointed by them.

New Vegetable, &c. Market.

**33.** The Corporation may establish in the existing Market Place, or on such Part thereof as they think convenient, in addition to the Market now held there on *Saturdays*, a Market to be held on other Days for the Sale of Vegetables, Fruit, Flowers, Butter, Eggs, Poultry, and other Articles and Things, and the Extension of the existing Market authorized by this Provision shall be deemed the Establishment of a Market, or the Regulation of a Market already established, within the Meaning of Section 50 of the Local Government Act, 1858, and the Powers and Provisions of that Section shall apply thereto accordingly; and if any Person sells or exposes for Sale any Vegetables, Fruit, Flowers, Butter, Eggs, Poultry, or other Articles or Things for which the Local Board so establish a Market in any Part of the Market Place or at any Time other than the Part or the Time appointed for the Purpose by the Corporation, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Application of Receipts from Market.

**34.** All Money received by the Corporation from Tolls, Stallages, and Rents in respect of the Market established under this Act shall be carried to and form Part of the Borough Fund of the Borough.

Prohibition of Exposure of certain Goods for Sale in Streets, &c.

**35.** With a view to prevent the exposing of certain Commodities for Sale in any Street (except in the Part of any Street and during the Period from Time to Time prescribed by the Corporation for holding the Market, and except in that Part of *High Cross Street* in which a Market for Vegetables, Fruit, and Garden Produce has for many Years been held on *Wednesdays*;) the following Regulations and Provisions shall have Effect (and for the Purposes of this Section the Word "Street" shall include any open Space intervening between the Footway and Carriageway in a Street); that is to say,

- (1.) It shall not be lawful for any Person to place on any Part of a Street any Hay, Straw, Vetches, or agricultural or Garden Produce in a Vehicle or otherwise for the Purposes of Sale, or for any other Purpose, except that of loading or unloading such Produce:
- (2.) It shall not be lawful for any Person to allow any Hay, Straw, Vetches, or agricultural or Garden Produce in a Vehicle or otherwise to rest on any Part of a Street for a longer

The Leicester Improvement, Drainage, and Markets Act, 1868.

longer Time than may be absolutely necessary for loading or unloading such Produce :

- (3.) If any Person does any Act in contravention of this Section he shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

**36.** The Corporation may from Time to Time make Rules for preventing Obstructions in the Streets of the Borough, and for that Purpose may prohibit or restrict the stopping or standing of any Cart or Waggon in any specified Street or Part of a Street (and for the Purposes of this Section the Word " Street " shall include any open Space intervening between the Footway and Carriageway in a Street), either generally, except so far as may be reasonably necessary for the Receipt or Delivery of any Article, or on particular Days or at particular Hours, and may make Rules respecting the Number of Carts or Waggons to be admitted at the same Time into any Street, either generally, except as aforesaid, or on particular Days or at particular Hours ; if any Person does any Act in contravention of any such Rule he shall for every such Offence be liable on summary Conviction to a Penalty not exceeding Forty Shillings, and a Constable of the Borough may prevent the bringing of any Cart or Waggon into any Street by any Person in contravention of any such Rule, and may remove from any Street any Cart or Waggon being there in contravention of any such Rule.

Prevention of Over-crowding by Carts, &c.

**37.** The Regulations set forth in the Schedule to this Act shall have Effect as if they had been set forth and enacted in the Body of this Act.

Confirmation of Regulations in Schedule.

**38.** A written or printed Copy of Byelaws purporting to be made by the Local Board under any Act, and to be sealed with their Common Seal, and to be allowed by One of Her Majesty's Principal Secretaries of State (such Copy being authenticated by the Signature of the Clerk of the Local Board), shall be *prima facie* Evidence of the Existence and due making and Contents of such Byelaws.

Evidence of Byelaws.

**39.** In lieu of the Corporation levying the *Leicester* Improvement Rate authorized by the *Leicester* Improvement Act of 1846, the Local Board may, if they think fit, pay out of the Money raised by the General District Rates such Sums as may be requisite to provide a Fund for the Payment of such Costs, Expenses, Interest, and Money as are for the Time being payable by the Corporation under the Improvement Act of 1846.

Provision in lieu of Improvement Rate.

**40.** The Local Board for the Purposes of this Act may from Time to Time, in addition to any Money which they are for the Time being

Power to Local Board to borrow.

[Local.]

3 T

being

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

being authorized to borrow independently of this Act, borrow at Interest on Mortgage of any Property of the Local Board, or on Mortgage of the General District Rates authorized to be levied by the Local Board, any Money not exceeding in the whole the Sum of Twenty-five thousand Pounds, and the Local Board shall apply the same for the Purposes aforesaid accordingly.

Application of Commissioners Clauses Act to Mortgages by Local Board.

41. For the Purposes of such borrowing on Mortgage as aforesaid by the Local Board, the Provisions of the Commissioners Clauses Act, 1847, incorporated with this Act, shall have Effect.

Power to Local Board to borrow for paying off.

42. The Local Board may from Time to Time borrow at Interest on Mortgage as aforesaid any Money necessary for repaying any Principal Money borrowed as aforesaid on the same becoming repayable, and so *toties quoties*.

Money borrowed by Local Board charged on General District Rate.

43. All Money borrowed by the Local Board under the Authority of this Act, and the Interest thereof, and all Expenses incurred by the Local Board in carrying this Act into execution, are hereby charged on the said General District Rates as if the same were Expenses charged on and payable out of the Money levied by means of such Rates under the Public Health Acts, and may be lawfully advanced and paid out of such last-mentioned Money.

Payment off by Sinking Fund, &c.

44. For the Purpose of paying off the Money borrowed by the Local Board under the Authority of this Act, the Local Board shall every Year from and after the Expiration of Five Years next after the passing of this Act, or sooner if they think fit, pay off and discharge such Amount as they think proper, not being less than Two and a Half *per Centum*, of the Money so borrowed, or otherwise appropriate and set apart the like Amount as a Sinking Fund for that Purpose in manner prescribed by the Commissioners Clauses Act, 1847.

Power to include Money required in General District Rates.

45. The Local Board in estimating the Amount required to be raised by means of General District Rates for the Purposes of the Borough, and in making such Rates, shall include the Money required for the Purposes of this Act (as far as it relates to the Local Board) in one and the same Rate or Assessment as the Money authorized by the Public Health Acts to be levied by means of General District Rates, and shall collect the same as Part thereof as if the same were expressly charged by that Act on those Rates, and the Local Board may make any such General District Rates payable by half-yearly, quarterly, or other Instalments, as they think fit.

46. Nothing



*The Leicester Improvement, Drainage, and Markets Act, 1868.*

46. Nothing in this Act shall prejudice or affect any existing Mortgages, Debentures, or other Securities on the Property, Funds, Rates, or Revenue of the Local Board, but the same shall have Priority over any Mortgages, Debentures, or Securities on the same Property, Funds, Rates, or Revenue granted under any of the Powers or Provisions of this Act. Priority of Mortgages.

47. The Mortgagees of the Local Board may enforce Payment of the Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees applying for a Receiver shall be not less than Three thousand Pounds. Arrears may be enforced by Appointment of a Receiver.

48. The Corporation and the Visitors of the *Leicestershire and Rutland* Lunatic Asylum may from Time to Time enter into and execute such Agreements as they think fit for the Reception or Continuance and for the Maintenance of the Pauper Lunatics of the Borough in that Asylum, and the Corporation shall pay out of the Borough Rates or Borough Fund all Sums becoming due from them under any such Agreement; provided that no such Agreement shall continue in operation after the Twenty-fifth Day of *March* One thousand eight hundred and seventy. Provision respecting Pauper Lunatics.

49. Nothing in this Act shall take away or abridge any Right, Power, or Authority which the Local Board or the Corporation have or may enjoy under the Public Health Acts, or the Municipal Corporation Acts, or otherwise independently of this Act. Saving for General Rights and Remedies of Corporation.

50. Penalties under this Act shall be recovered and applied as Penalties under the Public Health Acts are recoverable and applicable. Recovery and Application of Penalties.

51. The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Local Board out of Money authorized to be borrowed for the Purposes of this Act. Expenses of Act.

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

## SCHEDULE referred to in the foregoing Act.

## REGULATIONS.

1. These Regulations shall take effect for and within the Borough of Leicester from and after the passing of the foregoing Act, (in these Regulations referred to as the Act of 1868).

2. In these Regulations—

The Term "Street" has the same Meaning as in the Public Health Act, 1848, except that it includes Turnpike Roads.

The Term "House" has the same Meaning as in the Public Health Act, 1848, except where its Meaning is limited or extended by any of these Regulations.

The Term "new Street" means a Street laid out after the passing of the Act of 1868.

The Term "new House" and "new Building" mean respectively a House or Building the Erection whereof is begun or completed after the passing of the Act of 1868.

Other Terms have the same Meanings as in the Act of 1868.

3. Every new Street shall be laid out and formed at least Thirty Feet wide, unless a greater or less Width shall in any Case be required or consented to by the Local Board; and the Local Board shall determine in each Case what Proportion of the Width of such Street shall be laid out as Carriage and Foot Way respectively.

4. No Building shall be erected on the Side of any Street which shall exceed in Height the Distance from the Front of such Building to the opposite Side of such Street without the previous Consent of the Local Board, nor shall the Height of any Building so erected be at any Time subsequently increased so as to exceed such Distance without the like Consent.

In estimating the Height of Buildings the Measurement shall be taken from the Level of the Centre of the Street immediately opposite the Buildings up to the Parapet or Eaves of the Roof, but this Regulation shall not extend to any Street which was repairable by the Inhabitants at large previously to the passing of the Public Health Act, 1848.

5. The proposed Level and Width of any new Street having been approved by the Local Board, the local Surveyor shall, with the Approval of the Local Board, specify the Depth and Inclination, Form, Size, Materials, and other Particulars of the Sewers and their Appurtenances, according to which the Works for the proper Drainage of such Street and of the adjoining Properties shall be carried out.

6. The Mode of Construction of every new Street, and the Materials to be employed, shall be subject to the Approval of the Local Board.

7. Every

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

7. Every Building to be erected for the Purpose of being used as a Dwelling House, other than a Dwelling House which shall be erected on the Site of a Dwelling House which exists at the passing of the Act of 1868, and which was erected before the First Day of September 1858 (when the Local Government Act, 1858, took effect in the Borough), shall have in the Rear, or at the Side thereof, an open Space adjoining thereto to the Extent at least of One hundred and fifty Square Feet, free from any Erections thereon above the Level of the Ground, and shall have in the Rear or at the Side thereof, in the Case of a single House (that is to say, a House with One habitable Room only on the Ground Floor); an open Space of the average Depth of Ten Feet at the least, free from any Erections thereon for Two Thirds at the least of the Width of such House if the open Space be at the Rear, or an open Space of the average Width of Ten Feet at the least for the entire Length of such House if the open Space be at the Side; and in the Case of a double House (that is to say, a House with Two or more habitable Rooms on either the Ground or the Upper Floor), an open Space of the average Depth of Fifteen Feet at the least, free from any Erections thereon for Two Thirds at the least of the Width of such House if the open Space be at the Rear, or an open Space of the average Width of Twelve Feet at the least for Two Thirds of the Depth of such House if the open Space be at the Side; and if such Dwelling House be Three Stories or more in Height, the open Space in the Rear or Side thereof shall be of the average Depth of Twenty Feet at the least, free from any Erections thereon for Two Thirds at the least of the Width of such House if the open Space be at the Rear, or an open Space of the average Width of Fifteen Feet at the least for Two Thirds of the Depth of such House if the open Space be at the Side.

And where Dwelling Houses not abutting on any Street or Highway shall be built in any Court, Square, or Common Yard, or at the Rear of any Houses or Buildings, the Distance across the open Space at the Rear of such last-mentioned Houses or Buildings to any other House, Building, or Boundary Fence shall not be less than Ten Feet in the Case of a single House, and not less than Fifteen Feet in the Case of a double House; and every Dwelling House so built in any Court, Square, or Common Yard, or at the Rear of any such Houses or Buildings as aforesaid, shall have in front thereof an open Space of the Depth of Fifteen Feet in every Part thereof, in addition to the open Space required at the Rear or Side of every such Dwelling House; and the Depth, Width, and open Space in the Front or in the Rear or at the Side of any House, to the Extent required by this Regulation, shall be excluded from the Calculation of the Depth, Width, or open Space in the Front or in the Rear or at the Side of any other House; and in this Regulation the Word "Width" shall mean a Line drawn parallel to the Front of the House, and the Word "Depth" a Line drawn at a Right Angle to the Width.

8. Every Building to be erected for the Purpose of being used as a Dwelling House on the Site of a Dwelling House which exists at the passing of the Act of 1868, and which was erected before the First Day of September 1858, shall have the same open Space in the Rear or at the Side thereof as required by Regulation 7, where, at the Time of taking down the existing Dwelling House, there shall be such an Extent of open Space as therein required; but where there shall not at such Time be such open Space, then the open Space in the Rear or at the Side thereof shall not be less than that which existed at the Time of such Dwelling House being taken down.

---

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

---

9. The open Space and the Depth and Width required by Regulation 7, or either such Space or Depth or Width, may be reduced to the Extent of One Fifth in any Case where the Local Board shall be satisfied on the Report in Writing of the Surveyor that adequate Ventilation is secured by the general Arrangements shown on the deposited Plan of the Building.

10. Whenever any open Space has been left belonging to any Building for the Erection of which the Sanction of the Local Board has been obtained, such Space shall never afterwards be built upon so as to leave a less open Space than shown on the deposited Plan approved by the Local Board without the further Approval of the Local Board.

11. In any Building to be erected every habitable Room in the Basement and the Ground Floor shall be in every Part thereof Eight Feet Six Inches in Height at the least from the Floor to the Ceiling, and every other habitable Room, except Rooms in the Roof, shall be in every Part Eight Feet in Height at the least from the Floor to the Ceiling; and every habitable Room in the Roof of any such Building shall be at least Eight Feet in Height from the Floor to the Ceiling throughout, not less than One Half the Area of such Room, and one habitable Room on each Floor shall have an Area of at least One hundred and eight Superficial Feet of Floor.

12. Every habitable Room shall have at least One Window, and the total Area of Window or Windows clear of the Frame shall be at the least One Tenth of the Area of every such Room, and the Top of one at least of such Windows shall not be less than Seven Feet Six Inches above the Floor, and if a Sash Window the upper Half at least shall be made to open the full Width, and if a Casement Window One Half at least of such Window shall be made to open.

13. Every public Building and School, and also every Shop and Factory, to be erected shall be supplied with Means of Ventilation to be approved by the Local Board, and every Room in any House or other Building which shall after the passing of the Act of 1868 be used as a Day School shall, unless supplied with special Means of Ventilation to the Satisfaction of the Local Board, be so used subject to the following Regulations; (namely,) if the Room shall be less than Eight Feet Six Inches in Height from the Floor to the Ceiling the Space for each Scholar shall be Nine Superficial Feet at the least, and if such Room shall be Eight Feet Six Inches or upwards in Height the Space for each Scholar shall be Eight Superficial Feet at the least.

14. Every habitable Room built after the passing of the Act of 1868 of less Area than One hundred Superficial Feet, and without a Fireplace, shall be provided with special Means of Ventilation by Air-shaft or otherwise, as the Local Board may determine.

15. The Chimneys and Flues of every Building shall be constructed in such Mode and of such Materials and Dimensions as shall be approved by the Local Board. All Hearths and Slabs shall be properly bedded in incombustible Materials. No Timber or Woodwork shall be placed within Four and a Half Inches of the inside Face of any Chimney or Flue, and the Brickwork or Stonework of every Chimney or Flue shall be properly rendered.

16. The

---

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

---

16. The Height of every Chimney used in connexion with a Steam Engine or Boiler, whether such Chimney be of Brick, Stone, Metal, or other Material, and whether such Steam Engine be fixed or portable, shall be of such Height as shall in each Case be required by the Local Board, but the Height shall not be less than Sixty Feet if the Engine or Boiler shall be Two-horse Power and not exceed Five-horse Power, nor less than Eighty Feet when the same shall be above Five-horse Power but shall not exceed Twenty-horse Power, nor less than One hundred Feet when the same shall be above Twenty-horse Power and shall not exceed Thirty-horse Power, and not less than One hundred and twenty Feet if the same shall be above Thirty-horse Power.

17. All Houses and Buildings (whether erected after the passing of the Act of 1868 or not) which, in the Opinion of the Local Board, are without sufficient Drainage, shall be drained in the most effectual Manner which may be practicable, and the Mode of Drainage, and all Materials intended to be used in the Construction of the Drainage of Buildings, shall be subject to the Approval of the Local Board.

18. The Drains of all Houses and Buildings shall consist of glazed Stoneware or Fireclay Pipes or other equally suitable Material, and shall be connected with the Sewers in such Manner as the local Surveyor shall direct. They shall be laid with Water-tight Joints, and beneath Houses they shall be embedded in and surrounded with well-puddled Clay. No Right Angle Junctions, whether vertical or horizontal, shall be formed.

19. Proper Ventilation shall, if required by the Local Board, be provided in the Drainage of every House by means of the Rain-water Pipe by special Pipe or Shaft, or by such other Method as the local Surveyor may direct. All other Inlets to the House Drains shall be properly trapped.

20. The House Drainage shall be so constructed, either with additional Earthenware Pipes or otherwise, as to drain the Subsoil of the Premises whenever the Dampness of the Site appears to the Local Board to render this necessary; and all Rain-water shall be so drained or conveyed from the Roofs, Cornices, and other Parts of Buildings as to prevent its dripping on to the Ground, and causing Dampness in the Walls, or being a Nuisance to Passengers.

21. The Situation, Dimensions, Materials, and Construction of every Water-closet and Privy shall be subject to the Approval of the Local Board, and every Watercloset or Privy shall have an Opening as near to the Top as practicable communicating directly with the external Air, or shall be otherwise furnished with sufficient Means of Ventilation.

22. No new House shall be occupied until the House Drainage has been made and completed.

23. No Cesspool shall be allowed for new Houses except when unavoidable, when it shall be constructed in such Situation and in such Manner as the Local Board shall direct. It shall in every Case be made Water-tight. It shall be arched or covered over, and a Pipe or Shaft for Ventilation shall be carried up from it, or from the Drain communicating with it from the Watercloset or Privy.

24. The

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

24. The Situation, Dimensions, Materials, and Construction of every Ashpit shall be subject to the Approval of the Local Board, and shall be of sufficient Size to contain the Ashes and dry Refuse likely to accumulate between the prescribed Visits of the Scavengers.

25. In any Case where it is certified to the Local Board by the Officer of Health of the Borough, or by the local Surveyor, or by the Inspector of Nuisances, or by any Two Medical Practitioners, that any Building or Part of a Building is unfit for Human Habitation, the Local Board may, by their Order affixed conspicuously on the Building or Part of the Building, declare that the same is not fit for Human Habitation, and shall not after a Date therein to be specified be inhabited, and no Person after the Date or Time mentioned in such Order shall let or occupy, or continue to let or occupy, or knowingly suffer or permit to be occupied, such Building or Part of a Building: Provided always, that if at any Time after such Order shall be made the Local Board shall be satisfied that such House has become or been rendered fit for Human Habitation they may revoke their said Order, and the same shall thenceforward cease to operate.

26. Every Person who shall intend to make or lay out any new Street, whether the same shall be intended to be used as a public Way or not, shall give One Calendar Month's Notice to the Local Board of such Intention by Writing delivered to the local Surveyor, or left at his Office, and shall at the same Time leave or cause to be left at the said Office a Plan of such intended new Street drawn to a Scale of not less than One Inch to every Forty-four Feet, and every such Plan shall show thereon the Names of the Owners of the Land through or over which such Street shall be intended to pass, the Width, Direction, the proposed Mode of Construction, the proposed Name of such intended new Street, and its Position relatively to the Streets nearest thereto, and shall contain the Name and Address of the Person intending to lay out such new Street, and be signed by him or his duly authorized Agent; he shall in like Manner cause to be delivered or left with the said Plan a Section of the said intended new Street drawn to a Scale of not less than One Inch to every Forty-four Feet, and to a vertical Scale of One Inch to every Ten Feet, showing thereon the Level of the then Surface of the Ground above some known fixed Datum, the Level and Rate or Rates of Inclination of the intended new Street, the Level of the Streets with which it will be connected, and the Level of the intended new Sewer.

27. Every Person who shall intend to erect any new Building shall give Fourteen clear Days Notice to the Local Board of such Intention by Writing delivered to the local Surveyor, or left at the Office of the Local Board, and shall at the same Time leave or cause to be left at the said Office a detailed Plan and Section of such intended new Building, drawn to a Scale of not less than One Inch to every Eight Feet, showing the Positions and Form of the several Parts and the Thickness of the Walls of such Building, with figured Dimensions of the several Parts, the Watercloset, Privy, Cesspool, Ashpit, Well, and all other Appurtenances, and such Plan and Section shall be accompanied by a Description of the intended Mode of Drainage and Means of Water Supply, and shall show the then and also the intended Level of the Ground Line of the Yard, or other Ground belonging thereto, and the Level of the lowest Floor of the intended Building; a Block Plan shall be left at the same Time, drawn to a Scale of not less than One Inch to every Forty-four Feet, showing the  
Position

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

Position of all Buildings within Three Feet of any of the Boundaries of the Property and the Level of the Street.

28. The local Surveyor may inspect any Works or Buildings in progress of Construction at any reasonable Time that he may think fit, or that he may be required to do so by the Local Board, but the Person laying out the Work, or his Agent, or the Builder, shall give Forty-eight Hours Notice in Writing to the local Surveyor before the Commencement of such Work, and before any Foundations of new Buildings or any Sewers or Drains are covered up, and the like Notice shall be given after the Works have been completed which may have been required by the Surveyor to be done in Amendment of any Irregularity, and before such Works shall be covered up.

29. Where any new House shall be erected upon Land on which no Dwelling House shall have been previously erected, or upon Land theretofore used either as Garden Ground or as a Yard, or upon Maiden Soil, then and in each of such Cases the Soil must be excavated and removed to the Depth of Fifteen Inches at the least from the Floor Line, and, if required by the Local Board or their Surveyor, a Layer of Concrete Clinkers or other proper hard Material of the Thickness prescribed by the Board or such Surveyor shall be spread thereon and well rammed before the Floor is laid; and every new House and every House which after the passing of the Act of 1868 is pulled down to or below the Ground Floor and rebuilt shall have a Course of Blue Bricks, Lead, Slate, or other impervious Material for a Damp Course laid immediately above the Ground Line on each external Wall.

30. If in doing any Work, or forming any Street, or erecting any Building, anything is done contrary to the Regulations herein contained, or anything required by these Regulations is omitted to be done, the Surveyor may, within Twenty-four Hours after such Survey or Inspection, give to the Builder or Person engaged in doing such Work, forming such Street, or erecting such Building, Notice in Writing requiring such Builder or Person within Forty-eight Hours from the Date of such Notice to cause anything done contrary to the Regulations herein contained to be amended, or to do anything required by such Regulations to be done, but which has been omitted to be done.

31. The Local Board shall approve or disapprove of proposed new Streets within One Calendar Month, and of proposed new Buildings within Fourteen Days, after Delivery of the Notice required by the Twenty-sixth and Twenty-seventh Regulations, and the Approval, Disapproval, Notice, Resolution, or Act of any Committee duly appointed by the Local Board shall for all Purposes under these Regulations be deemed to be the Act of the Local Board.

32. Within One Month after any Work or Building has been completed the Owner shall give Notice to the Surveyor thereof, and the Surveyor shall forthwith proceed to survey such Building or Work, and shall report to the Local Board thereon.

33. No Pilaster, Plinth, Cornice, or other Part of any new Building, or of any new Front or Addition to any existing Building, shall project or encroach over any Footway or Highway unless allowed by the Local Board, or beyond the Distance (if any) which shall be allowed by the Local Board.

[Local.]

3 X

34. If

---

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

---

34. If any Person shall begin to make or lay out any new Street, or to erect any new Building, without giving the Notice required by the Twenty-sixth and Twenty-seventh of these Regulations, or shall begin to make or lay out or form any new Street, or to erect any new Building, either before or after the Expiration of the Month or Fourteen Days mentioned in those Regulations without such Approval of the Local Board as aforesaid, or if any Person shall begin to make or lay out any new Street or to erect any new Building which shall have been disapproved of by the Local Board under the Thirty-first of these Regulations, or if after the Local Board shall have approved of any new Street or new Building pursuant to the Thirty-first of these Regulations such Person shall, either before or after the Completion of any such new Street or new Building, make any Alteration in the whole or in any Part of such new Street or new Building which the Local Board have so approved without the further Approval by the Local Board of such Alteration first had and obtained, or if any Person shall do any Act or omit to do any Act required by the foregoing Regulations, or fail to comply with any Requirement or Notice of the Local Board or their Surveyor acting under the Authority of the foregoing Regulations, or any of them, or in any way fail or neglect to observe or otherwise offend against any of the foregoing Regulations, or the Provisions or Directions expressed or contained in the foregoing Regulations, or any of them, he shall for every such Offence be liable to a Penalty of not exceeding the Sum of Five Pounds, and if any Offence shall continue the Offender shall be liable to a further Penalty of not exceeding the Sum of Forty Shillings for each Day during which such Offence shall continue after Conviction for such Offence.

35. No Person shall affix on any Building, Wall, or Fence, or deliver to any Inhabitant or Passenger in or near to any Street or Thoroughfare, any Posting Bill or printed or written Paper of an obscene, indecent, or offensive Nature, or referring to any Disease of a loathsome or secret Kind, or to any secret Cure for any Disease.

36. No Person shall in any Park, Garden, Land, or Ground which shall be used or occupied either wholly or in part as or for a Place of Promenade, Recreation, or Amusement by the Inhabitants of the Borough use any profane, obscene, or indecent Language, or commit any Nuisance or Indecency, or be guilty of Drunkenness, or of any abusive or disorderly Conduct or Behaviour.

37. No Person shall bathe in any Part of any River, Canal, Stream, or Watercourse after the Local Board shall by public Notice have prohibited the Public from bathing in any such Part on the Ground of Danger or Indecency, and every Person bathing shall conform to the Regulations to be observed by Persons bathing which shall from Time to Time be made by the said Local Board for the Prevention of Danger or Indecency.

38. The Local Board, or any Committee appointed by such Board, may give Notice to the Owner or Occupier of any House, Shop, or Building requiring him to remove, take down, or alter any Blind, Shade, Covering, Awning, Sign, Sign Post, Trade Device, Lamp, Lamp Iron, Board, or other Projection or Encroachment of the like kind on, over, or along any Part of any Footway or Causeway within the Borough which shall have been erected or placed against or in front of any House, Shop, or other Building since the Application of the Public Health Act, 1848, to the Borough, without the Consent of the Local Board, or  
which



---

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

---

which shall be continued by or by the Order of such Owner or Occupier after Notice from the said Local Board or the said Committee to remove, take down, or alter the same, and such Owner or Occupier (as the Case may be) shall, within Fourteen Days after Service of such Notice upon him either personally or by the same being left at his usual Place of Abode or Business, remove, take down, or alter the same in such Manner as the Local Board or the said Committee shall by any such Notice direct.

39. No Person shall make, place, or continue any Socket or Plug-hole in any Causeway, Highway, or Thoroughfare without the previous Consent of the Local Board, and any Person who shall act contrary to this Regulation, or who shall neglect to remove or repair any Post, Plug, or Socket, or to alter or repair any Grating, Coal Shoot, or Area Opening immediately after he shall have been required so to do by the Local Board or their Surveyor, or who shall at any Time suffer any such Socket or Plug-hole to be without any Plug or Cover, or any Grating, Coal Shoot, or Area Opening to be out of repair, to the Danger of Passengers or Cattle, shall be liable to the Penalty herein-after imposed.

40. No Goods or other Articles shall be allowed to rest on any Footway or other Part of a Street within the Borough, or be otherwise allowed to cause Obstruction or Inconvenience to the Passage of the Public on the same, for a longer Time than may be absolutely necessary for loading or unloading such Goods or other Articles, whether such Footway or Street be a Highway repairable by the Local Board, or a Street or Thoroughfare laid out by the Owner thereof, and used by the Public as a Thoroughfare, although not declared by the Local Board to be a Highway.

41. The Hour for opening in the Morning and for closing at Night the Market for the Sale of Meat, Fish, Vegetables, Fruit, Poultry, and other Commodities held in the Market Place on Saturdays shall from Time to Time be fixed by a Resolution of the Council, and such Hour may vary with the Season, and any Person who shall sell or offer or expose for Sale in any Part of the said Market Place any Meat, Fish, Vegetables, Fruit, Poultry, or other Commodity whatever at any Time before the Hour so fixed for opening, or after the Hour so fixed for closing, the said Market, shall for every such Offence be liable to the Penalty herein-after imposed.

42. No Picture, Print, Board, Placard, or Notice, except in such Form and Manner as may be approved of by the Local Board, or a Committee of such Board, shall, by way of Advertisement, be carried or distributed in any Street or Thoroughfare within the Borough by any Person riding in any Vehicle or on Horseback, or being on Foot.

43. No Person shall empty or assist in emptying any Privy, Dirt Hole, or Manure Heap within the Borough, or suffer the Soil, Dirt, or Manure to lie or remain in any Street or Highway within the Borough, or suffer any Cart or Waggon or other Vehicle containing Soil, Dirt, or Manure to stand or be in any such Street or Highway, between the Hours of Seven o'Clock in the Morning and Eleven o'Clock at Night from the First Day of March to the last Day of October (both inclusive), or between the Hours of Eight o'Clock in the Morning and Eleven o'Clock at Night from the First Day of November to the last Day of February (both inclusive).

44. Any

---

*The Leicester Improvement, Drainage, and Markets Act, 1868.*

---

44. Any Person offending against or doing or causing to be done any Act in contravention of any of the foregoing Regulations, in respect of which Penalties have not been expressly prescribed, shall forfeit and pay for every such Offence a Penalty not exceeding Forty Shillings, and in case of a continuing Offence a further Penalty of not exceeding Forty Shillings for each Day during which such Offence shall continue after the Conviction for such Offence.

45. Every Occupier of any Steam Engine or Furnace used in any Factory, Mill, Iron Foundry, Gasworks, Dye House, or other Building or Premises where any Trade or Business shall be carried on, and every Engine Worker, Stoker, or other Person having the Care or Management of such Steam Engine or Furnace, who shall at any Time use or manage any such Steam Engine or Furnace so that the Smoke arising therefrom shall not be effectually consumed or burnt, shall forfeit and pay for every such Offence the Sum of Money next herein-after mentioned, namely, every such Occupier any Sum not exceeding Forty Shillings, and every such Engine Worker, Stoker, or other Person any Sum not exceeding Five Shillings.

Provided always, that in case it shall be proved before the Justices on the Hearing of any Information against any such Occupier that he has so constructed or altered his Steam Engine or Furnace as to consume or burn, as far as practicable, all the Smoke arising therefrom, or on the Hearing of any Information against any such Engine Worker, Stoker, or other Person having the Care or Management of any such Steam Engine or Furnace that he has carefully attended to the same, and caused the Smoke arising therefrom to be consumed or burnt so far as the Construction of the Steam Engine or Furnace will allow, or in case the Defendant shall, on the Hearing of any Information under this Regulation, prove to the said Justices that the Act complained of was committed within One Hour from the Time when the Fire was first lighted in the Furnace on the Day in question, then and in every such Case the said Justices shall dismiss any such Information without proceeding to a Conviction.

Provided also, that One Penalty only shall be recoverable for any Number of Offences on the same Day.

46. Penalties under these Regulations shall be recovered and applied as Penalties under the Public Health Act, 1848, are recoverable and applicable, and the Information and Complaint for any Offence may be made as in the said Act mentioned, or by the Inspector of Nuisances or Sanitary Inspector of the Borough.

---

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1868.