



CHAPTER lxxviii.

An Act to provide for the closing of the undertaking of the Company of Proprietors of the Navigation from the Leicester Navigation to Melton Mowbray, in the county of Leicester, and for the dissolution of the said Company, and the winding up of the affairs thereof ; and for other purposes. A.D. 1877.
[12th July 1877.]

WHEREAS by an Act passed in the thirty-first year of the reign of King George the Third, intituled "An Act for making 31 G. 3. c.77.
" navigable the Rivers Wreak and Eye from the junction of the
" said River Wreak with the intended navigation from Loughbo-
" rough to Leicester, at or near a certain place called Turnwater
" Meadow, in the lordship of Cossington, to Mill Close Homestead,
" in the parish of Melton Mowbray, all in the county of Leicester,"
the Company of Proprietors of the Navigation from the Leicester
Navigation to Melton Mowbray, in the said county of Leicester
(herein-after called "the Company"), were incorporated and autho-
rised to make and maintain the navigation, and to have, use, and
exercise the powers in reference thereto in the said Act mentioned :

And whereas the Company made the said navigation, but the
traffic thereon has of late years greatly diminished, and the receipts
are so reduced as to be insufficient to maintain the said navigation
and yield a profit to the Company :

And whereas it is expedient that the Company should be
authorised to close, and when closed to sell and dispose of, the
navigation and all other the property of the Company in such
manner as the Company may deem most expedient, and that the
affairs of the Company should be wound up, and that the Company
should cease to exist :

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

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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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as "The Melton Mowbray Navigation (Abandonment) Act, 1877."

Interpretation of terms.

2. In this Act the term "the Company" means the Company of Proprietors incorporated under the recited Act, and the term "the navigation" means the navigation and the navigable cuts to which the recited Act relates, and all the locks, cuts, basins, and other works and conveniences connected therewith and appurtenant thereto belonging to the Company.

Power to close the navigation.

3. From and after the first day of August one thousand eight hundred and seventy-seven the navigation shall be closed for traffic, and all rights of way or user, and other rights in reference thereto or in connexion therewith, shall become extinguished on and after such day.

Power to sell site, &c.

4. Subject to the provisions of this Act, the Company are hereby authorised to sell and dispose of all the estate, lands, buildings, and property of the Company of every description, as a whole or in lots, in such manner and at such time or times and upon such terms and conditions as the Company may deem expedient, and the purchase moneys shall be assets of the Company.

Rights of pre-emption to owners of adjoining lands.

5. All the lands acquired by the Company for the purposes of the canal shall be sold within two years from the passing of this Act in the manner (so far as applicable) prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands, and for that purpose all the clauses of the said last-mentioned Act with respect to the lands acquired by the promoters of the undertaking under the provisions of their special Act, but which are not required for the purposes thereof, shall (so far as applicable) be deemed to be incorporated with this Act.

Company to make compensation with respect to accommodation works.

6. Where the Company are bound to maintain any bridges, fences, roads, paths, culverts, banks, dykes, or other works for the convenience of landowners, and which will have to be maintained after the closing of the navigation, the Company shall, subject to the provisions of this Act, make compensation to the owners of the land in respect of which any such works were constructed for the cesser of the Company's liability to maintain the same, the amount of such compensation in case of dispute to be settled by arbitration : Pro-

vided always, that the Company shall not be liable to make any such compensation as aforesaid unless the claim for such compensation shall have been made within six months after the publication in the Gazette of the notice herein-after provided for. A.D. 1877.

7. All claims upon the Company, and all differences or disputes which may arise between the Company and any person or persons by reason of the abandonment and closing of the canal or otherwise (but not for or in consequence of the disuse of the canal for the purposes of traffic), shall be settled by arbitration. Claims against the Company to be referred.

8. Every arbitration under this Act shall, unless otherwise agreed between the parties thereto, be had and conducted in accordance with the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. Arbitration.

9. The Company shall leave open the existing channels leading to and from the existing locks, and shall substitute for the upper gates of each of such locks a weir, which shall not be lower or higher than the existing weir corresponding with the respective lock, and shall remove the lower gates of each of such locks, and shall otherwise leave such locks in such good and sufficient repair as may be necessary for the purposes of the existing waterway, and shall put in good and substantial repair any public bridges, roads, or culverts which they were liable to repair or maintain previously to the passing of this Act; and from and after the construction of such weirs and such repair as aforesaid the liability of the Company in respect of the said bridges, roads, culverts, and locks respectively shall cease, and each such substituted weir and the site thereof and the banks and site of each such lock shall, immediately from and after the completion of the works herein provided for, be vested in and become the property of the owners of the lands on each side of each such lock in the same manner and to the same extent and with and subject to the same rights and liabilities as riparian owners are by law entitled and subject to in the banks and bed of a river. As to repair and maintenance of weirs and reinstatement of bridges.

10. From and after the first day of August one thousand eight hundred and seventy-seven the powers of the Company for the construction, maintenance, and management of the navigation shall cease, and the Company shall continue to exist only for the purpose of winding up their affairs, and they shall accordingly proceed with all convenient speed to collect and convert into money all their land, property, and effects, and the moneys so received and all other assets (if any) of the Company shall, so far as they are sufficient for those purposes and subject to the provisions of this Act, be applied as follows: Powers of the Company to cease after the objects of this Act are accomplished.

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Firstly. In payment of all the costs and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, and in carrying out the purposes thereof :

Secondly. In payment of the expenses of carrying out section 9 hereof : Provided always, that if any difference shall arise between the Company and any person interested with reference to the provisions of this sub-section, the same shall be determined by two justices of the county of Leicester to be named by the chairman of the quarter sessions, and the decision of such two justices shall be final :

Thirdly. In payment and satisfaction of the debts and liabilities of the Company incurred in or about the working and maintenance of the navigation up to the date of the closing thereof hereby authorised :

Fourthly. In payment and satisfaction of all compensation under the provisions in that behalf herein-before contained : Provided that if the surplus assets of the Company, after providing for the costs and expenses firstly and secondly herein-before mentioned, shall be insufficient to pay the whole of the said debts and liabilities and compensation in full, then the same shall be distributed in payment of the said debts and liabilities and compensation in proportion to the aggregate amounts of such debts and liabilities and of such compensation respectively, according to their respective priorities, and after such payments, or in the event of no moneys remaining in the hands of the Company, then such rights to compensation shall be extinguished :

And for the purposes aforesaid all the powers of the Company shall continue in full force and effect, and when and so soon as the same shall have been accomplished, or the assets of the Company shall have been exhausted, the Company shall be dissolved and cease to exist, and thenceforth no liability in respect to the navigation shall be continued or shall attach to the Company.

Notices to
be given
of incum-
brances.

11. Within six months after the passing of this Act the Company shall cause to be published once in the London Gazette, and in three successive weeks in some two and the same newspapers published and circulating in the district in which the navigation is situate, and in some daily newspaper published in London, a notice requiring all parties having claims upon the Company to furnish the same forthwith, and in any event on or before a day to be named in such notice, not being less than one month after the date of the last publication of such notice, and the Company shall, on the

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expiration of the time named in the said notice for furnishing such claims, be at liberty to distribute the assets of the Company or any part thereof amongst the parties entitled thereto, having regard to the claims of which the Company then have notice. A.D. 1877.

12. If at the expiration of eighteen calendar months from the passing of this Act any money remains undistributed in the hands of the Company, either by reason of the same not having been claimed by any person entitled thereto, or by reason of any person claiming the same not having shown to the satisfaction of the Company a sufficient title thereto, or by reason of the person claiming the same being under any disability or incapacity, and no person competent to give an effectual receipt for the same having claimed the same on behalf of such person, the Company shall forthwith pay the same to the credit of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice; and every such payment into court shall conclusively discharge the Company from all further liability with respect to the money so paid, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of court accordingly. Payment of money into court.

13. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be borne and paid by and out of the assets of the Company as herein-before provided. Expenses of Act.

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