



CHAPTER cxlvi.

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Manchester with reference to street works waterworks tramways main drainage works and the supply of electricity and otherwise for the better local government and improvement of the city to alter the wards thereof and for other purposes. A.D. 1914.
[7th August 1914.]

WHEREAS it is expedient that the lord mayor aldermen and citizens of the city of Manchester (in this Act called "the Corporation") should be empowered to make and maintain the street works and other works and to exercise the powers and to acquire and appropriate the lands in this Act respectively mentioned or referred to:

And whereas it is expedient to confer further powers upon the Corporation in connexion with their tramway and electricity undertakings:

And whereas by the Manchester Corporation Act 1911 the Corporation were authorised to make and maintain the main drainage works therein referred to and it is expedient to authorise the Corporation to make and maintain the additional main drainage works mentioned in this Act:

And whereas the city is for the purpose of the election of councillors divided into thirty-four wards of which thirty-three are each represented by three councillors and one (namely New Cross Ward) is represented by six councillors and it is expedient for the purpose of securing greater equality of representation that the city should be divided into thirty-five wards each represented by three councillors in the manner provided by this Act:

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And whereas it is expedient to make such other provisions as this Act contains :

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say):—

(A) In connexion with the waterworks undertaking of the Corporation—

(i) For the purpose of obtaining a further supply of water from Thirlmere under the provisions of the Manchester Corporation Waterworks Act 1879 the Manchester Corporation Act 1889 the Manchester Corporation (General Powers) Act 1904 and the Manchester Corporation Act 1906 by means of a fourth pipe connecting the portions of the works which have already been constructed of the full capacity	- - - - 1,000,000
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(ii) For the extension of mains and other purposes in connexion with the supply of water within the district of supply of the Corporation	- 300,000
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(B) For and in connexion with the purchase of land for and the construction of the street works and improvements authorised by this Act	- - - 60,000
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(c) For and in connexion with the purchase of lands and easements required for the purposes of the electrical generating station electric lines and other works for the supply of electricity	- - 50,000
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And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Manchester Corporation Act 1914. Short title.

2. This Act is divided into Parts as follows (that is to say):— Act divided into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street Works and Improvements.

Part IV.—Tramways and Omnibuses.

Part V.—Electricity.

Part VI.—Main Drainage Works.

Part VII.—Wards.

Part VIII.—Miscellaneous.

Part IX.—Finance.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. Incorporation of Acts.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there Interpretation.

A.D. 1914. is something in the subject or context repugnant thereto And in this Act unless the subject or context otherwise requires—

“The city” means the city of Manchester;

“The Corporation” means the lord mayor aldermen and citizens of the city of Manchester;

“The council” means the council of the city;

“The city rate” and “the city fund” mean respectively the city rate and the city fund of the city;

“The town clerk” “the city treasurer” “the medical officer” and “the city surveyor” mean respectively the town clerk the treasurer the medical officer of health and the surveyor of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The town hall” means the town hall of the city;

“The tribunal” means the jury arbitrators umpire justices or other authority to whom any question of disputed compensation under this Act is referred;

“The Trafford Power Company” means the Trafford Power and Light Supply (1902) Limited;

“Trafford Park” has the meaning given to that expression by section 4 (Interpretation) of the Trafford Park Act 1904;

“Street” includes any highway public bridge road lane footway square court alley or passage whether a thoroughfare or not;

“Owner” has the meaning assigned to it by section 36 of the Manchester Corporation Act 1891;

“Daily penalty” means a penalty for every day on which any offence is continued after conviction therefor;

“Statutory borrowing power” means and includes every power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed

or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; A.D. 1914.

“Corporation security” means any stock mortgage grant of annuity bill or other security issued or granted or to be issued or granted by the Corporation under any statutory borrowing power; and

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending that Act.

5. Any summons demand notice order or document (other than a conveyance contract or security) to be given made delivered or served by or on the part of the Corporation under this Act shall if signed by the town clerk be of the same effect as if sealed by the Corporation and the provisions of section 51 of the Manchester Corporation Waterworks and Improvement Act 1867 shall apply to every such summons demand notice order or other document. Authentication of notices &c.

6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate. Correction of errors in deposited plans and book of reference.

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Plans &c. to be open to inspection.

7. A copy of the deposited plans sections and book of reference respectively shall be kept by the town clerk who shall permit any person to inspect the same at reasonable times and to make copies of and extracts from the same respectively on payment by any such person of one shilling for every inspection and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour and after the rate of sixpence for every one hundred words copied therefrom.

Certified copies of plans &c. to be evidence.

8. Copies of the deposited plans sections and book of reference or of any alteration or correction thereof or extract therefrom certified to be correct by the clerk of the peace for the county of Lancaster or by the town clerk (which certificate such clerk of the peace and town clerk respectively shall give to all parties interested when required) shall be received in all courts of justice or elsewhere as *primâ facie* evidence of the contents thereof.

PART II.

LANDS.

Power to acquire lands.

9. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to persons under disability to grant easements &c.

10. Persons empowered by the Lands Clauses Acts or otherwise to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Limiting time for compulsory purchase of lands.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III. of this Act shall cease after the expiration of five years and for the

purposes of Parts V. and VI. of this Act after the expiration of three years from the passing of this Act. A.D. 1914.

12. The Corporation in addition to any other lands to be acquired by them in pursuance of the Manchester Corporation Act 1911 or of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of those Acts but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed fifty acres : Power to purchase additional lands by agreement.

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain sell &c. lands.

14. Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:— Owners may be required to sell parts only of certain lands and buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after in this

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section included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be

severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

- (6) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

15. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any houses buildings or lands in the street from passing along and using the same for any reasonable time but

Temporary stoppage of streets.

A.D. 1914. convenient access to the houses buildings or lands in such street shall be provided by the Corporation.

Provision as to compensation.

16. For the purposes of determining any disputed question of compensation payable in respect of lands taken for or in connexion with any works by this Act authorised the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November one thousand nine hundred and thirteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

17.—(1) The tribunal shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time has been delivered and that the Corporation has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

PART III.

A.D. 1914.

STREET WORKS AND IMPROVEMENTS.

18. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections relating thereto make and maintain the street widenings and improvements in the city herein-after described with all proper and necessary works junctions connexions approaches sewers drains and conveniences in connexion therewith (that is to say):—

Power to
make street
widenings
and improve-
ments.

The widening and improvement of—

- (1) Greenheys Lane on the north-westerly side thereof for a distance of thirty-two yards or thereabouts measured in a north-easterly direction from Greenhill Street :
- (2) Church Lane and Upper Conran Street at their junction .
- (3) Stockport Road on the westerly side thereof—
 - (A) between Yew Tree Avenue and The Crescent ;
and
 - (B) between North Western Street and a point being forty-one yards or thereabouts measured in a north-westerly direction from Alma Road :
- (4) Barlow Road Levenshulme on the southerly side thereof between Fairbourne Road and a point being thirty-three yards or thereabouts measured in an easterly direction from Polygon Avenue :
- (5) Plymouth Grove on the southerly side thereof for a distance of forty-nine yards or thereabouts measured in an easterly direction from Clarence Road :
- (6) Upper Moss Lane on the easterly side thereof between St. Mary's Street and Parsonage Street :
- (7) Thorp Road Newton Heath on the easterly side thereof between Oldham Road and a point being twenty-five yards or thereabouts measured in a north-westerly direction from Errwood Street :
- (8) Cheetham Hill Road on the north-easterly side thereof for a distance of eighty-four yards or thereabouts measured in a south-easterly direction from Woodlands Road :

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- (9) Gorton Lane on the easterly side thereof between Pine Apple Street and a point being fifty-three yards or thereabouts measured in a south-easterly direction from Oak Street:
- (10) Belle Vue Street—
- (A) on the south-westerly side thereof between Clowes Street and Clifford Street;
- (B) on the south-westerly side thereof for a distance of thirty yards measured in a south-easterly direction from Brunswick Street; and
- (C) on the north-easterly side thereof for a distance of one hundred and thirty-six yards or thereabouts measured in a south-easterly direction from Birch Street:
- (11) North Road on the westerly side thereof between Kirkmanshulme Lane and Stanley Grove:
- (12) Stanley Grove on both sides thereof between North Road and Stockport Road:
- (13) Dickenson Road on the northerly side thereof for a distance of one hundred and eighty-seven yards or thereabouts measured in a westerly direction from Conyngham Road:
- (14) Edge Lane Chorlton-cum-Hardy—
- (A) on the north-easterly side thereof for a distance of fifty-four yards or thereabouts measured in a north-westerly direction from Rye Bank Road;
- (B) on the north-easterly side thereof for a distance of one hundred and sixty-five yards measured in a south-easterly direction from Rye Bank Road; and
- (C) on the south-westerly side thereof for a distance of two hundred and sixty-six yards or thereabouts measured in a south-easterly direction from the boundary of the city with the urban district of Stretford:
- (15) Cross Street and Chapel Walks adjoining the Cross Street Chapel.

19.—(1) It shall be lawful for the Corporation to remove or cause to be removed the remains of any deceased person interred—

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Removal of
human
remains.

(A) in that part of the burial ground attached to Platt Chapel which has been added to Wilmslow Road in the city and in that part of the burial ground which adjoins that road; and

(B) in that part of the burial ground attached to Cross Street Chapel which has been added to Cross Street Chapel Walks and Cheapside in the city;

and on the completion of the removal of all the remains of deceased persons from the parts of the burial ground referred to in paragraph (A) or in paragraph (B) of this subsection all covenants obligations and restrictions to which the Corporation are subject with respect to the use of those parts of such burial ground shall be and the same are hereby extinguished.

(2) Before any part of the Cross Street Chapel and the burial ground attached thereto in the city is applied to or used for any of the purposes of the agreement referred to in subsection (1) of the section of this Part of this Act whereof the marginal note is "Confirming agreement with trustees of Cross Street Chapel" the Corporation shall and they are hereby authorised to remove or cause to be removed the remains of all deceased persons interred in such part.

(3) Before proceeding to remove any remains in pursuance of subsections (1) and (2) of this section the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (4) (5) (6) (7) and (8) of this section.

(4) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the Cross Street Chapel or in such burial grounds may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place.

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(5) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the Manchester County Court who shall have power to make an order specifying who shall remove the remains.

(6) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(7) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the person giving the same shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be re-interred in such other burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the registrar of the Manchester County Court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

Confirming
agreement
with trustees
of Cross

20.—(1) The agreement between the trustees of the Cross Street Chapel (in this section referred to as "the trustees") and the Corporation as set forth in the Second Schedule to

this Act is hereby confirmed and made binding on and shall be carried into effect by the parties thereto. A.D. 1914.

Street
Chapel.

(2) If and when the Corporation shall have removed or caused to be removed the remains of all deceased persons interred in the Cross Street Chapel and the burial ground attached thereto under the provisions in that behalf contained in this Act the trustees may (notwithstanding anything contained in the Disused Burial Grounds Act 1884 the Burial Act 1900 and any other Acts) apply and use the site of such chapel and burial ground either by altering adapting and enlarging the existing buildings or by erecting new buildings thereon or may sell such site subject in the case of any such application use or sale to the provisions of the agreement referred to in subsection (1) of this section and to the rights of the owners of lands and buildings abutting on such site or being on the opposite sides of the streets which adjoin such site and particularly subject to all such easements of light and air as are now existing and enjoyed by such owners and to their existing rights to prevent by injunction or otherwise any interference with such rights and easements.

(3) Any land sold under the provisions of subsection (2) of this section may be sold as a whole or in lots and in such manner at such times and on such terms and conditions as the trustees shall think fit and shall thereupon be held free from and in defeazance of the estates rights and interests therein of any other persons or person and also free from all trusts uses purposes obligations disabilities and restrictions whatsoever other than the rights of the owners of lands and buildings abutting on such land or being on the opposite sides of the streets which adjoin such land and free from all rights or interests of the owners or persons interested in any sittings or pews graves or vaults and the trustees may and shall execute and do all such assurances acts and things necessary or proper for effecting the purposes aforesaid.

(4) Every receipt signed by the trustees or any three of them shall effectually discharge the purchaser of any land or any person paying any moneys to the trustees under the powers or provisions of this section from the amount of money expressed in such receipt to have been received and from being answerable for or bound to see to the application thereof.

(5) The proceeds of sale of any land sold under the provisions of subsection (2) of this section shall after payment

A.D. 1914. thereout of all costs and expenses be held by the trustees for the purposes of the trust for the purposes of which such land was held by them.

(6) The costs and expenses to be incurred by the Corporation in connexion with the removal of the human remains from that part of the burial ground attached to Cross Street Chapel which has been added to Cross Street Chapel Walks and Cheapside in the city shall be ascertained and certified by the city surveyor and a copy of such certificate shall be furnished by the Corporation to the trustees. The amount thereof shall become due and payable by the trustees to the Corporation if and when but not unless the trustees shall request the Corporation to remove the human remains from the Cross Street Chapel and the inclosed part of the burial ground attached thereto. If the trustees shall not repay to the Corporation such costs and expenses within one month after the completion of the removal of the last-mentioned human remains the same shall carry interest at the rate of five pounds per centum per annum from and after the expiration of such month.

(7) The Corporation shall not exercise the powers conferred by this Act with respect to any portion of the Cross Street Chapel and the burial ground attached thereto except to the extent and in the manner provided for by the agreement set forth in the Second Schedule to this Act.

(8) Notwithstanding anything in this Act or in the agreement set forth in the Second Schedule to this Act on the happening of the events provided for by subsection (2) of this section no building shall thereafter be erected on any part of the burial ground now attached to the Cross Street Chapel which is within twenty-one feet from the centre of Chapel Walks or from the centre of Cheapside as now respectively existing and the land so left unbuilt on shall thereupon be dedicated by the trustees to such streets respectively and the same shall be added to and shall for ever thereafter form parts of such streets and be accepted and repairable by the Corporation.

Power to deviate in construction of street works.

21. The Corporation in constructing the works by this Part of this Act authorised may deviate laterally to any extent not exceeding the limits of deviation marked on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet.

22. Subject to the provisions of this Act and within the limits of deviation in each case defined on the deposited plans the Corporation in connexion with the works authorised by this Part of this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the works or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the works or any of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section.

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Power to
make sub-
sidiary
works.

23.—(1) Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water gas or electricity to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to
alter steps
areas pipes
&c.

(2) Provided that the Corporation shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster General except under and subject to the provisions of the Telegraph Act 1878.

24. The street works by this Part of this Act authorised so far as the same affect any public street shall when the same respectively have been completed be vested in and maintained in repair as public highways by and at the expense of the authority or person by whom or at whose expense the adjacent streets or portions of streets are repairable.

As to repair
of street
works.

25. The following provisions shall (unless otherwise agreed) apply and have effect for the benefit and protection of the

For protec-
tion of Lan-
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Yorkshire
Railway
Company as
to widening
of Thorp
Road.

Lancashire and Yorkshire Railway Company (herein-after referred to as "the company") :—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not purchase or acquire by compulsion any greater portion of the company's properties numbered on the deposited plans 60 to 64 respectively in the township of North Manchester than is coloured brown on a plan four copies of which are signed by the Right Honourable Henry de Vere Vane Lord Barnard the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (herein-after referred to as "the signed plan") one copy of which is deposited in the Office of the Clerk of the Parliaments in the House of Lords another copy in the Private Bill Office of the House of Commons another copy with the secretary of the company and another copy with the town clerk :

(2) The Corporation shall pay to the company the reasonable cost of erecting on the remaining land of the company coloured blue on the signed plan such buildings as will afford interior accommodation equivalent to the accommodation of the premises interfered with ;

Such buildings shall be erected in accordance with the plan marked "Substituted buildings plan" shown on the signed plan within two years from the date when the Corporation shall give notice to treat to the company for the land coloured brown on the signed plan ;

The Corporation shall when the erection of such substituted buildings is about to be commenced pay to the company the cost thereof as estimated by the company's architect and the actual cost shall be ascertained and adjusted between the Corporation and the company on completion of the buildings ;

The Corporation shall not be entitled to enter upon the land coloured brown until such buildings are completed :

(3) The provisions herein-before contained shall not prejudice or affect any rights of the company under the Lands Clauses Acts save in so far as such rights are provided for in this section :

- (4) Any difference which may arise between the Corporation and the company under this section shall be settled by arbitration under the provisions of the Arbitration Act 1889. A.D. 1914.

26. For the protection of the London and North Western Railway Company (herein-after called "the North Western Company") the following provisions shall unless otherwise agreed be observed and have effect:—

For protection of London and North Western Railway Company.

- (1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Corporation shall not without the previous consent in writing of the North Western Company under their common seal purchase or acquire by compulsion any lands or property belonging to the North Western Company in or near Stanley Grove in the city but the Corporation may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using so much of their lands as may be necessary for the construction of the widening and lowering of Stanley Grove by this Act authorised (herein-after called "the said street work");

The amount to be paid for the acquisition of such easement shall be ascertained in case of difference subject to the provisions of this Act in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration:

- (2) The Corporation shall before they commence the construction of so much of the said street work and all works in connexion therewith as shall or may pass under or in any way affect the railway property or works of the North Western Company (herein-after called "the said railway") submit to the principal engineer of the North Western Company (herein-after called "the principal engineer") proper and sufficient plans sections and specifications of the said street work proposed to be carried out by the Corporation

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for the reasonable approval of the principal engineer and also proper and sufficient plans showing the stages by which it is intended to carry out the said street work for the like approval :

Provided that if such principal engineer shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same and in case of the principal engineer and the city surveyor failing to agree or of any difference arising between them then the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject to the special provisions of this section) by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either the Corporation or the North Western Company and such portion of the said street work and all works necessary or incident to the construction thereof or affecting the said railway shall be constructed only according to such plans sections and specifications as shall be approved as aforesaid and under the superintendence and to the reasonable satisfaction of the principal engineer and at the costs charges and expenses in all respects of the Corporation :

- (3) The Corporation shall not except with the consent of the North Western Company themselves execute any of the works necessary for the taking down or rebuilding of the bridge carrying the said railway over Stanley Grove nor shall they interfere with the railway over such bridge nor with the traffic on such railway but if such consent is withheld the North Western Company shall if required in writing by the Corporation forthwith take down and reconstruct the said bridge or make all such alterations therein as may be required by the Corporation in order to admit of the construction of the said street work to the reasonable satisfaction of the city surveyor and in accordance with plans sections and specifications submitted and approved as aforesaid and with detailed drawings to be prepared by the principal engineer :

- (4) If the work is carried out by the North Western Company as aforesaid the Corporation shall repay to the North Western Company all sums properly expended by them from time to time in or about the preparation of drawings and details the construction and carrying out of the said works and upon the materials required for the same including all reasonable costs of any inspectors and watchmen and of the preparation and settlement of any plans sections and specifications of such works and materials and if any such payments shall not be made by the Corporation within two months after demand the Corporation shall be liable to pay interest thereon at the rate of four per centum per annum from the date of such demand and they shall upon the completion of the works to be executed by the North Western Company also pay to them such a sum as shall be agreed between the North Western Company and the Corporation or determined by arbitration by way of composition for and in satisfaction of all claims by the North Western Company in respect of the additional expense of maintenance of the said bridge arising from any increase in length or alteration in the form of construction effected under the powers of this Act:
- (5) The new reconstructed or altered bridge and the materials therein shall be and remain the property of the North Western Company and shall be maintained by them as part of their railways and works but the road and footways under the bridge shall be formed and paved metalled or asphalted and channelled and flagged and maintained by and at the expense of the Corporation:
- (6) Before the Corporation commence the construction of the said street work any temporary works which may in the opinion of the principal engineer be reasonably necessary to ensure the stability of the said railway and property may and shall be carried out by the North Western Company for the Corporation and the costs thereof and any expenses incurred in connexion therewith (including compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the North Western Company

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exclusively in and about such works) shall be repaid by the Corporation to the North Western Company on demand:

- (7) If it shall at any time appear to the principal engineer either before or during the construction or within five years after the completion of the said street work that any further or other works or appliances or measures of precaution are required either by way of addition to the existing works of the North Western Company or in connexion with the said street work or in relation to the method or construction of the said street work so as to prevent subsidence or injury happening to any of the railways and works or property of the North Western Company owing to or in consequence of the execution of the said street work the Corporation shall on being thereunto required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and approved by the city surveyor such works or take such measures of precaution including the temporary cessation of the construction of the said street work as the principal engineer shall reasonably require and the construction of the said street work when commenced shall proceed without cessation except as aforesaid and with all reasonable despatch;

Any difference as to the necessity of any such further works as aforesaid or as to the mode of execution thereof shall unless otherwise agreed be determined by an engineer to be appointed on the application of either party as herein-after provided:

- (8) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during and in consequence of the execution of the said street work the said railway of the North Western Company or any of the works connected therewith respectively or any property of that company shall be injured or damaged such injury or damage shall be forthwith

made good by the North Western Company who may recover the amount reasonably expended in so doing from the Corporation: A.D. 1914.

- (9) The Corporation shall not in making the said street work in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway and property of the North Western Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the North Western Company or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the North Western Company all reasonable costs and expenses to which that company may be put as well as reasonable compensation for the loss sustained by them by reason of any such interruption or interference:
- (10) Notwithstanding anything in this Act provided or contained the Corporation shall be responsible for and make good to the North Western Company all costs charges losses damages and expenses which may be occasioned to their railway works or property or to any person or persons using the same by reason of the construction alteration maintenance or failure of the said street work or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors or others and the Corporation shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission:
- (11) During the construction of the said street work and of any of the further works mentioned in this section the Corporation shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for inspecting the said railway and further works as aforesaid and for watching their railway and the works and conveniences connected therewith and their

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said lands or property for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street work during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to such street work or the method of construction thereof :

- (12) If by reason of or during the construction of the said street work it shall become necessary in the opinion of the principal engineer to add to or alter any signal or signal apparatus on the railway of the North Western Company the same shall be so added to or altered by the North Western Company and the reasonable expense thereof shall be repaid by the Corporation to the North Western Company :
- (13) Except as in subsection (1) of this section otherwise provided if any difference shall arise between the Corporation and the North Western Company or their respective engineers with reference to the matters aforesaid such difference shall be referred to and be determined on the application of either party by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers in accordance with the provisions of the Arbitration Act 1889.

For protection of
Saint Mary's
Church
Hulme.

27. For the protection of Saint Mary's Church Hulme the following provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and George Dixon and Thomas Dewhurst Lingard trustees of the Right Honourable Alan de Tatton Baron Egerton of Tatton patrons of the living the Reverend Canon Charles Victor Merriman rector and John Edwin Adamson and Llewellyn Mordy churchwardens of the said church or other the patron rector and churchwardens for the time being of the said church :—

- (1) Notwithstanding anything shown on the deposited plans of the widening of Upper Moss Lane or contained in

the deposited book of reference the Corporation shall not take use or interfere with any part of the churchyard of Saint Mary's Church except that shown and coloured red on the plan thereof which plan has been signed in duplicate by Thomas de Courcy Meade on behalf of the Corporation and by John Thompson Smith on behalf of the patrons rector and churchwardens and is herein-after in this section referred to as "the signed plan":

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- (2) When carrying out the said widening the Corporation shall to the reasonable satisfaction of the patrons rector and churchwardens re-erect the churchyard wall and railings now separating the churchyard from Upper Moss Lane except between the points marked X and Y on the signed plan where the Corporation shall erect an ornamental iron railing with stone base so as to provide a passage way round the corner of the church such railing to be constructed to the reasonable approval of the patrons rector and churchwardens:
- (3) The Corporation shall alter the footwalks in the churchyard and replant and otherwise lay out the portion of the churchyard adjoining Upper Moss Lane in such manner as may be reasonably required by the patrons rector and churchwardens:
- (4) When executing the said widening the Corporation shall if required by the patrons rector and churchwardens and to their reasonable satisfaction provide and fix another suitable gate at another point in the churchyard wall adjoining Upper Moss Lane to be chosen by the patrons rector and churchwardens:
- (5) The Corporation shall when carrying out the widening take up the present stone paving in Upper Moss Lane for the full width thereof between the points marked A and B on the signed plan and repave and thereafter keep the same paved with wood or other silent paving The Corporation shall also if the present macadam in the roadways of Saint Mary's Street and Parsonage Street is altered to pavement pave the said streets for the full width thereof between the points marked A and C and D and E on the signed plan

A.D. 1914.

with wood or other silent paving and thereafter keep the same so paved or macadamised:

- (6) In case of any dispute arising between the Corporation and the patrons rector and churchwardens touching any of the matters herein-before in this section mentioned such dispute shall be determined by an arbitrator to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply thereto.

PART IV.

TRAMWAYS AND OMNIBUSES.

Extension of time for construction of tramways.

28.—(1) The period limited by section 73 of the Manchester Corporation Act 1909 for the completion of such of the tramways referred to in that section as have not been constructed is hereby extended to the expiration of five years from the passing of this Act.

(2) The period limited by section 15 of the Manchester Corporation Tramways Act 1904 and extended by section 76 of the Manchester Corporation Act 1909 for the completion of such of the tramways referred to in those sections as have not been constructed is hereby extended to the expiration of five years from the passing of this Act.

Power to provide and run omnibuses.

29.—(1) The Corporation may provide omnibuses as stage carriages for the conveyance of passengers with or without passengers' luggage and of small parcels not exceeding fifty-six pounds in weight and may run the same within the city and may also run the same outside the city along roads in which tramways are laid if and while such tramways are owned by or leased to the Corporation or (with the consent of the respective authorities or persons owning the tramways) if and while the Corporation have running powers over such tramways.

(2) The Corporation may demand take and recover the like fares and charges for the conveyance of passengers passengers' luggage and small parcels in their omnibuses as they are for the time being authorised to demand and take for the conveyance of passengers passengers' luggage and small parcels on their tramways.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them for or which they are authorised to appropriate and use for the purposes of this section or of their tramway undertaking omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(4) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses Provided that any such byelaw shall be made subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly.

(5) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic or telephonic communication by means of any telegraphs or telephones of the Postmaster-General or any railway company or any committee representing two or more railway companies.

(6) The Corporation shall perform in respect of the omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(7) In this section the expression "omnibus" means any stage carriage moved by animal power or by mechanical power including in that expression steam electrical and every other motive power.

(8) The undertaking authorised by this section shall be deemed to form part of the tramway undertaking of the Corporation :

Provided that in the accounts of the Corporation relative to that undertaking their receipts and expenditure under this section shall (so far as may be reasonably practicable) be distinguished from their receipts and expenditure in connexion with the remainder of the undertaking.

(9) The powers conferred by this section of running omnibuses outside the city shall not be exercised by the Corporation in any district except with the consent under seal of the local authority and of the road authority which consent any such local authority or road authority in their absolute discretion may grant or withhold and any such consent may be given by any

A.D. 1914. — such local authority or road authority upon and subject to such terms and conditions as may be agreed between any such authority and the Corporation and the terms and conditions so agreed may and shall be observed and performed by the parties to the agreement.

In this subsection—

“Local authority” means the council of any borough or urban or rural district in which the road along which the omnibuses are proposed to be run is situate;

“Road authority” means and includes the county council of any county and the council of any borough or urban or rural district in whom any such road is vested or by whom it is maintained or by whom a contribution towards the maintenance repair and reasonable improvement of such road is required by law to be made;

“District” means the area under the jurisdiction of a local authority or a road authority.

(10) (A) If the Corporation shall under the provisions of this section run omnibuses over any bridge outside the city the roadway over which is maintained in whole or in part at the expense of any railway company or of any committee representing two or more railway companies (which roadway with the road approaches thereto repairable by such railway company or committee are in this subsection called “the railway road”) and if the Corporation shall make any payment or other compensation for road maintenance to any road authority by whom any road forming a continuation of the railway road is repairable in respect of the running of omnibuses over the road repairable by such authority then the Corporation shall make to such railway company or committee in respect of the railway road a payment bearing the same proportion to such payment made by the Corporation to such road authority as the number of omnibus miles run over the railway road bears to the number of omnibus miles run over the road repairable by such road authority and notice in writing of any agreement to make any such payment or other compensation shall be given by the Corporation to such railway company or committee.

(B) The Corporation shall not be under an obligation to make any payment to any such railway company or committee in respect of omnibuses running over a railway road within the city except as provided by the section of this Part of this Act

whereof the marginal note is "For protection of certain railway companies and committees." A.D. 1914.

30. The following provisions for the protection of the Great Central Railway Company the Midland Railway Company the Lancashire and Yorkshire Railway Company the Cheshire Lines Committee and the Great Central and Midland Joint Committee (each of whom is in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

For protection of certain railway companies and committees.

(1) If under the section of this Act of which the marginal note is "Power to provide and run omnibuses" the Corporation shall run omnibuses over any bridge belonging to or maintainable in whole or in part at the expense of the company and if such omnibuses shall put a greater strain on any such bridge than the vehicles which ordinarily cross the same and in consequence thereof such bridge shall require to be specially strengthened altered or repaired the company may at the expense of and after notice in writing to the Corporation execute all such works as may be requisite for that purpose:

(2) If any difference shall arise under this section between the Corporation and the company as to the necessity for strengthening altering or repairing any bridge in consequence of the running of such omnibuses thereover or as to the reasonableness of the requirements of the company or as to the execution of any works provided for by this section the same shall be referred to and settled by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

31. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the county borough of Salford (in this section referred to as "the Salford Corporation") shall unless otherwise agreed in writing under seal between the Corporation and the Salford Corporation apply and have effect (that is to say):—

For protection of Salford Corporation as to omnibuses.

(1) The powers of running omnibuses outside the city conferred by the section of this Act whereof the marginal

A.D. 1914.

note is "Power to provide and run omnibuses" shall not be exercised by the Corporation within the urban district of Prestwich without the consent under seal of the Salford Corporation during the subsistence of the lease of tramways in that district dated the twenty-first day of May one thousand nine hundred and nine and made between the urban district council of Prestwich of the one part and the Salford Corporation of the other part:

- (2) The Corporation shall not during the continuance of the agreement set out in the Fourth Schedule to the Manchester Corporation Act 1903 run omnibuses under the powers conferred by the said section in the portions of the streets and roads within the city in which are situate the tramways described in Parts I. II. and III. of the First Schedule to the said agreement except upon such terms and conditions as may be agreed between the Corporation and the Salford Corporation or as failing agreement may be settled by an arbitrator to be appointed on the application of either Corporation by the Board of Trade:
- (3) The Corporation may run omnibuses under the powers of the said section in the portion of Bury Old Road within the county borough of Salford in which is situate the part of the tramways described in the Second Schedule to the said agreement by the number 2 upon such terms and conditions as may be agreed between the Corporation and the Salford Corporation or as failing agreement may be settled by an arbitrator to be appointed on the application of either Corporation by the Board of Trade.

PART V.

ELECTRICITY.

Generating station at Davyhulme.

32.—(1) The Corporation may erect construct maintain alter improve enlarge extend renew work and use —

- (A) Upon the lands delineated on the deposited plans described in the deposited book of reference and hereinafter described a station for generating electrical

energy together with such buildings engines works
dynamos accumulators and other plant and machinery
matters or things of whatever description as may be
necessary or convenient to enable the Corporation to
generate and supply electricity :

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- (B) Such lay-bys quays wharves docks roads rails ways
mains pipes and other works and conveniences as the
Corporation may think necessary or convenient for
the purposes of or in connexion with the said
station.

(2) The lands herein-before referred to contain twelve and
a quarter acres or thereabouts and are situate in the township
of Davyhulme in the rural district of Barton-upon-Irwell in the
county of Lancaster in or near to Trafford Park and are
bounded by a line commencing at a point on the south-westerly
side of the Bridgewater Canal eighty-eight yards or thereabouts
measured in a south-easterly direction from the south-easterly
side of the Manchester Ship Canal thence following the bound-
ary along the backs of the premises on the easterly side of
Chapel Place thence along the southerly side of the passage
leading from Chapel Place to Redclyffe Road thence in a
southerly direction along Redclyffe Road to the southerly
boundary of the premises known as Redclyffe Manor thence in
south-easterly and easterly directions to a point on the south-
westerly side of the Bridgewater Canal situate one hundred and
twenty-five yards or thereabouts measured along the bank of
the canal from the bridge carrying the existing road or way
between such canal and Redclyffe Road over the canal thence
following the south-westerly side of the canal to the point of
commencement.

33.—(1) The Corporation may in the lines shown on the
deposited plans and where levels are shown on the deposited
sections according to those levels make maintain alter improve
enlarge extend renew and use the works herein-after mentioned
with all proper and necessary works and conveniences in con-
nexion therewith (that is to say):—

Power to
construct
dock electric
lines and
other works.

- (A) A dock or lay-by adjoining the south-westerly side of
the Bridgewater Canal commencing at the point
where the existing road or way between such canal
and Redclyffe Road crosses the canal and terminating
at a point one hundred and twelve yards therefrom

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measured along the canal bank in a north-westerly direction :

- (B) A new road or way between Redclyffe Road and a point situate two hundred and fifty yards or thereabouts measured in a north-easterly direction from the centre of the existing bridge over the Bridgewater Canal together with such lines of rails along or across the same as the Corporation may think fit :
- (c) An alteration of the towing-path of the Bridgewater Canal :
- (D) Electric lines as defined in the Electric Lighting Act 1882 commencing at the generating station authorised by this Part of this Act and terminating in the city at the bridge carrying Cornbrook Road over the Bridgewater Canal.

(2) In constructing the works authorised by this section the Corporation may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet.

(3) (A) On completion of the new road or way referred to in subsection (1) of this section the Corporation may stop up the existing road or way between the Bridgewater Canal and Redclyffe Road and thereupon all rights of way over or along the same shall be extinguished.

(B) Provided that any person having a right of way or any easement way-leave right liberty or privilege in under over or along the said existing road or way shall as from the stopping up thereof be entitled to exercise the same right of way easement way-leave right liberty or privilege in under over or along the new road or way made by the Corporation in pursuance of this section.

(4) The electric lines authorised by this section or any of them shall not be placed above ground.

(5) All provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electric Lighting Acts 1882 to 1909 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the erection placing maintenance and use of electric lines under the provisions of this section.

34.—(1) The Corporation (in lieu of acquiring any lands for the purposes of the electric lines authorised by the section of this Act whereof the marginal note is “Power to construct dock electric lines and other works”) may acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

A.D. 1914.
Corporation may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use the surface of the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion in any land (not forming part of a highway or canal towing-path) any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement in such land shall be endorsed with notice of this provision.

35.—(1) The Corporation may abstract divert and use by means of the necessary mains pipes and works water from the Bridgewater Canal for boiler purposes at the generating station authorised by the section of this Part of this Act whereof the marginal note is “Generating station at Davyhulme.”

Use of water from Bridgewater Canal.

(2) Such abstraction diversion and use of water shall be under and subject to such terms and conditions as shall be mutually agreed between the Manchester Ship Canal Company and the Corporation.

36.—(1) The whole or any part of the areas for the supply of electricity by the Corporation under the Manchester Electric Lighting Order 1890 and any subsequent Acts and Orders may be supplied with electrical energy from all or any of the generating stations of the Corporation for the time being

Power to connect generating stations and areas of supply.

A.D. 1914. — including those now existing and the station authorised by this Part of this Act.

(2) The Corporation may by means of electric mains make connexions between the existing generating stations or areas of supply of the Corporation and the generating station authorised by this Part of this Act.

(3) The Corporation may also by means of electric mains make connexions between any two or more areas which they are authorised to supply or between any such area and any generating station of the Corporation.

(4) The Corporation may also by means of electric mains make connexions between the generating station authorised by this Part of this Act and the sewage works of the Corporation situate in the township of Davyhulme in the rural district of Barton-upon-Irwell and may transmit electricity by such mains for use by the Corporation upon the said sewage works but for no other purpose.

(5) In relation to any such electric mains as aforesaid the Corporation—

(A) With respect to streets in any area which they are authorised to supply shall have the powers and be subject to the provisions of the Acts and Orders relating to their powers of supply in that area; and

(B) With respect to streets not within any area which they are authorised to supply shall have the powers and be subject to the provisions of the Electric Lighting Act 1882 and of sections 10 to 20 60 to 62 69 to 73 76 77 and 79 to 82 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable but subject to the provisions of this section shall for the purposes of this section be incorporated with this Act and shall have effect and the Corporation shall be deemed to be the undertakers.

(6) Any electric main laid down under the powers of this section in the district of a local authority shall be laid in such line or route and in such a position as may be agreed between the Corporation and such local authority or as failing agreement shall be settled by an arbitrator to be appointed by the Board of Trade and where such local authority object to any proposed

line or route in their district on the ground that it would traverse the principal thoroughfares or busy streets and indicate an alternative route or deviation in their district which in the opinion of the arbitrator is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted. A.D. 1914.

(7) The map which the Corporation are required to make in accordance with section 60 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be a map or maps of so much of the districts traversed by any main laid down under the powers of this section as may be necessary to show the course of such main.

37. The following provisions for the protection of Trafford Park Estates Limited (in this section referred to as "the estates company") shall have effect except in so far as may be otherwise agreed in writing under seal between the estates company and the Corporation (that is to say):— For protection of Trafford Park Estates Limited.

(1) Notwithstanding anything in the section of this Part of this Act of which the marginal note is "Power to construct dock electric lines and other works" contained—

(A) The new road or way referred to in the said section shall (subject and without prejudice to its primary purposes as stated in such section and to its unrestricted user by the Corporation) be deemed to be an estate road within the meaning of section 25 of the Trafford Park Act 1904 so far as such road or way is or will be in Trafford Park and the provisions of such section shall (subject as aforesaid) apply to such road or way accordingly but such road or way shall be repairable by and at the expense of the body or person liable to repair the road or way by this Part of this Act authorised to be stopped up;

Provided that the bridge over the Bridgewater Canal which will form part of such road or way shall be repairable by the Corporation and the estates company jointly in the proportion of the traffic of the Corporation and all other traffic respectively;

A.D. 1914.

(B) The Corporation shall not in any manner in the construction user maintenance alteration renewal or repair of any electric lines or works unreasonably obstruct or interfere with the free uninterrupted access for all purposes to the Bridgewater Canal by the owners and occupiers of land in Trafford Park adjoining or near to the Bridgewater Canal or by their tenants servants and workpeople :

- (2) Before any works of the Corporation under this Part of this Act affecting any roads ways sewers drains pipe-lines rails or other works of the estates company shall be commenced by the Corporation a plan and section showing in detail the intended works of the Corporation under this Part of this Act shall be furnished to the estates company for the reasonable sanction and approval of the estates company who shall thereupon specify and describe the works which they deem to be reasonably requisite to be executed by the Corporation for the protection of the said roads ways sewers drains pipe-lines rails or other works of the estates company and for enabling the same to be maintained and the works of the Corporation shall be executed in accordance with such reasonable requirement and not otherwise Provided that if for one month after such plan and section shall have been submitted to the estates company they shall not have expressed their approval or disapproval thereof they shall be deemed to have approved thereof ;

Any additional cost to which the estates company may reasonably be put in seeing that the works of the Corporation by this Part of this Act authorised are carried out in conformity with this section shall be paid by the Corporation to the estates company :

- (3) If any difference shall arise between the Corporation and the estates company touching any of the matters referred to in this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an engineer to be mutually nominated by the Corporation and the estates company or failing agreement to be appointed by the President for the time being of the Institution

of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto. A.D. 1914.

38. Notwithstanding anything contained in this Part of this Act except so far as may be otherwise agreed in writing between any owner lessee or occupier of any land or premises situate in Trafford Park (in this section referred to as "the owner") on the one hand and the Corporation on the other hand the powers and provisions of sections 17 18 77 and 81 of the schedule to the Electric Lighting (Clauses) Act 1899 shall for the purposes of this Part of this Act apply in relation to the construction user maintenance alteration enlargement extension renewal and repair by the Corporation of any electric lines or works or conveniences of whatsoever description authorised by this Part of this Act and in relation to the execution and maintenance by the owner of any works in connexion with the exercise or enjoyment by him of any easement way-leave right liberty or privilege in or in connexion with the Bridgewater Canal adjoining or near Trafford Park as if any such electric lines works and conveniences of the Corporation were works which the Corporation had been authorised as undertakers to carry out under the Electric Lighting Acts and as if the owner were a body person or company within the meaning of any of those sections and duly authorised to carry out any such works of the owner. For protection of owners &c. in Trafford Park.

39. In the application of the provisions of the last preceding section to Arthur Guinness Son and Company Limited and Taylor Brothers and Company Limited that section shall have effect as if the words "now existing or hereafter to be acquired by the owner" were inserted after the word "privilege" and as if the words "or in or in connexion with the Ashburton Road in Trafford Park" were inserted after the words "Trafford Park" in the second place where they occur. For further protection of certain owners.

40. For the protection of the Trafford Power Company their successors and assigns the following provision shall notwithstanding anything in this Part of this Act contained and unless otherwise agreed in writing apply and have effect (that is to say):— For protection of Trafford Power Company.

The powers and provisions of sections 17 18 77 and 81 of the schedule to the Electric Lighting (Clauses) Act 1899 shall for the purposes of this Part of this Act apply in relation to the construction user maintenance alteration

A.D. 1914.

enlargement extension renewal and repair by the Corporation of any electric lines or works or conveniences of whatsoever description authorised by this Part of this Act and in relation to the execution and maintenance of any works by the Trafford Power Company as if any such electric lines works and conveniences of the Corporation were works which the Corporation had been authorised as undertakers to carry out under the Electric Lighting Acts and as if the Trafford Power Company were a body person or electric supply company within the meaning of those sections or any of them and such works of the Trafford Power Company were executed under statutory authority.

For protection of Producers Petroleum Company Limited.

41. For the protection of the Producers Petroleum Company Limited their successors and assigns (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company have effect (that is to say):—

- (1) In this section "the new road" means the new road described in subsection (1) (B) of the section of this Act whereof the marginal note is "Power to construct dock electric lines and other works":
- (2) The Corporation shall not construct the new road where such road adjoins or affects the sidings of the company except according to such plans and sections as shall be first submitted to and reasonably approved by the company and under the superintendence and to the reasonable satisfaction in all respects of the company:

Provided that if for one month after such plans and sections shall have been submitted to the company they shall not have expressed their approval or disapproval thereof they shall be deemed to have approved thereof:

- (3) If during and in consequence of the construction alteration extension renewal and user by the Corporation of the new road the sidings or any other property of the company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do the company may make good the same and the Corporation shall pay to the company

the reasonable costs and expenses thereby incurred by the company: A.D. 1914.

- (4) The Corporation in making altering extending or renewing the new road shall not enter upon take or use the sidings communicating with the petroleum oil depôt and installation and works of the company at Trafford Park nor obstruct hinder or interfere with the use of such sidings or the traffic thereon unless and until the Corporation have constructed either new sidings in lieu thereof in all respects to the reasonable satisfaction of the company or temporary sidings which the company shall be entitled to use to the like satisfaction and the Corporation shall not unreasonably obstruct hinder or interfere with the free and uninterrupted access of the company to their said property:
- (5) The Corporation shall not under the powers of this Act acquire or interfere with the company's pipe-line situate in the lands numbered on the deposited plans 1 2 and 3 respectively in the township of Davyhulme otherwise than by agreement:
- (6) If any difference shall arise between the Corporation and the company with respect to any matters under this section or concerning any of the said plans and sections the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

PART VI.

MAIN DRAINAGE WORKS.

42.—(1) The Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the following main drainage and other works together with all necessary and proper works junctions connexions sewers drains and conveniences connected therewith (that is to say):— Main drainage works.

A sewer situate wholly in the township of Stretford commencing at a point on the north-easterly boundary of

A.D. 1914.

the Bridgewater Canal (Barton branch) forty-four yards or thereabouts measured in a north-westerly direction along such boundary from the easterly fence of the premises of the English Textilose Manufacturing Company and passing in a northerly direction to and into Westinghouse Road and under and along that road in an easterly direction to a point opposite First Avenue and thence in a south-easterly direction under private lands to and across the Bridgewater Canal to a junction with the existing sewer of the Corporation at a point one hundred yards or thereabouts measured in an easterly direction from the buildings known as "The Brickworks."

(2) The sewer authorised by this section shall be deemed to be part of the main drainage works authorised by Part IV. of the Manchester Corporation Act 1911 and the provisions of that Act (except section 49 thereof) shall apply thereto as if such work had been expressly included in and authorised by section 33 of that Act and any reference in that Act (except as aforesaid) to the sewer work No. 2 shall be deemed to include a reference to the sewer work authorised by this section.

PART VII.

WARDS.

Commence-
ment of this
Part of Act.

43.—(1) This Part of this Act shall except so far as is otherwise herein provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the first day of November one thousand nine hundred and fifteen which date is in this Part of this Act referred to as "the commencement of this Part of this Act."

(2) Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the city under the Municipal Corporations Acts and of the lists of county electors and the county register to be made for the county in pursuance of the County Electors Act 1888 or any Act amending that Act and of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Local Government Act 1894 and of the constitution of polling districts and of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in

the year one thousand nine hundred and fifteen this Part of this Act shall operate from the first day of January one thousand nine hundred and fifteen. A.D. 1914.

44.—(1) In this Part of this Act the expression “the ward maps” means the three maps each marked “Map of the wards of the city of Manchester as altered 1914” and signed by the Right Honourable Henry de Vere Vane Lord Barnard the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one of which maps has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office. Ward maps.

(2) Copies of the map deposited with the town clerk or extracts therefrom certified by him to be correct shall be received in all courts of justice and elsewhere as *prima facie* evidence of the correctness thereof.

45. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect:— Alteration of ward boundaries.

(1) For the purposes of the election of councillors the city shall be divided into thirty-five wards which shall be named respectively All Saints Ward Ardwick Ward Beswick Ward Blackley Ward Crumpsall Ward Bradford Ward Cheetham Ward Chorlton-cum-Hardy Ward Collegiate Church Ward Collyhurst Ward Didsbury Ward Exchange Ward Gorton North Ward Gorton South Ward Harpurhey Ward Levenshulme Ward Longsight Ward Medlock Street Ward Miles Platting Ward Moss Side East Ward Moss Side West Ward Moston Ward New Cross Ward Newton Heath Ward Openshaw Ward Oxford Ward Rusholme Ward St. Ann's Ward St. Clement's Ward St. George's Ward St. John's Ward St. Luke's Ward St. Mark's Ward St. Michael's Ward and Withington Ward:

(2) Each of such wards shall comprise that portion of the city which is separately indicated by a distinctive colour and distinguished by the name of the ward on the ward maps and all existing boundaries of wards which do not coincide with the boundaries delineated on the ward maps are hereby abolished.

A.D. 1914.
Councillors.

46.—(1) Three councillors shall be assigned to each ward.

(2) The councillors who shall represent the existing Blackley and Moston Ward the existing Levenshulme North Ward the existing Levenshulme South Ward the existing New Cross Ward and the existing St. James's Ward shall go out of office at the commencement of this Part of this Act.

(3) Elections shall take place on the ordinary day of election in the year one thousand nine hundred and fifteen of three councillors for each of the following wards namely the Beswick Ward the Blackley Ward the Collyhurst Ward the Levenshulme Ward the Moston Ward and the New Cross Ward as respectively constituted by this Act and the several councillors for such wards who are elected at such elections shall retire as follows:—

(A) The councillor for each ward who is elected by the smallest number of votes on the first day of November one thousand nine hundred and sixteen:

(B) The councillor for each ward who is elected by the largest number of votes on the first day of November one thousand nine hundred and eighteen:

(C) The other councillor for each ward on the first day of November one thousand nine hundred and seventeen.

(4) Provided that if no poll be taken at the election of councillors for any of the wards named in the last preceding subsection or if for any reason it is doubtful which of the councillors in such wards respectively ought to retire on the date specified in that subsection the council shall on the ninth day of November one thousand nine hundred and fifteen or at or before the next following quarterly meeting and not later by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine which of the councillors shall go out of office on the dates so specified respectively.

(5) The several councillors who at the commencement of this Part of this Act shall represent the following twenty-nine wards of the city as now constituted shall continue to hold office and represent such wards respectively as constituted by this Part of this Act for the same respective times that they would have held office had the said wards remained unaltered namely:—

All Saints Ward Ardwick Ward Crumpsall Ward Bradford Ward Cheetham Ward Chorlton-cum-Hardy Ward Collegiate Church Ward Didsbury Ward Exchange Ward

Gorton North Ward Gorton South Ward Harpurhey Ward A.D. 1914.
Longsight Ward Medlock Street Ward Miles Platting Ward
Moss Side East Ward Moss Side West Ward Newton
Heath Ward Openshaw Ward Oxford Ward Rusholme
Ward St. Ann's Ward St. Clement's Ward St. George's
Ward St. John's Ward St. Luke's Ward St. Mark's Ward
St. Michael's Ward and Withington Ward:

Provided that nothing herein contained shall be deemed to interfere with the election of one councillor for each of such wards as constituted by this Part of this Act to be held on the ordinary day of election in the year one thousand nine hundred and fifteen.

(6) The lord mayor of the city shall be the returning officer at the election for each of the wards referred to in subsection (3) of this section on the ordinary day of election in the year one thousand nine hundred and fifteen. Provided that the lord mayor may appoint an alderman of the city to act as returning officer at the election for any of such wards.

(7) The several aldermen of the city who at the commencement of this Part of this Act are the returning officers of the wards referred to in subsection (5) of this section as heretofore constituted shall continue and be the returning officers of such wards as constituted by this Part of this Act for the purpose of the elections to be held on the ordinary day of election in the year one thousand nine hundred and fifteen.

47. Nothing in this Part of this Act contained shall be deemed to affect or interfere with the status and tenure of office of the thirty-five aldermen of the city as existing at the commencement of this Part of this Act and they shall continue to hold office for the times for which they are by law elected and shall on the ninth day of November one thousand nine hundred and fifteen be severally assigned by the council as returning officers of the thirty-five wards of the city as constituted by this Part of this Act. Aldermen.

PART VIII.

MISCELLANEOUS.

48.--(1) Where it is certified to the Corporation by the city surveyor that repairs are required to the right or northerly bank of the River Mersey between Cheadle Bridge (carrying the

Maintenance and repair of banks of River Mersey.

A.D. 1914. — Wilmslow Road over that river at the boundary of the city) and the boundary between the city and the urban district of Stretford and so much of the left or southerly bank of the river between those points as is situate in the city the Corporation may give notice in writing to the owners of the lands fronting adjoining or abutting on the portions of the river where such repairs are required and may require such owners to execute within a time to be specified in the notice such works of maintenance and repair of such banks as the city surveyor certifies to be necessary and as are specified in the notice.

(2) If within the time specified in the notice the repairs described in the notice are not executed the Corporation may execute the repairs and may recover from the owner in default the cost of the repairs so executed as certified by the city surveyor.

(3) The provisions of this section relating to the right or northerly bank of the river shall be enforceable by the Corporation notwithstanding that certain detached parts of the said lands are outside the boundary of the city.

(4) Provided that the Corporation shall not in carrying out any works under this section in the banks of the River Mersey where the same passes under the Wilmslow and Levenshulme Railway of the London and North Western Railway Company or under the railway of the Cheshire Lines Committee (each of whom is in this subsection referred to as "the company") or abuts upon any land belonging to the company enter upon take use or interfere in any way with the railways bridges or works of the company without the previous consent in writing of the company.

Prohibition
of erection
of buildings
on low-lying
lands on
River
Mersey.

49.—(1) The Corporation may prohibit the erection of dwelling-houses warehouses shops or similar buildings upon the low-lying lands within the city which are embanked from the River Mersey and are coloured blue on the plan of which three copies are signed by the Right Honourable Henry de Vere Vane Lord Barnard the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and are respectively deposited in the Parliament Office of the House of Lords in the Private Bill Office of the House of Commons and with the town clerk at his office so far as such low-lying lands are below the flood level of such river and such prohibition shall be and remain in operation unless and until the lands in

respect of which the prohibition applies are artificially raised to a height not less than eighteen inches above the flood level of such river by a properly deposited layer or layers of sound and suitable material sufficient when consolidated to elevate such lands to a height which shall not be lower than eighteen inches above such flood level.

(2) In this section the expression "flood level" means the levels of imaginary planes each of which is fixed by one of the following three straight lines namely:—

- (A) A line commencing at Cheadle Bridge carrying the Wilmslow Road over the River Mersey at a level of one hundred and eleven feet above Ordnance datum and terminating at a point on the northerly bank of the River Mersey opposite to Ford Cottage at a level of ninety-five feet above Ordnance datum;
- (B) A line commencing at the last-mentioned point and terminating at a point opposite to the pump house at the Withington Sewage Works at a level of eighty-four feet above Ordnance datum; and
- (C) A line commencing at the last-mentioned point and terminating at the point at which the Chorlton Brook enters the River Mersey at a level of eighty-one feet above Ordnance datum;

the imaginary plane in each case being in such a position that any line drawn in it at right angles to the line by which it is fixed would be horizontal.

(3) The Corporation shall give notice of any such prohibition to the owners and occupiers of the lands affected thereby and the same shall be observed by them.

(4) Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and any such prohibition may be enforced by injunction at the suit of the Corporation.

(5) Copies of the plan deposited with the town clerk in pursuance of subsection (1) of this section or extracts therefrom certified by him to be correct shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the correctness thereof.

A.D. 1914.

Water-
courses not
to be covered
in except in
accordance
with ap-
proved plan.

50.—(1) Before the owner of any land within the city shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation a plan section and specification of such watercourse and the method of culverting or covering over the same and the Corporation may subject as herein-after provided require such owner so to construct any such culvert or so to cover over such watercourse as to secure the free and uninterrupted passage of the water flowing in such watercourse and as to secure adequate means of access to such culvert and watercourse for the purposes of inspection repairs and cleansing.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section shall prejudice or affect the rights of any railway or canal company or of any committee representing two or more railway companies under any statutory provision to culvert or cover over any watercourse.

Chemical
refuse steam
&c. not to be
turned into
culverted
water-
course.

51. The provisions of section 17 of the Public Health Acts Amendment Act 1890 with the addition of the words “or to the structure of the culvert or cover” after the words “injurious to health” shall extend and apply to a watercourse in the city which is or shall be culverted or covered.

Owners to
repair and
cleanse
culverts.

52.—(1) The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the city surveyor shall be repaid to them by the owner.

(2) This section shall not apply to any culvert constructed and maintained or to be constructed and maintained under any statutory provision. A.D. 1914. —

53.—(1) In order to prevent flooding of any river brook or watercourse within the city and to secure the regularity of the flow therein the Corporation may cause a survey of the levels of the bed and banks of any such river brook or watercourse to be made all along its course within the city and sections thereof to be prepared showing the levels of the river brook or watercourse and of the property immediately adjoining thereto within the city together with such other particulars as the Corporation may require and the Corporation may define and prescribe upon such sections what shall be the levels of the bed or invert of such river stream or watercourse and no person shall build any wall paving or other structure which shall project in the bed or invert above the levels so defined. Corporation may define levels of rivers brooks and water-courses.

(2) Any sections prepared in pursuance of this section shall be deposited at the town hall and shall be open to the inspection of the inhabitants of the city at all reasonable times.

(3) The Corporation shall within one month after the completion of any such survey and sections give public notice thereof by advertisement in two newspapers circulating in the city and if within one month from the publication of such notice the owner or owners of lands adjoining such river brook or watercourse to the extent in the whole of one mile in length shall give notice that they are not satisfied with the levels of the bed or invert of the river brook or watercourse as so defined the Board of Trade may and they are hereby required on the application of the Corporation or of such landowners to appoint some person to inquire into the matter and to ascertain and define the levels of such bed or invert for which purpose such person shall have power to hear the Corporation or such landowners by their counsel agents or witnesses and to call for books or documents in the possession of such landowners or of the Corporation and to examine witnesses on oath and to administer the oaths necessary for that purpose and the levels of the bed or invert of any river brook or watercourse which shall be defined by such person shall thenceforth be and be deemed to be the levels of the bed or invert of such river brook or watercourse and the costs of such inquiry shall be in the discretion of the person holding the inquiry.

A.D. 1914.

(4) If any wall paving or other structure be built or begun to be built in contravention of this section the offender shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and shall within seven days after notice in writing from the Corporation requiring him so to do cause such wall paving or structure to be taken down removed or altered to the satisfaction of the Corporation and in the event of his failing to comply therewith the Corporation may take down remove or alter the same and recover the cost thereof from such offender.

(5) Nothing in this section contained shall apply to any wall paving or other structure constructed or to be constructed under any statutory provision.

Removal of
weirs.

54.—(1) It shall be lawful for the Corporation to remove from any river stream or watercourse within the city any weir dam or other obstruction which is or shall be certified by the city surveyor to be derelict or obsolete and to have ceased to fulfil the purposes for which it was constructed.

(2) The city surveyor shall before certifying as aforesaid give to any railway company who shall be the owner of any such weir dam or other obstruction three months' notice in writing of his intention to issue his certificate.

(3) Any existing weir dam or other obstruction which shall be allowed to fall into disrepair or to be so neglected as to cause an accumulation or obstruction of débris in any river stream or watercourse and the owner of which shall fail to restore it to proper condition and to remove such débris therefrom within three months after the service of a notice upon him by the Corporation requiring him to restore such weir dam or obstruction and to remove such débris shall be deemed for the purposes of this section to be derelict or obsolete and may accordingly be dealt with under subsection (1) of this section.

(4) If the railway company within the aforesaid period of three months give notice to the Corporation that such weir dam or other obstruction is not in their opinion derelict or obsolete and has not ceased to fulfil the purposes for which it was constructed or that in their opinion the same has not fallen into disrepair or been neglected as aforesaid a difference shall be deemed to have arisen between the Corporation and the company and any such difference shall be referred to arbitration under the provisions of the Arbitration Act 1889.

(5) The provisions of this section shall be in addition to and not in derogation of those contained in section 28 (Existing dams &c. to be removed) of the Manchester Corporation Act 1882 and where any person sustains any damage by reason of the exercise of the powers of subsection (1) of this section compensation shall be made to such person by the Corporation and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in the manner provided by that section. A.D. 1914.

55. For the purposes of the sections of this Part of this Act of which the marginal notes are "Chemical refuse steam &c. not to be turned into culverted watercourse" "Owners to repair and cleanse culverts" "Corporation may define levels of rivers brooks and watercourses" and "Removal of weirs" the term "watercourse" does not include a canal. Exemption of canals.

56. The provisions of sections 139 to 154 inclusive and sections 174 to 176 inclusive and section 180 of the statute 7 and 8 Victoria cap. 40 being "An Act for the Good Government and Police Regulation of the borough of Manchester" as amended by section 48 (As to licences for hackney carriages) of the Manchester Corporation Waterworks and Improvement Act 1875 by section 23 (Amendment of section 174 of Manchester Police Act 1844) of the Manchester Corporation (General Powers) Act 1899 and by any other Act so far as they relate to hackney carriages shall extend and apply to all hackney carriages with taximeters affixed thereto kept or used for the purpose of being let on hire whether plying for hire or not and the drivers thereof. Provisions as to vehicles with taximeters.

57. The Corporation may require any motor hackney carriage plying for hire within the city to be fitted with a taximeter or similar apparatus for registering fares to be approved by them and to be placed in a position and to be lighted after dark in a manner to be approved by them and any driver of a motor hackney carriage who shall ply for hire within the city without complying with the provisions of this section shall be liable upon conviction to a penalty not exceeding forty shillings. Motor hackney carriages to be fitted with approved taximeter.

58.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the city to be tested and inspected and they may also require any taximeter or other Inspection and certification of taximeter.

A.D 1914. — similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or continued in use unless the same be certified to register correctly.

(2) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings.

Plans &c. of streets to be deposited.

59.—(1) So far as any new street affected by the byelaws for the time being in force within the city with regard to new streets and buildings may be concerned it shall not be lawful for any person to lay out a new street within the city either wholly or in part or to add thereto until he shall have given to the Corporation written notice of his intention accompanied by such plans sections and particulars as may be prescribed by such byelaws.

(2) If the Corporation disapprove of the mode proposed in such notice plans sections and particulars or any part thereof they shall within one month after receiving the same give notice in writing to such person of the particulars of such disapproval and of the requirements of the Corporation in respect to the proposed work and it shall not be lawful to begin to lay out a new street until the said plans sections and particulars shall have been approved by the Corporation and no person shall without the consent of the Corporation deviate from such approved plans sections and particulars.

(3) If the Corporation shall not signify in writing their disapproval of the mode so proposed within one month after receiving the notice plans sections and particulars such person may proceed according to the terms of such notice plans sections and particulars so far as they shall be in accordance with the Acts of Parliament and byelaws for the time being in force within the city.

(4) Any person offending against this enactment in any respect shall be liable to a penalty not exceeding five pounds and a like penalty for every day during which such offence shall continue.

(5) Where the beginning or the execution of the work is an offence in respect whereof the person offending is liable to a penalty the existence of the work during its continuance in such a form and state as to be in contravention of any Act of Parliament or byelaw shall be deemed to be a continuing offence. A.D. 1914.

(6) The provisions of this section shall not apply to any railway company or to any committee representing two or more railway companies in the exercise of their statutory powers.

60. The following portion of section 65 (Corporation not to sell certain lands and may purchase mines) of the Manchester Corporation Waterworks Act 1879 namely— Amendment of section 65 of Manchester Corporation Waterworks Act 1879.

“and the Corporation shall not on such lands or any additional lands which they are by this Act authorised to purchase by agreement erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks”

shall apply only to lands so long as they are owned by the Corporation and shall not prejudice or affect the same in the ownership of a purchaser or grantee from the Corporation his heirs executors administrators or assigns and the Corporation are hereby authorised in exercising any power of sale or exchange vested in them to sell or grant such lands free from the restrictions contained in or provided for by that portion of such section.

61. Subsection (4) of section 56 (Measles and whooping cough) of the Manchester Corporation Act 1911 is hereby repealed. Measles and whooping cough.

62.—(1) Where any coke sold or represented to be sold as a load by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall therewith deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before any part of such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect. Weight ticket or note on delivery of coke over two hundredweight.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller of such coke shall be liable to a penalty not exceeding five pounds.

A.D. 1914.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(4) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures :

Provided as follows :—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation ;

(B) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(5) For the purposes of the provisions of this Part of this Act with respect to coke "vehicle" means any carriage cart waggon truck barrow or other means of carrying coke by land in whatever manner the same be drawn or propelled but does not include a railway truck or waggon.

Regulating
sale of coke
in quantities
not exceed-
ing two
hundred-
weight.

63.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector

of weights and measures or other officer appointed by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures:

A.D. 1914.

Provided that—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;

(B) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

64. If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any vehicle or sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this Part of this Act with respect to coke or obstructs any weighing or re-weighing or measuring or re-measuring authorised by the provisions of this Part of this Act with respect to coke he shall be liable for every such offence to a penalty not exceeding five pounds.

Penalty for mis-statements &c. with respect to coke.

65. Public notice of the provisions of this Part of this Act with respect to coke shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the town hall and by the distribution of handbills amongst persons

Notice of provisions with respect to coke.

A.D. 1914. — affected or likely to be affected as far as such persons can reasonably be ascertained. A printed copy of the notice affixed outside the town hall sealed with the corporate seal shall be sufficient evidence that the provisions of this section have been complied with.

Attachment
of brackets
&c. to build-
ings for pub-
lic lighting.

66.—(1) The Corporation may with the consent of the owner of any building attach to that building such brackets wires pipes lamps and apparatus as may be necessary or convenient for the lighting of any street in the city:

Provided that—

(A) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

(B) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (A);

(C) The owner may require the Corporation to remove temporarily the attachments where necessary during any reconstruction or repair of the building.

(2) For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner except in the case of any building in which any railway or canal company or any committee representing two or more railway companies possess

any legal or equitable estate or interest and which is situate over or partly over any station belonging to that company or committee in which case such railway or canal company or committee shall be deemed to be the owner thereof for the purposes of this section and the section of this Part of this Act of which the marginal note is "For protection of railway and canal companies." A.D. 1914.

67.—(1) Nothing in the section of this Act of which the marginal note is "Attachment of brackets &c to buildings for public lighting" shall authorise the Corporation to affix brackets wires pipes lamps or apparatus to the structure of any railway or canal bridge or viaduct forming part of any railway or canal owned by leased to or worked by any railway or canal company or any committee representing two or more railway companies without the previous consent in writing of such company or committee as the case may be. For protection of railway and canal companies.

(2) In the case of any building of which a railway or canal company or committee representing two or more railway companies are the owners for the purposes of the said section any question which pursuant to the said section is to be determined by a petty sessional court shall in lieu thereof be referred to and determined by an engineer to be agreed on by the parties to such question or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference Any engineer to whom any such question is referred shall (in addition to any other powers vested in him under the Arbitration Act 1889) have all the like powers as are by the said section conferred upon a petty sessional court and for the purposes of the said section the award of such engineer shall be deemed to be equivalent to an order of a petty sessional court.

68.—(1) As regards any footpath in the city which does not adjoin a carriageway and of which the boundaries are not clearly defined it shall not be lawful for any person to erect any building wall or fence alongside or adjacent to such footpath which will cause the width of the footpath and the land at the side thereof to be a less width than six feet. Provision for maintaining widths of footpaths.

(2) Every person who shall offend against the foregoing provision shall be liable for every such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1914.

Recovery of penalties and expenses.

69. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures fines costs and expenses imposed or recoverable under this Act or any byelaw or regulation made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recoverable as penalties but may be recovered summarily as civil debts.

As to appeal.

70. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the foregoing provisions of this Part of this Act or by any conviction or order by a court of summary jurisdiction under any of the foregoing provisions of this Part of this Act may if no other mode of appeal is provided by this Part of this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

For protection of Stretford Gas Company.

71. The following provisions for the protection of the Stretford Gas Company (in this section referred to as "the gas company") shall apply and have effect:—

- (1) The cost of constructing providing and laying or relaying and repairing any gas mains pipes or apparatus in substitution for any mains pipes or apparatus belonging to the gas company which may be displaced disturbed injured or rendered unfit for use by or in consequence of any of the works authorised by Parts V. and VI. of this Act and the value of any mains pipes or apparatus belonging to the gas company rendered unfit for use or unproductive to the gas company by any of the works authorised by Parts V. and VI. of this Act shall on demand and subject to credit being given for the reduced value as old materials of the aforesaid matters so rendered useless be repaid to the gas company by the Corporation:

Provided always that whenever any new main or pipe of larger dimensions shall be substituted for any existing main or pipe the Corporation shall only be

required to pay the cost which would have been incurred by the substitution of a main or pipe of equal dimensions with the existing main or pipe :

- (2) If by reason or in consequence of any of the works authorised by Parts V. and VI. of this Act it shall become necessary to lower or raise relay or alter the position of any main or pipe or apparatus of the gas company such lowering raising relaying or alteration of position shall be carried out by the gas company at the expense of the Corporation The question whether any such main or pipe or apparatus requires to be lowered raised or relaid or the position thereof altered shall be decided by the engineer of the gas company and the engineer of the Corporation :
- (3) The Corporation shall be answerable for all accidents damages losses and injuries happening through or resulting from the act or default of the Corporation their contractors or servants by reason of or in consequence of any of the Corporation's works authorised by Parts V. and VI. of this Act and shall save harmless the gas company and their officers and servants from all losses damages and costs in respect of such accidents damages or injuries :
- (4) Any difference which may arise between the gas company and the Corporation with reference to this section or anything to be done or not to be done thereunder shall (unless otherwise agreed or otherwise expressly provided by this section) be determined by an arbitrator to be appointed in default of agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto :
- (5) The gas company and the Corporation may by agreement under seal alter or modify any of the provisions of this section.

72. The following provisions for the protection of the Cheshire Lines Committee (in this section referred to as "the committee") shall unless otherwise agreed between the Corporation and the committee apply and have effect (that is to say):—

For protection of Cheshire Lines Committee.

- (1) Nothing in Part V. of this Act contained shall authorise or empower the Corporation to enter upon take and

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use any lands or property of the committee or to construct electric lines or other works thereon without the consent in writing of the committee under their common seal:

- (2) The provisions of section 43 of the Manchester Corporation Act 1911 shall so far as the same are applicable extend to and apply to the construction and maintenance of the main drainage works by Part VI. of this Act authorised.

For further
protection of
Trafford
Power
Company.

73. The following provisions for the protection of the Trafford Power Company its successors and assigns shall unless otherwise agreed in writing between the Trafford Power Company and the Corporation apply and have effect (that is to say) :—

- (1) The execution of any work authorised by Part VI. of this Act under or alongside of or which may in any way affect any electric lines or works of the Trafford Power Company shall be done under the superintendence and to the reasonable satisfaction of the Trafford Power Company or its authorised representative and only in accordance with plans sections and other particulars to be previously submitted to and reasonably approved by the Trafford Power Company or its authorised representative or in the event of difference then in such manner as shall be settled by arbitration as in this section provided. Provided that if the Trafford Power Company or its authorised representative shall not express its or his approval or disapproval of or state its or his requirements with respect to such plans sections and other particulars within twenty-one days after the same are delivered or shall fail to superintend the work such plans sections and particulars shall be deemed to be approved and the Corporation may proceed with the same in accordance with such plans sections and particulars and without the superintendence of the Trafford Power Company or its authorised representative:
- (2) The reasonable cost of providing constructing and making good and laying or re-laying and repairing any electric lines or works in substitution for any electric lines

or works of the Trafford Power Company which may be displaced injured or rendered unfit for use by or in consequence of any work authorised by Part VI. of this Act shall on demand be re-paid to the Trafford Power Company by the Corporation. The question whether any such electric lines or works require to be re-constructed re-laid made good or repaired shall be determined failing agreement by arbitration as in this section provided:

- (3) If by reason or in consequence of any work authorised by Part VI. of this Act it shall become necessary to lower or raise re-lay or alter the position of any electric lines or works of the Trafford Power Company such lowering raising re-laying or alteration of position shall be carried out by the Trafford Power Company at the expense of the Corporation. The question whether any such electric lines or works require to be lowered raised or re-laid or the position thereof altered shall be determined failing agreement by arbitration as in this section provided:
- (4) The Corporation shall be answerable for all accidents damages losses and injuries happening through or resulting from the act or default of the Corporation their contractors or servants by reason of or in consequence of any of the Corporation's works authorised by Part VI. of this Act and shall save harmless the Trafford Power Company and its officers and servants from all losses damages and costs in respect of such accidents damages or injuries:
- (5) Any difference which may arise between the Trafford Power Company and the Corporation with reference to this section or anything to be done or not to be done thereunder shall be determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of the Trafford Power Company or the Corporation and subject thereto the provisions of the Arbitration Act 1889 shall apply.

74. The following provisions for the protection of the Manchester Ship Canal Company (in this section referred to as "the canal company") shall notwithstanding anything in this Act contained apply and have effect except so far as

For protection of Manchester Ship Canal Company.

A.D. 1914. may be otherwise agreed in writing under seal between the canal company and the Corporation :—

- (1) The Corporation shall not without the consent in writing of the canal company in each case erect construct lay maintain alter improve enlarge extend renew work or use upon or so as to affect in any way any property of the canal company any such lay-bys quays wharves docks roads rails ways mains pipes electric mains or other works and conveniences as are referred to in paragraph (B) of subsection (1) of the section of this Act of which the marginal note is "Generating station at Davyhulme" or in the section of this Act of which the marginal note is "Power to connect generating stations and areas of supply":
- (2) The Corporation shall not without the consent in writing of the canal company in each case construct or lay any such mains or pipes as aforesaid so as to discharge into or to abstract water from any canal of the canal company Provided that this provision shall not prevent the Corporation from using the water of the Bridgewater Canal for boiler purposes in accordance with the section of this Act of which the marginal note is "Use of water from Bridgewater Canal":
- (3) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the consent in writing of the canal company for the purposes of any of the works referred to in the sections of this Act of which the marginal notes are respectively "Power to construct dock electric lines and other works" and "Use of water from Bridgewater Canal" (all of which works together with any works incidental thereto or connected therewith so far as the same are in under along across or contiguous to any canals works or other property of the canal company are in this section referred to as "the works") acquire compulsorily under the powers of this Act any land or property of the canal company except what is required for the abutments of the bridge but the Corporation shall purchase and acquire for such purposes and the canal company

shall sell and grant accordingly such perpetual or other easements or rights in through upon or under so much of the lands belonging to or held on lease by the canal company as may be necessary for the construction laying and maintenance of the works in accordance with the provisions of this Act and the Corporation may give notice to treat in respect of such easements or rights describing the nature thereof:

The consideration to be paid by the Corporation to the canal company for the acquisition of such easements or rights as are referred to in this subsection shall be ascertained in case of difference in the manner prescribed by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and the easements or rights so to be taken shall be deemed to be land so far as respects proceedings for the acquisition thereof and also for the purpose of any arbitration or other proceedings under the Lands Clauses Acts:

- (4) The erection construction alteration improvement enlargement extension renewal or laying of the works shall (in regard to both permanent and temporary works) be carried out according to plans sections and specifications to be previously submitted to and reasonably approved of in writing by the canal company and under the superintendence and to the reasonable satisfaction of the chief engineer for the time being of the canal company (in this section called "the chief engineer") and the works shall at all times after completion be maintained to his reasonable satisfaction:

Provided that if for one month after any plans sections and specifications shall have been submitted by the Corporation or their engineer to the canal company under this subsection the canal company shall not have expressed their approval or disapproval thereof they shall be deemed to have approved thereof:

- (5) Notwithstanding anything in this Act contained the Corporation shall not in the erection construction alteration improvement enlargement extension renewal or laying of any of the works which may affect any canal work or property of the canal company without

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the consent in writing of the canal company deviate vertically from the levels shown on the deposited sections and shall not without the like consent deviate laterally from the lines shown on the deposited plans :

- (6) The works shall be erected constructed altered improved enlarged extended renewed and laid by and in all things at the cost of the Corporation with all reasonable despatch after their commencement and in such manner in all respects as not to cause any unnecessary damage or injury to the canals works or other property of the canal company or any greater interruption or interference than is actually necessary for the purposes of such erection construction alteration improvement enlargement extension renewal or laying to or with the use and enjoyment of or the conveyance of traffic on any such canal work or other property by the canal company or by any other person or persons for the time being entitled to such use or enjoyment or to convey such traffic and if any damage injury interruption or interference shall arise or be occasioned the Corporation shall make compensation therefor :
- (7) During the erection construction or laying of the works and during any alteration improvement enlargement extension or renewal thereof the canal company may make such provision as the canal company may deem necessary for the working of the traffic on the canals works or other property of the canal company which shall be interrupted or interfered with by the erection construction or laying of the works and during any alteration improvement enlargement extension or renewal thereof and may recover from the Corporation the reasonable costs charges and expenses incurred by the canal company in so doing :
- (8) The Corporation shall bear and on demand pay to the canal company all expenses of the employment by the canal company of a sufficient number of inspectors watchmen and flagmen for watching and regulating the traffic upon their canals works and property with reference to and during the erection construction laying alteration improvement enlargement extension renewal repair or maintenance of the works :

(9) The Corporation shall during the erection construction or laying of the works and during any alteration improvement enlargement extension or renewal thereof exhibit every night from sunset to sunrise a light or lights which shall be kept burning by and at the expense of the Corporation and such light or lights shall be of such description and be so used and placed as the canal company shall reasonably require :

(10) The Corporation shall not construct the new road or way referred to in paragraph (B) of subsection (1) of the section of this Act of which the marginal note is " Power to construct dock electric lines and other works " with any less clear headway over the Bridgewater Canal than that shown on the deposited sections and the canal company shall not be under any obligation to repair or maintain the new bridge carrying the aforesaid road or way over the Bridgewater Canal or the approaches thereto or be responsible for any damage which may result from any failure to repair or maintain the said bridge or approaches :

(11) On the completion of the aforesaid new bridge carrying the said road or way over the Bridgewater Canal the Corporation shall at their own expense remove the existing bridge over the Bridgewater Canal at Davyhulme with the abutments and approaches thereto so far as the same are on land belonging to the canal company and shall after such removal restore the fences on the canal company's land and level and restore such land to its original state and condition :

Provided always that the materials of the existing bridge when dismantled by the Corporation shall be the property of and be removable by the canal company :

(12) In addition to any other statutory rights exerciseable by them the canal company may when they find their dock railways crowded with traffic prohibit or refuse the use of the canal company's dock railways for any railway traffic which has passed or is destined to pass over the aforesaid new bridge carrying the said road or way over the Bridgewater Canal to or from

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the portion of Trafford Park which lies on the south-west side of the Bridgewater Canal which traffic has not been imported by means of the Manchester Ship Canal or for any traffic not about to be exported by means of such last-mentioned canal :

Provided always that railway traffic which has been manufactured or produced in the course of manufacture on the aforesaid portion of Trafford Park from raw materials which have been imported by means of the Manchester Ship Canal or railway traffic which consists of raw materials to be manufactured used or produced in the manufacture on the aforesaid portion of Trafford Park of railway traffic intended to be exported over the Manchester Ship Canal shall not come within the aforesaid prohibition or refusal :

- (13) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the electric lines referred to in the section of this Act of which the marginal note is "Power to construct dock electric lines and other works" shall be placed underground on any canals works or property of the canal company :

Such electric lines shall be laid and protected in such manner as may be reasonably required by the chief engineer and according to plans sections and specifications to be previously submitted to and reasonably approved of in writing by the canal company and under the superintendence and to the reasonable satisfaction of the chief engineer and at all times thereafter maintained to his reasonable satisfaction :

Provided that if for one month after any plans sections and specifications shall have been submitted to the canal company under this subsection they shall not have expressed their approval or disapproval thereof they shall be deemed to have approved thereof :

- (14) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall at their own expense forthwith upon

being requested so to do for reasonable cause by the canal company divert or alter the position of any of the said electric lines in such manner and position through other property of the canal company as the canal company may reasonably think fit: A.D. 1914.

- (15) (A) Notwithstanding anything contained in this Act the Corporation shall not stop up the existing road or way mentioned in subsection (3) of the section of this Act of which the marginal note is "Power to construct dock electric lines and other works" until they have constructed to the reasonable satisfaction of the rural district council of Barton-upon-Irwell a footpath of a clear width of six feet leading to Chapel Place from the new road authorised by subsection (1) (B) of that section the line and dimensions of which footpath are shown by a brown colour on the plan five copies of which are signed by Ernest Gardner the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons one copy with the town clerk one copy with the clerk of the Barton-upon-Irwell Rural District Council and one copy with the secretary of the Canal Company);

Such footpath shall be in addition to the steps referred to in the section of this Act of which the marginal note is "For protection of Barton-upon-Irwell Rural District Council" and such steps shall connect with such footpath;

- (B) The Corporation shall fence off the said footpath from the towing-path on the south-west side of the Bridgewater Canal with an unclimbable iron fence six feet high between the point marked X and the point marked Y on the said plan and also between the point marked Y and the point marked Z on the said plan to the reasonable satisfaction of the canal company and shall at all times thereafter maintain the said fence between the said points X and Y in good condition to the like reasonable satisfaction;

The expenses of such fencing shall be borne as respects the length between the said points X and Y

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by the Corporation and as respects the length between the said points Y and Z by the canal company ;

- (c) The canal company shall if requested so to do at the expense of the Corporation grant to the Corporation a perpetual easement over so much of the land coloured brown as now forms part of the existing towing-path of the Bridgewater Canal so as to enable the same to be used at all times thereafter for the purposes of a public footpath which footpath shall be dedicated for the use of the public for ever ;
- (D) The Corporation shall pay to the canal company the cost of building a new canal wall and of widening the present towing-path so as to include therein the portion of the Bridgewater Canal which is hatched red on the said plan and shall pay the cost of removing from the existing towing-path such telegraph and telephone poles as it may be necessary to remove for the construction of the said footpath and the works incidental thereto and of re-erecting the same along the south-westerly side of the said footpath or in such other positions clear of the towing-path as may be directed by the Postmaster-General :
- (16) All the works in Westinghouse Road where the sewer referred to in the section of this Act of which the marginal note is "Main drainage works" crosses and connects with the storm overflow sewer belonging to the Corporation at Mode Wheel shall be deemed to be sewerage works within the meaning of section 46 of the Manchester Corporation Act 1911 and the provisions for the protection of the canal company contained in subsections (1) (2) (3) (4) (11) (13) (14) (15) and (16) of such section shall apply with regard to all such works and the sill of the chamber discharging into the said storm overflow sewer shall be subject to the provisions contained in subsections (5) and (10) of the said section :
- (17) The canal company may give or withhold any such consent as is referred to in subsection (1) (2) (3) or (5) of this section at their absolute discretion and may in giving any such consent impose such reasonable terms and conditions as they may think fit which

terms and conditions shall be binding upon and observed and performed by the Corporation: A.D. 1914.

(18) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the canal company all losses damages and injury of every description and howsoever occurring to persons or property which may be sustained and all costs and charges which may be reasonably incurred by the canal company by or in consequence of the erection construction laying maintenance alteration improvement enlargement extension renewal user or failure of the works or of any such works as are referred to in subsections (1) and (11) of this section or by or in consequence of any act or omission of the Corporation or any person in their employment or their contractors or agents under Parts V. and VI. of this Act and the Corporation shall effectually indemnify and hold harmless the canal company from all such losses costs charges damages or injury as aforesaid and from all claims and proceedings in respect thereof:

(19) If any difference shall arise between the Corporation and the canal company (the settlement whereof is not otherwise provided for) touching any of the matters referred to in this section (other than any matter in respect of which the canal company are by this section empowered to give or withhold consent at their discretion) or anything to be done or not to be done thereunder such difference shall be referred to and determined by an engineer to be nominated by the Corporation and the canal company or failing agreement between them to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation or the canal company after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

75. Notwithstanding anything contained in subsection (3) of the section of this Act whereof the marginal note is "Power to construct dock electric lines and other works" the following provisions for the protection and benefit of the Barton-upon-Irwell Rural District Council (in this section referred to as "the

For protection of Barton-upon-Irwell Rural District Council.

A.D. 1914. council”) shall except so far as may be otherwise agreed between the council and the Corporation apply and have effect (that is to say):—

(1) Before stopping up the existing road or way mentioned in the said subsection the Corporation—

(A) Shall construct to the reasonable satisfaction of the council on the south-western side of the Bridgewater Canal a footpath of the clear width of six feet leading to Chapel Place from the new road authorised by subsection (1) (B) of the said section the line and dimensions of which footpath are shown by a brown colour on the deposited plan referred to in the section of this Act of which the marginal note is “For protection of Manchester Ship Canal Company”;

(B) Shall construct steps of the clear width of six feet from the said intended footpath to the new road authorised by Part V. of this Act and persons passing from and to such intended footpath to and from such new road shall be entitled to use such steps and the said steps shall be maintained and kept open by the Corporation in perpetuity:

(2) The Corporation and the Manchester Ship Canal Company shall dedicate the said footpath and steps to the use of the public for ever.

For protection of Lord Egerton's Trustees.

76. For the protection of George Dixon and Thomas Dewhurst Lingard trustees of the Right Honourable Alan de Tatton Baron Egerton of Tatton or other the owner for the time being of the lands now forming the Egerton Estates in the parts of the city known as Rusholme Burnage Didsbury Withington and Chorlton-cum-Hardy (in this section referred to as “the owners”) the following provisions shall unless otherwise agreed in writing between the owners and the Corporation apply and have effect (that is to say):—

(1) “The said lands” means the lands now belonging to the owners and comprised in the Egerton Estates in the parts of the city known as Rusholme Burnage Didsbury Withington and Chorlton-cum-Hardy so long as the said lands remain the property of the owners:

(2) When under the provisions of the section of this Act of which the marginal note is "Maintenance and repair of banks of River Mersey" the Corporation give notice in writing to the owners requiring the execution of works within the said lands or where under the provisions of the section of this Act of which the marginal note is "Owners to repair and cleanse culverts" the Corporation give notice in writing to the owners requiring them to repair maintain or cleanse any culvert in or under the said lands and the owners within twenty-one days after receipt of such notice give notice in writing to the Corporation of objection to the requirements of the Corporation and neither the notice of the Corporation nor the notice of the owners is withdrawn a difference shall be deemed to have arisen between the Corporation and the owners and shall be determined by arbitration under the provisions of this section and the arbitrator shall specify in his award what works (if any) of maintenance repair and cleansing shall be executed by the owners and within what time they shall be executed and upon the owners duly executing within such time the works specified in the said award the requirements of the Corporation under the first or secondly mentioned notice shall be deemed to be complied with and if the owners shall fail to so execute such works the powers of executing works and recovering expenses conferred upon the Corporation by the said sections respectively may be exercised by them in relation to the works directed by the arbitrator in his award: A.D. 1914.

(3) Any difference arising between the Corporation and the owners under the provisions of this section shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the Corporation or of the owners and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

77. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. Crown rights.

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PART IX.

FINANCE.

Power to
borrow.

78.—(1) The Corporation may (in addition to the other sums which they are authorised to raise) borrow or raise at interest on the security of the city rate any sums of money not exceeding in the whole the sums following (that is to say):—

(A) In connexion with the waterworks undertaking of the Corporation:—

(i) For the purpose of obtaining a further supply of water from Thirlmere under the provisions of the Manchester Corporation Waterworks Act 1879 the Manchester Corporation Act 1889 the Manchester Corporation (General Powers) Act 1904 and the Manchester Corporation Act 1906 by means of a fourth pipe connecting the portions of the works which have already been constructed of the full capacity the sum of one million pounds; and

(ii) For the extension of mains and other purposes in connexion with the supply of water within the district of supply of the Corporation the sum of three hundred thousand pounds:

(B) For and in connexion with the purchase of land for and the construction of the street works and improvements authorised by this Act the sum of sixty thousand pounds Provided that the sums payable in respect of interest upon or the repayment of so much of the money borrowed for that purpose as may be hereafter determined by resolution or resolutions of the council shall be preferentially provided out of the revenue of the tramway undertaking of the Corporation and resort to the city fund shall only be had if and when and to the extent that such revenue is insufficient for the purpose:

(C) For and in connexion with the purchase of lands and easements required for the purposes of the electrical generating station electric lines and other works for the supply of electricity such sum as may be required:

(D) For the purpose of defraying any other expenses arising under this Act which in the opinion of the Local

Government Board are properly chargeable to capital such sums as the Corporation shall with the sanction of the Local Government Board determine. A.D. 1914.

(2) The enactments mentioned or referred to in the Third Schedule to this Act to the extent indicated in that schedule shall apply to all moneys to be borrowed by the Corporation under the authority of subsection (1) of this section as if the same had been expressly repeated and re-enacted in this Act with reference to the further sums so authorised to be borrowed.

(3) The Corporation shall repay—

(A) All moneys borrowed for the purposes (A) (i) in this section mentioned in any period not exceeding sixty years from the date of borrowing the same;

All moneys borrowed for the purposes (A) (ii) in this section mentioned in any period not exceeding fifty years from the date of borrowing the same;

(B) All moneys borrowed for and in connexion with the purchase of land for the street works and improvements authorised by this Act in any period not exceeding sixty years from the date of borrowing the same;

All moneys borrowed for the construction of such street works and improvements in any period not exceeding forty years from the date of borrowing the same;

(C) All moneys borrowed for the purposes (C) in this section mentioned in any period not exceeding sixty years from the date of borrowing the same;

(D) All moneys borrowed for the purpose (D) in this section mentioned in such period not exceeding sixty years from the date of borrowing as the Local Government Board may sanction;

which respective periods shall be the prescribed periods for the purposes of section 45 of the *Manchester Corporation Act* 1891 being one of the enactments applied by subsection (2) of this section.

79.—(1) As to any addition to the city rate made by the Corporation or under any precept from or at the instance or by the direction of the Corporation for the purposes or any of the Railways and canals to be rated at one-fourth

A.D. 1914.
only of net
annual value
thereof.

purposes mentioned in the section of this Act the marginal note whereof is "Power to borrow" the owner or occupier of any land used only as a railway constructed under the powers of any Act of Parliament for public conveyance or of any land covered with water or used only as a canal or towing-path for the same shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof as ascertained by the valuation list for the time being in force or if there be none by the rate for the relief of the poor made next before the making of such assessment.

(2) The Local Government Board may from time to time by order make such regulations as seem to the Board necessary or proper respecting the form of the rates notices and accounts to be made used and kept by the overseers of any parish situate wholly or partly in the city with respect to any addition made under the powers of this Act to any city rate and to any assessment in respect thereof and an order under this section shall be deemed to be an order within the meaning of section 98 of the Poor Law Amendment Act 1834.

Power to use
sinking fund
instead of
borrowing.

80.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh Corporation security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

- (A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh Corporation security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or
- (B) Moneys borrowed and charged upon the city rate in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall— A.D. 1914.

- (A) Withdraw from the sinking fund a sum equal to so much of the statutory borrowing power as is proposed to be exercised by the user of moneys from such sinking fund :
- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund :
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh Corporation security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) (A) The foregoing provisions of this section shall not apply to any sinking fund formed in respect of any loan raised by the issue of stock by the Corporation but notwithstanding anything contained in the Acts relating to any such sinking fund and subject as herein-after provided the Corporation may exercise either wholly or partially any statutory borrowing power possessed by them by using for the purpose any moneys forming part of such sinking fund.

(B) The moneys so used shall be repaid to the sinking fund of which they formed part by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable.

(c) Interest on any moneys so used and for the time being not repaid to the fund of which they formed part shall be paid to that fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to

A.D. 1914. — be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power.

(D) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised on mortgage in the exercise of the power and the particulars of the exercise of the power by such use shall be entered accordingly in the mortgage register kept by the Corporation.

(4) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(5) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Returns to
Local
Government
Board as to
sinking
funds.

81.—(1) The Corporation shall within three months after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and at any other time when the Local Government Board (in this section referred to as "the Board") may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the city treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the

end of the year together with such further information (if any) as the Board shall require and the making of any such return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court. A.D. 1914.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay or make any instalment or annual payment required to be paid or made or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(3) The provisions of this section are in lieu of and shall supersede any other enactment requiring the Corporation or the city treasurer to make a separate return in respect of the provision made for the repayment of any loan raised under any statutory borrowing power of the Corporation.

82.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power (and without prejudice to other powers vested or to be vested in the Corporation) grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fourth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the dates of the mortgages or on any other ground whatsoever and shall also rank equally with all other Corporation securities.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section

A.D. 1914. shall be and the same are by virtue of this Act charged upon the city rate.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured

thereby and any transferee may in like manner transfer his right and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby. A.D. 1914.

(11) Subject to the provisions of this section the enactments mentioned or referred to in the Third Schedule to this Act to the extent indicated in that schedule shall *mutatis mutandis* apply to all mortgages to be issued by the Corporation under the authority of this section as if the same had been expressly repeated and re-enacted in this section with reference to such mortgages.

83. The accounts of the Corporation under this Act shall be audited in like manner and with the like incidents as the like accounts of the Corporation. Audit of accounts.

84.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiries have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

85. Any expenses in the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the city rate. Expenses of execution of Act.

86. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the city rate or partly out of the city rate and partly out of the respective revenues of the tramway and electricity undertakings of the Corporation as the Corporation may determine. Costs of Act.

A.D. 1914. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.
(REFERRED TO IN SECTION 14.)

DESCRIBING PROPERTIES IN THE CITY WHEREOF PORTIONS ONLY
MAY BE TAKEN.

Widening and Improvement in respect of which the Properties are required.	Numbers on deposited Plans.
Widening and improvement of Greenheys Lane.	3 4 5 6.
Widening and improvement of Church Lane and Upper Couran Street at their junction.	8.
Widening and improvement of Stockport Road between Yew Tree Avenue and The Crescent.	12 13 14 15 16 17 18 19.
Widening and improvement of Stockport Road near Alma Road.	23 24 25 26 28 29 30 31 32 33 34 35.
Widening and improvement of Barlow Road Levenshulme.	39 40 41 42 43 44 45 46 47 48 49 50.
Widening and improvement of Upper Moss Lane between St. Mary's Street and Parsonage Street.	57.
Widening and improvement of Thorp Road Newton Heath.	68 69 70.
Widening and improvement of Cheetham Hill Road south-easterly side of Woodlands Road.	74 75 76 77 78 79 80 81 82 83.
Widening and improvement of Belle Vue Street.	152 153 154.
Widening and improvement of North Road between Kirkmanshulme Lane and Stanley Grove.	170 171 172 173 174 175 177 178 179 180 181 182 184 185 186 187 188 189 190 191 192.
Widening and improvement of Stanley Grove between North Road and Stockport Road.	192 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 258 259 260 261 262 263 274 275 276 277 278 279 280 281 194 195 196 197 198 199 200 201 202 204 205 206 207 208 209 210 211 212 214 215 216 217 218 219 220 221 222 223 224 225 226 227 229 230 231 232 233.
Widening and improvement of Dickenson Road.	283 284 285 286 287 288.
Widening and improvement of Edge Lane Chorlton-cum-Hardy.	291 292 293 294 295 297 298 299 300.

THE SECOND SCHEDULE.
(REFERRED TO IN SECTION 20.)

A.D. 1914.

AGREEMENT WITH THE TRUSTEES OF CROSS STREET CHAPEL.

THIS AGREEMENT made the twelfth day of December one thousand nine hundred and thirteen between SAMUEL BARTON WORTHINGTON of Mill Bank Bowdon in the county of Chester engineer RUSSELL ALLEN of the city of Manchester newspaper proprietor HERMANN JULIUS GOLDSCHMIDT of the said city merchant JOHN ROBINSON OLIVER of the said city cotton spinner CHARLES SCHWABE of the said city merchant GEORGE WILLIAM RAYNER WOOD of the said city esquire ARTHUR HENRY WORTHINGTON of the said city gentleman and WILLIAM BARTON WORTHINGTON of Kirkstyles Duffield in the county of Derby civil engineer (herein-after called "the Trustees" which expression shall where the context so requires or admits include the survivors and survivor of them and the heirs executors and administrators of such survivor their and his appointees and assigns) of the one part and the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF MANCHESTER (herein-after called "the Corporation") of the other part.

WHEREAS the Trustees are the owners of the plots of land delineated in the plan hereto annexed and thereon edged blue and coloured red respectively :

And whereas portions of the said lands edged blue and coloured red respectively and of the lands coloured green blue and yellow respectively in the said plan and possibly some portion of the sites of Cross Street Chapel Walks and Cheapside in the said city adjoining such lands so coloured yellow blue and green were formerly used as a burial ground :

And whereas by an agreement made the sixteenth day of March one thousand eight hundred and forty-six between the then acting trustees of Cross Street Chapel of the first part and the Corporation of the second part the said land coloured yellow in the said plan was for the consideration therein mentioned sold to the Corporation with a view to the improvement of Cross Street aforesaid :

And whereas by an agreement made the second day of August one thousand eight hundred and seventy-one between George Stanley Darbishire the treasurer of the then trustees of Cross Street Chapel and acting therein as their agent duly authorised of the one part and the

A.D. 1914. Corporation of the other part the said land coloured blue in the said plan was for the consideration therein mentioned sold to the Corporation and the Corporation in the agreement now in recital agreed not to pass any drains water or gas pipes or telegraphic wires through any portion of the said land coloured blue as aforesaid nor to interfere in any manner with the soil thereof but to use such land merely for passing over :

And whereas by an indenture made the twenty-sixth day of November one thousand eight hundred and ninety-seven between Charles Harrison Blackley and others of the first part Robert Henry Kay and others of the second part and the Corporation of the third part the said land coloured green in the said plan was appointed and conveyed to the Corporation their successors and assigns for ever subject to the interest (if any) of those claiming or to claim any estate or interest in the graves in parts of such land And in the indenture now in recital the Corporation covenanted with the said parties thereto of the first part and with the said parties thereto of the second part and their respective heirs appointees and assigns that they the Corporation their successors and assigns would use the said land coloured green in the said plan solely for the purpose of public streets and footpaths and would not place or allow to be placed in under or through the said land coloured green in the said plan any sewer gas water or other pipe or wire or use or permit to be used such land for any other purpose than public streets or footpaths :

And whereas the Corporation are desirous of being released from the herein-before recited agreement and covenant in the herein-before recited agreement of the second day of August one thousand eight hundred and seventy-one and the herein-before recited conveyance of the twenty-sixth day of November one thousand eight hundred and ninety-seven respectively contained And are also desirous of widening and improving Cross Street aforesaid and of acquiring from the Trustees for that purpose the land coloured red in the said plan :

And whereas the Trustees are desirous of obtaining statutory power to build on or sell the land edged blue on the said plan and the Corporation have agreed with the Trustees to assist them to that end :

And whereas it has been agreed that the parties hereto shall enter into the following conditional contract :

Now it is hereby mutually agreed and declared by and between the Trustees and the Corporation as follows :—

1. The Corporation will in the next Bill in Parliament promoted by them apply for the sanction of Parliament to enable the Corporation to remove the graves and human remains under the said lands

coloured green blue and yellow respectively in the said plan and under such other part (if any) of Cross Street Chapel Walks and Cheapside aforesaid as formerly constituted part of the said burial ground and also (if and when required by the Trustees) the graves and human remains under the said lands edged blue and coloured red in the said plan and the gravestones on the said graves and also to enable the Trustees after the removal of the graves and human remains therein and the gravestones thereon to build on or sell the said land edged blue free from all statutory or other restrictions and also to dedicate the said land coloured red in the said plan to Cross Street aforesaid free from all statutory or other restrictions and if requested to do so by the Corporation to convey the same to the Corporation for the purpose of at all times forming part of such street.

2. The Corporation shall be at liberty at any time after the statutory confirmation of this agreement to remove at their own expense the remains of all deceased persons interred in or under the said lands coloured green blue and yellow on the said plan or in or under such other part (if any) of Cross Street Chapel Walks and Cheapside aforesaid as formerly constituted part of the said burial ground or any part or parts thereof and the graves therein and gravestones thereon making suitable provision for access to the chapel premises during the course of such removal and to re-inter such human remains in accordance with the Act of Parliament containing such confirmation and shall forthwith at their own expense after such removal restore the roads and footpaths on such lands to as good a state and condition as they were in before the commencement of such removal. Provided that such expenses aforesaid (without interest) shall be repaid to the Corporation by the Trustees in the event of the works provided for in clauses 4 and 6 hereof being carried out within the period of ten years referred to in clause 4 hereof.

3. The said agreement and covenant in the herein-before recited agreement of the second of August one thousand eight hundred and seventy-one and conveyance of the twenty-sixth of November one thousand eight hundred and ninety-seven respectively contained shall be released and extinguished contemporaneously with the completion of the removal of all the human remains from the said lands coloured green blue and yellow in the said plan.

4. After the statutory confirmation of this agreement the Corporation will forthwith at the request of the Trustees (provided such request is given within the period of ten years from the passing of the Act containing such confirmation) remove the remains of all deceased persons interred in or under the said lands edged blue and coloured red in the said plan and the graves therein and gravestones thereon in accordance with the provisions of the said Act.

A.D. 1914.

5. The Trustees shall pay to the Corporation the costs and expenses to be incurred by the Corporation in removing the human remains under the said lands edged blue and coloured red in the said plan and the said graves and gravestones thereon and also in re-interring the said human remains and re-erecting the last-mentioned gravestones. The certificate of the city surveyor for the time being of the Corporation as to the amount of the said costs and expenses shall be final and binding on the Trustees and if they or any of them shall not pay to the Corporation the said costs and expenses within one calendar month after the certificate and demand shall have been delivered to the Trustees such costs and expenses shall carry interest at five pounds per centum per annum from and after the expiration of such month. Provided always that all arrangements for removing the said remains and gravestones and re-interring the said remains and re-erecting the said gravestones shall (consistently with the requirements of the said Act) be subject to the reasonable approval of the Trustees.

6. The Trustees shall and will at their own expense pull down and remove all buildings and erections whatsoever upon and from the said land coloured red in the said plan when and if the human remains graves and gravestones have been removed therefrom in pursuance of the provisions of this agreement and will dedicate or cause to be dedicated the whole of such land as and for ever thereafter to form part of Cross Street aforesaid and the Trustees will at the request and cost of the Corporation convey the said land coloured red to the Corporation free from incumbrances for the purpose of at all times forming part of such street.

7. The Trustees will upon the said land coloured red in the said plan being dedicated to Cross Street aforesaid produce the muniments of title to such land to the town clerk of the city of Manchester and will endorse a memorandum of the dedication hereby provided for upon such one or more of such muniments as may be agreed upon.

8. The arrangements herein provided for when carried into effect shall and will be accepted by the Trustees in full discharge of all compensation whatsoever payable by the Corporation for or in respect of the said land coloured red in the said plan or its dedication as aforesaid or for or in respect of the damage that may be sustained by the Trustees by reason of the severing of the said land coloured red in the said plan from any other hereditaments of the Trustees or otherwise injuriously affecting any other hereditaments of the Trustees by the exercise as respects the said land coloured red in the said plan of the provisions of this agreement.

9. The Corporation shall at their own cost pave and flag the said land coloured red in the said plan as and when the same as shall herein-before provided be dedicated and laid to Cross Street aforesaid and the same shall for ever thereafter be maintained as a public highway by the Corporation.

10. Each of the parties hereto shall bear and defray their own costs charges and expenses of and incidental to the preparation perusal and completion of this agreement and the carrying the same into effect.

11. This agreement is conditional on the sanction of Parliament being obtained for the purposes hereof and if a Committee on the said Bill in Parliament or either House of Parliament shall make any material alteration in this agreement or in the clauses in the said Bill to give effect thereto it shall be competent for the Trustees or the Corporation to determine this agreement by giving notice in writing to the other of them and the Corporation also reserve to themselves the right to withdraw from the said Bill the said clauses to give effect to this agreement if and when they so determine.

12. The Trustees will if and so far as necessary and at their own expense give any necessary evidence before the Committees in Parliament in support of this agreement.

13. If the Trustees shall not within the said period of ten years request the Corporation to remove the human remains from the lands edged blue and coloured red in the said plan and shall not dedicate the said land coloured red in the said plan to Cross Street aforesaid as herein-before provided then the arrangements herein-before contained with reference to such lands and the powers of the Act of Parliament authorising them shall expire at the termination of the said period of ten years.

In witness whereof the persons parties hereto of the one part have hereunto set their hands and seals and the Corporation have hereunto affixed their corporate seal the day and year first above written.

Signed sealed and delivered by the }
said Samuel Barton Worthing- } S. B. WORTHINGTON. (L.S.)
ton in the presence of }

JANE FLORENCE WORTHINGTON
Mill Bank
Bowdon
Spinster.

A.D. 1914.

Signed sealed and delivered by the
said Russell Allen and Arthur
Henry Worthington in the pre-
sence of

WILLIAM NEWALL
Clerk with Tatham
Worthington & Co.
Solicitors
Manchester.

RUSSELL ALLEN.

L.S.

Signed sealed and delivered by the
said Hermann Julius Gold-
schmidt John Robinson Oliver
Charles Schwabe and George
William Rayner Wood in the
presence of

WILLIAM BURROWS
Clerk with Tatham
Worthington & Co.
Solicitors
Manchester.

H. J. GOLDSCHMIDT.

L.S.

JOHN R. OLIVER.

L.S.

CHARLES SCHWABE.

L.S.

GEO. WM. RAYNER
WOOD.

L.S.

A. H. WORTHINGTON.

L.S.

Signed sealed and delivered by the
said William Barton Worthing-
ton in the presence of

WILLIAM CLOSE
Kirk Styles
Duffield
Chauffeur.

W. B. WORTHINGTON.

L.S.

The common seal of the Corpora-
tion of the city of Manchester
was hereunto affixed in pur-
suance of an order of the
Council of the said city in the
presence of

DANIEL McCABE
Lord Mayor.
P. M. HEATH
Deputy Town Clerk.

Seal of the
Corporation
of
Manchester.

94816.

THE THIRD SCHEDULE.

A.D. 1914.

(REFERRED TO IN SECTIONS 78 AND 82.)

LOCAL ENACTMENTS MADE APPLICABLE TO THE BORROWING
POWERS OF THE FOREGOING ACT.

Act.	Extent of Application.
7 & 8 Vict. c. xl. An Act for the Good Government and Police Regulation of the Borough of Manchester.	Section 16 (except the part thereof beginning "and in the event" and ending "at any one time" and except so much thereof as would enable the Corporation to borrow on the security of any property vested in or belonging to them or which may be acquired by them) and sections 17 18 and 23 to 27 and section 30 (as such sections or any of them are amended by Article VII. of the Manchester Order confirmed by 48 & 49 Vict. c. cvii. by Article VI. of the Manchester Order confirmed by 50 Vict. c. xvii. and by Article I. of the Manchester Order (3) confirmed by 56 & 57 Vict. c. cxxx.).
35 & 36 Vict. c. xxxi. The Manchester Corporation Waterworks and Improvement Act 1872.	Sections 34 35 and 37 to 49 (as amended by Article VII. of the Manchester Order confirmed by 48 & 49 Vict. c. cvii. by Articles III. IV. V. and IX. of the Manchester Order confirmed by 50 Vict. c. xvii. by the Manchester Corporation Act 1891 and by Article I. of the Manchester Order (3) confirmed by 56 & 57 Vict. c. cxxx.).
38 & 39 Vict. c. clxi. The Manchester Corporation Waterworks and Improvement Act 1875.	Sections 62 and 63 (as amended by Articles VII. and VIII. of the Manchester Order confirmed by 50 Vict. c. xvii.).
48 & 49 Vict. c. cvii. The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885.	Article VII. of the Manchester Order (as amended by Article I. of the Manchester Order (3) confirmed by 56 & 57 Vict. c. cxxx.).
50 Vict. c. xvii. The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886.	Articles III. to IX. of the Manchester Order.
54 & 55 Vict. c. ccvii. The Manchester Corporation Act 1891.	Sections 2 44 45 (except subsection (1) for which subsection (3) of the section of this Act with the marginal note "Power to borrow" is for the purpose of that section to be deemed substituted) and 47 to 54 as amended by section 101 of the Manchester Corporation Act 1909.
56 & 57 Vict. c. cxxx. The Local Government Board's Provisional Orders Confirmation (No. 12) Act 1893.	Article I. of the Manchester Order (3).

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Act.	Extent of Application.
1 Edw. VII. c. cxiii. The Manchester Corporation Act 1901.	Section 44 (as amended by section 86 of the Manchester Corporation Act 1903 and by section 50 of the Manchester Corporation Act 1908).
3 Edw. VII. c. ccxiii. The Manchester Corporation Act 1903.	Section 86.
8 Edw. VII. c. lxxxviii. The Manchester Corporation Act 1908.	Section 50.
9 Edw. VII. c. lvii. The Manchester Corporation Act 1909.	Section 101.

THE FOURTH SCHEDULE.
(REFERRED TO IN SECTION 82.)

FORM OF MORTGAGE.

CITY OF MANCHESTER.

By virtue of the Manchester Corporation Act 1914 and of any other powers in this behalf them enabling the lord mayor aldermen and citizens of the city of Manchester (herein-after called "the Corporation") in consideration of the sum of _____ pounds (herein-after called "the principal sum") paid to the treasurer of the said city by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the city rate of the city of Manchester as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said rate To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same subject as herein-after provided at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the principal sum such interest to be paid half yearly on the _____ day of _____ and the _____ day of _____ in each year the

A.D. 1914.

first payment of a due proportion to be made on the
day of _____ next ensuing the date hereof And it is
hereby agreed that the principal sum shall be repaid at the Town
Hall Manchester subject as herein-after provided on the
day of _____ one thousand nine hundred and _____ :

Provided always and it is hereby agreed and declared that the
before-mentioned time for repayment may be extended to such sub-
sequent day or days and upon any such extension the before-mentioned
rate of interest may be altered to such other rate or rates of interest
as shall from time to time be agreed upon between the Corporation
and the mortgagee and mentioned in an endorsement to be made
hereon under the hand of the town clerk of the said city for the time
being or of his authorised representative and that upon any such
endorsement being made whether relating to extension of time only or
to extension of time with alteration of rate of interest the provisions
thereof shall be incorporated herewith and shall operate and take effect
as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal
to be hereunto affixed this _____ day of _____
one thousand nine hundred and _____ .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting
the within-mentioned time for repayment of the within-mentioned
principal sum of _____ is hereby
extended to the _____ day of _____
one thousand nine hundred and _____ [and the interest to
be paid thereon on and from the _____ day of _____
one thousand nine hundred and _____ is hereby declared
to be at the rate of _____ per centum per annum].

Dated this _____ day of _____
one thousand nine hundred and _____ .

FORM OF TRANSFER OF MORTGAGE.

I (the within-named _____ of _____
_____) in consideration of the sum of _____
pounds paid to me by _____
of _____ (herein-after called "the transferee")
do hereby transfer to the transferee (his) executors administrators and
assigns (the within-written security) (the mortgage number _____
of the city rate of the city of Manchester granted by the lord mayor
aldermen and citizens of the city of Manchester and bearing date the _____

[Ch. cxlvi.] *Manchester Corporation Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914.

day of) and all my
right and interest under the same subject to the several conditions on
which I hold the same at the time of the execution hereof and I the
transferee for myself my executors administrators and assigns do
hereby agree to take the said mortgage security subject to the same
conditions.

Dated this day of
one thousand nine hundred and .

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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