ANNO TRICESIMO

VICTORIÆ REGINÆ.

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Cap. xxxvi.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to extend their Waterworks and the Limits of their Water Supply, to make a new Street in *Ardwick* and other Improvements, to acquire additional Lands; and for other Purposes. [31st *May* 1867.]

WHEREAS by "The *Manchester* Corporation Waterworks Act, 1847," the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* (now the Mayor, Aldermen, and Citizens of the City of *Manchester*), in this Act called "the Corporation," were empowered to execute the Works in that Act mentioned for the Purpose of supplying Water within the Limits prescribed by that Act: And whereas further Powers in relation to the Supply of Water were granted to the Corporation by "The *Manchester* Corporation Waterworks Act, 1848," "The *Manchester* Corporation Waterworks Act, 1854," "The *Manchester* Corporation Waterworks Act, 1858," "The *Manchester* Corporation Waterworks Act, 1860," "The *Manchester* Corporation Waterworks Act, 1863," and "The *Manchester* Corporation Waterworks Act, 1865:" And whereas it is

10 & 11 Vict. c. cciii.
11 & 12 Vict. c. ci.
17 & 18 Vict. c. xxxviii.
21 & 22 Vict. c. lxxxvii.
23 & 24 Vict. c. xciii.
26 & 27 Vict. c. lxviii.
28 & 29 Vict. c. cxlv.

expedient for the Purpose of enabling the Corporation more effectually to carry out the Objects of the recited Acts that they should be empowered to construct, lay down, and maintain the Conduits, Aqueducts, Watercourses, Main Pipes, and other Works in this Act mentioned, and to acquire certain Lands for the Purposes of their Waterworks Undertaking: And whereas the Limits for the Supply of Water by the Corporation might be conveniently and beneficially extended so as to comprise the *Pendleton* District, as defined by "The *Salford* Extension and Improvement Act, 1853," and "The *Salford* Improvement Act, 1862," or One of them, and it is expedient that certain Enactments contained in existing Acts with reference to the Supply of Water within the *Pendleton* District should be repealed: And whereas it is also expedient that the Corporation be empowered to make a new Street in the Township of *Ardwick* in the Parish of *Manchester*, and to acquire Land and Premises for that Purpose, and also for effecting other Improvements in the City of *Manchester*: And whereas Plans of the Works authorized by this Act and of the Lands which the Corporation may acquire under this Act, and Sections of the said Works, and Books of Reference to such Plans, have been deposited with the respective Clerks of the Peace for the Counties of *Lancaster* and *Chester*, which Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient to vest in the Corporation, as the Burial Board of the said City, the Parochial Cemetery or Burial Ground situate on the Northerly Side of the *Apple Market* near *Fennel Street* within the said City: And whereas it is expedient that the Corporation be enabled to make and enforce Byelaws relating to Cemeteries, public Parks, and Places of Recreation: And whereas it is expedient that further Provision be made and additional Powers conferred on the Corporation with reference to the Removal and Prevention of Obstructions and Nuisances, and the Protection of their Property from Injury, and for other Purposes: And whereas it is expedient that the Corporation be empowered to raise further Sums of Money for the Purposes of their Gasworks, and for the Purposes of their Waterworks, and for the other Purposes of this Act: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

16 & 17 Vict. c. xxxii. 25 & 26 Vict. c. ccv.

Short Title.

1. This Act may be cited for all Purposes as "The *Manchester* Corporation Waterworks and Improvement Act, 1867."

2. "The

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act; and in construing such Acts for the Purposes of this Act the Expressions "the Undertakers" and "the Promoters of the Undertaking" shall mean the Corporation. 8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., and 23 & 24 Vict. c. 93.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction: Provided always, that in the Acts incorporated with this Act and also in this Act the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, Interpretation of Terms.

The Word "City" shall mean the City of *Manchester:*

The Expression "Town Clerk" shall mean the Town Clerk of the said City:

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Expression "Court of Chancery" shall include the Court of Chancery for the County Palatine of *Lancaster.*

4. The Corporation by the Council are hereby empowered to carry this Act and the several Powers thereof into execution. Council of City to execute Act.

5. Any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print, and if the same require Authentication by the Corporation the Signature of the Town Clerk thereto shall be a sufficient Authentication. Authentication of Notices.

6. If any Omission, Misstatement, or wrong Description shall have been made of any Land, or of the Owners, Lessees, or Occupiers of any Land, described in the deposited Plans or mentioned in the deposited Books of Reference, the Corporation, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to any Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Misstatement, or wrong Description arose from Mistake they shall certify the same accordingly, and they shall in such Certificate Errors and Omissions in Book of Reference may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

Certificate state the Particulars of any such Omission, Misstatement, or wrong Description, and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County where such Lands are situate, and with the Town Clerk, and such Certificate shall be kept by such Clerk of the Peace and Town Clerk respectively with the other Documents to which it relates, and thereupon such Plans or Books of Reference shall be deemed to be corrected according to such Certificate, and the Corporation may take any Land in accordance with such Certificate as if such Omission, Misstatement, or wrong Description had not been made.

Plans, &c. to be open to Inspection.

7. A Copy of the deposited Plans and Books of Reference respectively shall be kept by the Town Clerk, who shall permit all Persons to inspect the same at reasonable Times, and to make Copies and Extracts of and from the same respectively, on Payment by each Person of One Shilling for every such 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.

Copies of Plans, &c. to be Evidence.

8. True Copies of the deposited Plans and Books of Reference, or of any Alteration or Correction thereof or Extract therefrom, certified by the Clerk of the Peace of the County of *Lancaster* or *Chester*, 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 Evidence of the Contents thereof.

Power to construct Waterworks.

9. Subject to the Provisions of this Act, the Corporation may, for the Purposes of their Waterworks, make, construct, lay down, and maintain in the Situations and Lines and according to the Levels shown on the deposited Plans and Sections relating thereto the several Works following, and may enter upon, take, and use such of the Lands delineated on the deposited Plans, and described in the deposited Books of Reference, as may be required for that Purpose.

The Works herein-before referred to and authorized by this Act are the following:

A Main Conduit, Aqueduct, or Watercourse, to commence in the Township of *Gorton* in the Parish of *Manchester* in the County of *Lancaster* on the South-east Side of and adjoining to *Debdale Lane*, near the Junction of *Debdale Lane* with the public Bridle Road leading to *Abbey Hey*, and to terminate in the same Township by a Junction with the existing Watercourse belonging to the Corporation;

A Branch

A Branch Conduit, Aqueduct, or Watercourse (No. 1), to commence in the Township of *Denton* in the said Parish of *Manchester* in the *Dodge-Leach Brook*, and to terminate in the Township of *Ashton-under-Lyne* in the Parish of *Ashton-under-Lyne* in the County of *Lancaster* in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 2), to be situate wholly in the said Township and Parish of *Ashton-under-Lyne*, and to commence in an Orchard lying on the West Side of *Debdale Lane* and near to *Debdale* Farmhouse, and to terminate in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 3), to be situate wholly within the said Township and Parish of *Ashton-under-Lyne*, and to commence in the *Debdale Brook*, and to terminate in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 4), to be situate wholly in the said Township and Parish of *Ashton-under-Lyne*, and to commence near the Junction of the *Red Hall Brook* with the *Red Hall* Arm of the *Gorton* Upper Reservoir, and to terminate in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 5), to be situate wholly within the said Township and Parish of *Ashton-under-Lyne*, and to commence in the *Red Hall Brook*, and to terminate in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 6), to be situate wholly within the said Township and Parish of *Ashton-under-Lyne*, and to commence in the *Dick Lane Brook*, and to terminate in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Branch Conduit, Aqueduct, or Watercourse (No. 7), to commence in the Townships of *Gorton* in the said Parish of *Manchester*, and *Ashton-under-Lyne* in the said Parish of *Ashton-under-Lyne*, or One of them, in the *Fairfield Brook*, and to terminate in the said Township and Parish of *Ashton-under-Lyne* in the aforesaid Main Conduit, Aqueduct, or Watercourse;

A Conduit, Aqueduct, or Main Pipe, to be situate wholly in the Township of *Prestwich* in the Parish of *Prestwich-cum-Oldham* in the County of *Lancaster*, and to commence by a Junction with the existing Conduit or Main Pipe of the Corporation in *Butterstile Lane*, and thence to be carried along such Lane, and to terminate in *Hilton Lane* at the End of *Butterstile Lane*;

A Conduit, Aqueduct, or Main Pipe, to be situate wholly in the Township of *Pendlebury* in the Parish of *Eccles* in the County of *Lancaster*, and to commence in *Agecroft Lane* on the Eastern Side of the *Manchester and Bolton* Canal, and to terminate in the said Lane on the Western Side of that Canal;

A Conduit, Aqueduct, or Main Pipe, to be situate wholly in the said Township of *Pendlebury* and Parish of *Eccles*, and to commence in *Agecroft Lane* on the Eastern Side of the *Lancashire and Yorkshire* Railway, and to terminate in the said Lane on the Western Side of the said Railway;

Together with all necessary Embankments, Tanks, Pipes, Junctions, Valves, Aqueducts, Bridges, Works, Apparatus, and Conveniences connected with the Works above described, or any of them:

And all the Works herein-before authorized shall, for all Purposes whatsoever, be deemed Part of the Waterworks Undertaking of the Corporation as if the same had been authorized by and included or referred to in the recited Waterworks Acts.

Limits of Deviation from Line and Levels.

10. Subject to the Provisions of this Act, the Corporation, in the Construction of the before-mentioned Works, may deviate laterally from the Lines thereof delineated on the deposited Plans to any Extent within the Limits of Deviation defined on those Plans, and may also deviate from the Levels shown on the deposited Sections to any Extent not exceeding Five Feet.

Corporation may acquire additional Lands for Waterworks Purposes.

11. In addition to the other Lands which the Corporation are by this Act authorized to acquire, they may, subject to the Provisions of this Act, from Time to Time enter upon, take, and use, and appropriate to Purposes connected with their Waterworks, all or any of the Lands, Dwelling Houses, Cottages, Bleachworks, and other Buildings in the Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester* which are delineated on the deposited Plans and described in the deposited Books of Reference.

Limiting Time for Purchase of Lands for Waterworks Purposes.

12. The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of the Works herein-before described, and for other Purposes connected with their Waterworks, shall not be exercised after the Expiration of Three Years from the passing of this Act.

For the Protection of the Lancashire

13. In constructing and maintaining the Works by this Act authorized affecting the *Lancashire and Yorkshire* Railway Company

pany the Corporation shall be subject to the following Conditions; namely,

and Yorkshire Railway Company, and the Manchester, Bolton, and Bury Canal, belonging to that Company.

All Works affecting the *Lancashire and Yorkshire* Railway, or the Works, Land, or Property of the *Lancashire and Yorkshire* Railway Company, or the *Manchester, Bury, and Bolton* Canal, or either of them, shall be executed at the Expense of the Corporation, under the Superintendence and to the Satisfaction of the Engineer for the Time being of the *Lancashire and Yorkshire* Railway Company, and according to Plans and Specifications previously submitted to the said Engineer:

If the Surveyor of the Corporation and the Engineer of the *Lancashire and Yorkshire* Railway Company differ concerning the said Plans or Specifications, or concerning the Method in which the said Works are to be executed, all such Differences shall be settled by an Engineer to be appointed by the said Surveyor and Engineer, or if they cannot agree upon a Referee, then by an Engineer to be appointed by the Board of Trade on the Application of either Party:

The said Works shall be constructed and maintained so that, except by Consent of the Engineer of the *Lancashire and Yorkshire* Railway Company, the Traffic upon the *Lancashire and Yorkshire* Railway and the *Manchester, Bolton, and Bury* Canal, or either of them, shall not be in anywise impeded:

The Corporation shall acquire only an Easement in and upon such of the Land and Property of the *Lancashire and Yorkshire* Railway Company and the *Manchester, Bolton, and Bury* Canal as may be necessary for constructing and maintaining the Main Pipes hereby authorized to be laid over and across the said Railway and Canal:

If by reason of the Construction and Maintenance of the Works by this Act authorized the *Lancashire and Yorkshire* Railway and the *Manchester, Bolton, and Bury* Canal, or any of the Works connected therewith, shall be damaged or injured, the Corporation shall compensate the *Lancashire and Yorkshire* Railway Company for any Loss or Expense occasioned thereby; the Amount to be paid to the *Lancashire and Yorkshire* Railway Company for the Acquisition of an Easement upon their Land and Property as herein-before provided, including the Compensation (if any) for Damage or Injury to them or their Railway, Canal, Works, or Property, shall be settled, in case of Difference, in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Land otherwise than by Agreement.

14. The

Main Conduit and certain of the Watercourses to be covered if required.

14. The Main Conduit or Watercourse and the Branch Watercourses numbered 6 and 7 hereby authorized to be made shall be covered to the Extent required by Notice in Writing by or on behalf of the Owner or Owners for the Time being of the Lands numbered on the deposited Plans 1, 2, 3, 4, in the Township of *Denton*, and Numbers 16, 34, 35, 37, 39, 40, 41, 43, 46, 57, 59, 60, 68, 70, 70*a*, 71, 72, and 73, in the Division of *Audenshaw* and Township or Parish of *Ashton-under-Lyne*, such Notice to be given within Four Weeks after Notice in Writing of the Intention to proceed with the Works shall have been given by the Corporation to such Owner or Owners.

The Owners of certain Lands may drain into Conduits.

15. It shall be lawful for the Right Honourable the Earl of *Wilton* and the Right Honourable the Earl of *Stamford and Warrington*, or other the Owner or Owners for the Time being of the Lands numbered on the deposited Plans 1, 2, 3, 4, 11, and 12, in the Township of *Denton*, and Numbers 16, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 40*a*, 41, 43, 46, 47, 48, 57, 59, 60, 68, 70, 70*a*, 71, 72, 73, in the Division of *Audenshaw* and Township or Parish of *Ashton-under-Lyne*, to carry and continue into the said Conduits, or any of them, any Drains or Sewers for the Purpose of draining their said Lands, and any Houses or other Buildings now or hereafter to be erected thereon: Provided that all such Communications shall be made to the Satisfaction of the Surveyor of the Corporation for the Time being, and that Notice of the Intention to effect the same shall be given to the Corporation at least Seven Days prior to the Commencement of the Works.

Repealing certain Provisions of former Acts as to Supply of Water to Pendleton District.

16. Section 108 of "The *Manchester* Corporation Waterworks Act, 1847," and also all such of the Powers and Provisions of "The *Salford* Extension and Improvement Act, 1853," and "The *Salford* Improvement Act, 1862," as in any way relate to the Supply of Water by the Mayor, Aldermen, and Burgesses of the Borough of *Salford* to the *Pendleton* District (as defined by the Two last-mentioned Acts, or either of them), are respectively hereby repealed.

Extension of Limits for Supply of Water.

17. The Limits within which the Corporation shall, subject to the Provisions in the recited Waterworks Acts and this Act contained, from Time to Time supply Water are by this Act extended so as to comprise the *Pendleton* District as defined by "The *Salford* Extension and Improvement Act, 1853," and "The *Salford* Improvement Act, 1862," or One of them, and accordingly the recited Waterworks Acts and this Act respectively shall have Effect as if such District had originally been included in those Limits; and the Corporation shall have within such extended Limits all such Powers and

and Authorities with respect to the Supply of Water, and in any way incident or relating thereto, as immediately before the passing of this Act they had within their then existing Limits of Supply: Provided always, that nothing in the said recited Waterworks Acts or this Act contained shall enable the Corporation to levy either a domestic Water Rate or a public Water Rate in the *Pendleton* District, nor to charge any larger Sum of Money in respect of a Supply of Water for any of the Purposes of the *Pendleton* District than they now or may at any Time hereafter charge for a similar Supply in the *Broughton* District.

For Protection of the Corporation of Ashton-under-Lyne.

18. It shall not be lawful for the Corporation, without the Consent in Writing of the Corporation of *Ashton-under-Lyne*, to sell or distribute Water within the Limits of Supply included in the Acts relating to the Waterworks of the said last-named Corporation.

Provision for Purchase of Mains, &c. within the Pendleton District.

19. The Corporation shall purchase from the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, who are hereby authorized to sell the same on the Terms embodied in an Agreement in Writing, dated the Thirty-first Day of *October* One thousand eight hundred and sixty-six, between the said Mayor, Aldermen, and Burgesses of the Borough of *Salford* of the one Part, and the Corporation of the other Part, which Agreement is set forth in the Schedule to this Act, all of the Mains, Pipes, Plant, and other Apparatus of the said Mayor, Aldermen, and Burgesses in the *Pendleton* District used for or connected with the Supply of that District with Water, or incidental thereto.

Saving Rights of Corporation of Salford.

20. Except as by this Act expressly provided, this Act shall not take away, lessen, alter, prejudice, or affect any of the Estates, Jurisdictions, Rights, Powers, or Privileges of the Mayor, Aldermen, and Burgesses of the Borough of *Salford*.

Repair of Pipes, &c. by the Corporation.

21. The Corporation may, after Twenty-four Hours Notice, repair, remove, or alter any Pipe, Valve, Cock, Cistern, Watercloset, or other Apparatus of any Person supplied by them with Water so as to prevent the Misuse, undue Consumption, Contamination, or Waste of Water, or so as to make the same in conformity with the Regulations of the Council, and the Expenses of such Repairs or Alteration shall be repaid to them by the Person on whose Credit the Water is supplied thereto, and may be recovered by them as Damages in like Manner as Water Rates are by the "*Manchester* Corporation Waterworks Act, 1847," made recoverable by the Corporation.

Power to borrow for Waterworks Purposes.

22. In addition to the other Sums which the Corporation are empowered under any Act relating to the Corporation or this Act to borrow, the Corporation may from Time to Time borrow for Purposes connected with their Waterworks Undertaking any Sums not exceeding in the whole One hundred and sixty thousand Pounds; and the Sections 144 to 160, both inclusive, of "The *Manchester* Corporation Waterworks Act, 1847," and the Sections 19 to 24, both inclusive, of "The *Manchester* Corporation Waterworks Act, 1854," are extended to this Act with reference to the Monies to be borrowed under this present Enactment as if the same had been expressly repeated and re-enacted in this Act in reference thereto.

Power to reborrow.

23. For the Purpose of paying off any Money borrowed for Waterworks Purposes, and from Time to Time due under this Act, the Corporation may from Time to Time reborrow at Interest such Sums as they think fit, but the Corporation shall not borrow any Money in lieu of Money paid off by means of their Sinking Fund.

Securities for Monies borrowed or reborrowed for Waterworks Purposes.

24. All Money from Time to Time borrowed and reborrowed by the Corporation under this Act for Waterworks Purposes may be secured by them by Mortgage on all or such Part as they from Time to Time think fit of the Security by "The *Manchester* Corporation Waterworks Act, 1847," provided for the Monies thereby authorized to be borrowed.

Securities under this Act to be charged on City Rate.

25. All Grants of Annuities, Mortgages, Bonds, and other Charges and Securities from Time to Time made and given by the Corporation under this Act for Money borrowed for Waterworks Purposes, and the Annuities, Principal Sums, and Interest thereby respectively secured, shall be charged upon and be payable out of the City Rate and the Property of the Corporation, and the Rates and Rents to be levied, raised, and paid under the recited Waterworks Act and this Act, or otherwise, in like Manner as is by the recited Waterworks Acts, or any of them, provided concerning the Monies thereby authorized to be raised on Mortgage or by Annuity.

Saving Priorities of existing Mortgages, &c.

26. All Annuities, Mortgages, Bonds, Charges, and Securities granted or made under the Authority of the recited Waterworks Acts, or any of them, shall during the Continuance thereof have Priority over all Annuities, Mortgages, Bonds, Charges, and Securities which may be granted or made under the Authority of this Act.

Power to make new Street.

27. Subject to the Provisions of this Act, the Corporation may, if they think fit, construct and maintain in the Line and according to the Levels shown on the deposited Plans and Sections relating thereto the

the new Street herein-after mentioned, and may enter upon, take, and use such of the Lands delineated on the deposited Plans and described in the deposited Books of Reference relating to that Street as they may think fit.

The new Street herein-before referred to and authorized by this Act is the following:—

A new Street situate wholly in the Township of *Ardwick* in the Parish of *Manchester* commencing at the Junction of *Queen Street* with *Chancery Lane*, and terminating at the Junction of *Hope Street* with *Tempest Street.*

Limits of Deviation from Line and Levels.

28. Subject to the Provisions of this Act, the Corporation in the Construction of the new Street may deviate laterally from the Line thereof delineated on the deposited Plans to any Extent within the Limits of Deviation defined on those Plans, and may also deviate from the Levels shown on the deposited Sections to any Extent not exceeding Five Feet.

Corporation may acquire additional Lands for general Improvement Purposes.

29. In addition to the other Lands which the Corporation are by this Act authorized to acquire, they may, subject to the Provisions of this Act, from Time to Time enter upon, take, and use, and appropriate to general Improvement Purposes, all or any of the Lands, Houses, and Buildings, Streets, Courts, and Passages in the Township and Parish of *Manchester* which are delineated on the deposited Plans and described in the deposited Books of Reference.

Ground laid into new Street to be public Highways.

30. The Sites of all Houses and all Lands which may be purchased by the Corporation and laid into and appropriated for Streets shall, when and so soon as the same shall be so laid into and appropriated for Streets, and for ever thereafter, form Part of the public Highways, and shall be repaired and maintained and kept in repair in such and the same Way and Manner as the Highways shall for the Time being be by Law maintained, repaired, and kept in order.

Limiting Time for Purchase of Lands for Improvement Purposes.

31. The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of the new Street and general Improvements shall not be exercised after the Expiration of Three Years from the passing of this Act.

Corporation to give Notice before taking Dwellings of Labouring Classes.

32. The Corporation shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more, occupied either in whole or in part by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills,

Handbills, or other general Notice placed in public View upon or within a reasonable Distance from the Houses, and the Corporation shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Corporation have, in manner required by this Section, made known their Intention to take the same.

Power to Corporation to remove Obstructions to Traffic between Stockport Road and High Street.

33. The Corporation may remove all Posts, Rails, and other Obstructions in *Richmond Grove* and *High Street* in the Township of *Chorlton-upon-Medlock* in the City and Parish of *Manchester* which in any way impede or obstruct the free Passage of Traffic between *Stockport Road* and *Oxford Street*, both in the last-named City and Parish.

For protecting Property of Corporation from Damage during Erection, &c. of Buildings.

34. In case during the Progress of the Erection, Removal, or Repair of, or Alteration of, or Addition to any Building or Property Damage shall be done or arise to the flagging in any Street or other Property of the Corporation in, under, or upon such Street, the Cost incurred by the Corporation in reinstating or making good the Damage done shall, on Demand, be paid by the Owner of such Building or Property to the Corporation, and any Justice of the Peace may summon any such Owner, and may thereupon issue his Warrant of Distress for the Recovery thereof, or the same may be sued for by Action at Law in any Court of competent Jurisdiction.

Further Provision for Recovery by Corporation of Monies due in respect of certain Works.

35. Every Sum of Money which shall at any Time hereafter become or be payable to the Corporation under any Act of Parliament for the Time being in force within the City in respect of the paving, flagging, and sewering of any Court or Passage, or of any other Work executed by the Corporation, shall carry Interest at the Rate of Five Pounds *per Centum per Annum* from the Time the same became due until Payment, and such Interest shall and may be recovered along with the Principal.

Power to borrow on Credit of Gasworks.

36. In addition to the other Sums which the Corporation are by any Act relating to the Corporation or this Act authorized to borrow, the Corporation from Time to Time may borrow at Interest for Purposes connected with their Gasworks any Sums not exceeding the Sum of Two hundred and fifty thousand Pounds on the Credit of the Gasworks for the Time being under the Control of the Corporation, and the Rents and Profits arising therefrom, and the Sections 2 to 17, both inclusive, of "The *Manchester* Improvement Act, 1858," are extended to this Act with reference to the Monies to be so borrowed as if the same had been expressly repeated and re-enacted in this Act with reference thereto.

37. The

37. The Corporation from Time to Time may apply to all or any of the Purposes of this Act, other than Waterworks Purposes, any Monies which the Corporation are by any other Act authorized to raise, and which are not required for any special Purpose to which the same are by any Act made applicable.

Corporation may apply Corporate Funds for Purposes of Act.

38. In addition to the Powers conferred by Section 59 of the *Manchester* Police Act, 1844, (7 and 8 *Vict.* Cap. 40.,) the Corporation may, either before or after a Presentment under that Section, cause any Building which they may consider dangerous to be watched or guarded by the Police or otherwise, and if the Surveyor of the City, or in his Absence any other duly qualified Surveyor, shall certify in Writing that there is imminent Danger from any Building, the Corporation shall and may, without any Presentment, Notice, or other Formality, cause the same to be taken down either wholly or in part, or to be repaired or secured in such Manner as the Corporation shall think requisite.

Further Provision with reference to ruinous and dangerous Buildings.

39. All Charges incurred by the Corporation under the *Manchester* Police Act, 1844, or under the preceding Section, including in such Charge a reasonable Allowance to the Corporation for the Services of their Officers and Servants in the Matter, shall and may, in addition to the Remedies provided by that Act, be recoverable as a Penalty under the same Act, or by Action in any Court of competent Jurisdiction.

For Recovery of Expenses incurred in reference thereto.

40. In construing the 86th Section of the *Manchester* Police Act, 1844, with reference to the whitewashing, cleansing, and purifying of Houses or Dwellings, the Expression "the Occupier" shall in all Cases where the Premises are empty, or where in the Opinion of the Corporation the Tenant is unable to pay the Expenses, be held to include the Owner, and the Expression "House or Dwelling" shall in all Cases be held to include any Privies, Outbuildings, or Appurtenances connected therewith.

Amending and enlarging Section 86 of 7 & 8 Vict. c. xl.

41. In any Case where it is certified to the Corporation by an Inspector of Nuisances, or by any Two Medical Practitioners, that any Building or Part of a Building is unfit for human Habitation, the Corporation may by their Order, affixed conspicuously on such Building or Part of the Building, declare the same is not fit for human Habitation, and shall not, after a Date therein to be specified, be inhabited; and any Person who shall, after the Date or Time mentioned in such Order, let or occupy, or continue to let or occupy, or knowingly suffer to be occupied, such Building or Part of a Building, shall be liable to a Penalty not exceeding Five Pounds, and for a

Power to prohibit Use of Buildings unfit for human Habitation.

continuing Offence not exceeding Forty Shillings for every Day during which the Offence may continue: Provided always, that if at any Time after such Order the Corporation shall be satisfied that such House has become or been rendered fit for human Habitation, they may revoke their said Order, and the same shall thenceforward cease to operate.

Further Provision with reference to Ashpits.

42. In addition to all Powers vested in the Corporation, the Corporation may, in any Case where a Dwelling House within the City shall be without an Ashpit, or without an Ashpit of a Construction and Size approved by the Corporation, order the Owner of such House to provide such an Ashpit, or to make such Alteration, Reparation, or Enlargement of the existing Ashpit as in the Opinion of the Corporation the Circumstances of the Case may require, within a reasonable Time to be named in such Order; and if any Owner make default in complying with such Order he shall for every such Default forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Week during which such Default shall continue: Provided that the Corporation may, after the Expiration of any such Notice, enter upon the Premises and execute the Work specified in such Order, and the Costs thereof shall be recoverable from such Owner by Warrant of Distress which may be issued by any Justice of the Peace, or by Action in any Court of competent Jurisdiction.

Vesting certain Burial Ground in the Corporation.

43. The Parochial Cemetery or Burial Ground situate on the Northerly Side of the *Apple Market* near *Fennel Street* within the City is from and after the passing of this Act vested in the Corporation as the Burial Board of the City under "The *Manchester* Burial Board Act, 1857."

Power to make Byelaws for regulating Cemeteries, Parks, or Places of Recreation.

44. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes relating to the present or any future Cemetery, public Park, or Place of Recreation belonging to, or vested in, or under the Control of the Corporation, either within or beyond the Limits of the City; that is to say,

For appointing and regulating Keepers or Servants employed therein:

For regulating the Days on and Hours at which the same shall be opened and closed:

For regulating the Conduct of Persons frequenting the same:

For preventing the Admission therein of Dogs:

For protecting from Injury Buildings, Terraces, Fountains, Bridges, Walks, Seats, Fences, and other Parts of or Things belonging to any Cemetery, Park, or Place of Recreation, and for preventing the

the Destruction or Injury of aquatic or other Birds, or of Animals, or of Trees, Shrubs, Plants, or Flowers, or the plucking of Flowers or Leaves therein:

For enabling the Servants of the Corporation to exclude therefrom Persons not being clean, or not being dressed in clean and decent Clothes, and to remove therefrom Persons guilty of a Breach of any Byelaw relative thereto, or of any public Law:

And also as regards any such public Park or Place of Recreation for the following Purposes:

For regulating the Days on and Hours at which Games and Gymnastics are to be permitted therein:

For regulating the Days on and Hours at which Bands of Music or Music of any Sort are or is to be permitted therein:

For regulating Refreshment Rooms therein, and for determining the Days on and Hours at which they are to be opened and closed, and the Nature and Price of the Articles and Things to be sold therein:

For preventing Males from intruding on or using Playgrounds or other Places therein set apart for the Use of Females, and *vice versâ*:

For preventing or regulating the Admission therein of Vehicles and Horses.

Corporation may impose Penalties for Breach of Byelaws.

45. The Corporation may in and by any Byelaw impose a Penalty for any Offence not exceeding Five Pounds, and for a continuing Offence not exceeding that Sum for every Day during which the Offence may continue: Provided always, that such Byelaws be so framed as to allow the Justices before whom any Penalty imposed may be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Byelaws to be submitted to and approved by Secretary of State.

5 & 6 W. 4. c. 76.

46. No such Byelaw (except such as may relate solely to Officers and Servants of the Corporation) shall be valid or binding unless the same be made and published and submitted to One of Her Majesty's Principal Secretaries of State in the Manner prescribed by the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales.

Appeal against Byelaws.

47. Any Person dissatisfied with any Determination of the Corporation under any Byelaw for the Time being in force shall be entitled to appeal against the same in the same Manner as if Sections 262, 263, and 264 of the *Manchester* Police Act, 1844, had been incorporated with and formed Part of the Act under which such Byelaw is made.

48. Every

Appeal allowed to intermediate Quarter Sessions.

48. Every Appeal, either under this Act or any existing Act relating to the City, may be made to the intermediate General Sessions as well as the General Quarter Sessions of the City.

Recovery of Penalties.

49. With respect to the Recovery of Penalties, the Recovery of which is not otherwise provided for, Sections 247 to 261 (both inclusive) of the *Manchester* Police Act, 1844, are incorporated with this Act: Provided that any such Penalties shall be recoverable before the Stipendiary Magistrate or any Two Justices of the Peace in and for the City.

Justices may impose Penalty in certain Cases, although Time for appealing has not expired.

50. In any Proceedings before a Justice or Justices of the Peace for the Recovery of Penalties or Sums of Money due or payable to the Corporation for or in respect or in consequence of the Nonobservance or Nonperformance of any Order of or Notice by the Corporation either under the present or any Act now in force in the City, or any Byelaw for the Time being in force under the same, such Justice or Justices shall and may, if satisfied that such Order or Notice hath been duly served and has not been duly observed or performed, inflict a Penalty, notwithstanding that the Time for appealing to the Sessions of the City against such Order or Notice has not expired, unless Proof be given before them that Notice of Appeal and Recognizances in relation thereto have been duly given and entered into.

Further Provision as to Authentication, Proof, and Service of Orders and Notices.

51. Any Order or Resolution of the Corporation or of the Council of the City, and any Notice, Declaration, Requisition, Demand, or other Instrument, made, given, delivered, or served under, or in pursuance, or in exercise of the Powers of this or any other Act, or any Byelaw relating to and in force for the Time being within the City, may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Name of the Town Clerk being affixed thereto in Print, Lithograph, or Writing, and a Copy thereof, certified by the Town Clerk, shall be receivable in Evidence, and the Production of the Original thereof shall not be necessary; and it shall be sufficient in all Cases where any such Order, Resolution, Notice, Declaration, Requisition, Demand, or other Instrument is required to be given to or served upon the Owner or Occupier of any Property to address the same to him by his Description as Owner or Occupier (as the Case may be) of the Premises (naming them) in respect of which the Order, Resolution, Notice, Declaration, Requisition, Demand, or other Instrument is given or served, without further Name or Description; and any such Order, Resolution, Notice, Declaration, Requisition, Demand, or other Instrument may, in addition to any other Modes of Service pointed out by such Acts and Byelaws respectively, be served upon any Owner, Occupier, or other

Person

Person by sending the same through the Post in a registered Letter addressed to him by Name at his last known Place of Abode or Business.

52. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Corporation

Expenses of Act.

The SCHEDULE referred to in the foregoing Act.

ARTICLES of AGREEMENT made and entered into this Thirty-first Day of October One thousand eight hundred and sixty-six between the Mayor, Aldermen, and Burgesses of the Borough of Salford, who are herein-after referred to as the Salford Corporation, of the one Part, and the Mayor, Aldermen, and Citizens of the City of Manchester, who are herein-after referred to as the Manchester Corporation, of the other Part, whereby it is agreed as follows:

1. That Application shall be made to Parliament during the next Session to obtain an Enactment that the Pendleton District as defined in the Salford Improvement Act, 1862, shall no longer be within the Limits of Water Supply by the Salford Corporation, but shall thenceforth be exclusively within the Limits of Water Supply by the Manchester Corporation, and shall be supplied with Water by that Corporation from their new Reservoir at Prestwich Hills, or other the Works from Godley to Prestwich authorized by the Manchester Corporation Waterworks Acts, 1863 and 1865.

2. That such Application, if the Subject of a Special Act, shall be at the joint and equal Cost of the Two Corporations, but if the necessary Clauses are embodied in an Act of Parliament applied for by the Manchester Corporation in relation to other Matters, then at the Cost of the Manchester Corporation, but in such latter Case the Salford Corporation shall and will at their own Cost petition and give Evidence in favour of the Clauses necessary to carry this Agreement into effect.

3. That the Manchester Corporation shall, immediately after the Execution hereof, proceed to lay a Main Pipe from their new Reservoir at Prestwich Hills so as to effect a Junction with the existing Water Mains in the Pendleton District near Irlams-o'-th'-Height.

4. That at such Date as may be hereafter fixed by the Parties hereto (not being later than the Twenty-fifth of March next), in case the Works authorized by the Manchester Acts of 1863 and 1865 between Godley and Prestwich, together with all other necessary Works, shall have been previously completed and in operation, and until the Enactment herein-before referred to, if obtained, shall come into operation, the Manchester Corporation shall supply Water from the Prestwich Reservoir, or other the Works aforesaid, to the Inhabitants of the said Pendleton District, for all the public, domestic, and manufacturing Purposes of that District, upon the same Terms as they now supply Water to the Inhabitants of the Broughton District.

5. That all Connection so far as the Water Mains are concerned between the Pendleton and the Salford Districts shall (except and so far as the Manchester Corporation otherwise determine) be cut off and destroyed so soon as the Manchester

Manchester Corporation begin to supply Water for the Pendleton District from their Reservoir at Prestwich Hills, or other the Works aforesaid.

6. For the Purpose of carrying out the Fourth Clause hereof the Staff of the Salford Corporation employed for Waterworks Purposes in the Pendleton District, or such Portion thereof as the Manchester Corporation shall and may require, shall, under the Direction of the Manchester Corporation, manage the Waterworks within the Pendleton District, and collect and receive all Rates, Rents, and other Monies which may become due for Water supplied within such District, and account for and pay over the same to the Manchester Corporation.

7. And for the Purpose of carrying out the same Fourth Clause the Salford Corporation shall and will, as may be required by and at the Cost of the Manchester Corporation, exercise all their Parliamentary Powers in relation to Water Supply and Recovery of Rents, Rates, and Penalties in the Pendleton District.

8. The Mains, Service Mains, and fixed Plant belonging to the Salford Corporation in use for Waterworks Purposes in the Pendleton District as on the Thirtieth of June last shall, in case the Enactment proposed by the First Clause hereof be obtained, be sold by the Salford Corporation, and purchased by the Manchester Corporation for the Sum of Eleven thousand three hundred and eight Pounds Six Shillings and Eightpence, and the Stock of Mains, Pipes, and other Materials put down and used by the Salford Corporation in the Pendleton District subsequently to the Thirtieth of June last, and all Stock on Hand at the Time when the Fourth Clause hereof comes into operation, shall be sold by the Salford Corporation, and purchased by the Manchester Corporation at the Cost Invoice Price thereof respectively; such Purchase Monies respectively shall be paid within Two Months after such Enactment shall have passed.

9. That until the Payment of the said Purchase Monies respectively, Interest after the Rate of Four Pounds Ten Shillings per Cent. per Annum shall be allowed and paid upon the same respectively by the Manchester Corporation to the Salford Corporation from the Date that the Manchester Corporation shall actually supply Water to the Pendleton District under the Fourth Clause thereof.

10. In case the Sanction of Parliament to the Enactment proposed by the First Clause of this Agreement shall not be obtained, the Salford Corporation shall, upon the Request of the Manchester Corporation, forthwith repay to the Manchester Corporation all Monies expended by them within the Pendleton District, and also from such Date as shall be fixed by the Parties hereto after such Failure to obtain the Sanction of Parliament, and shall thereafter pay to the Manchester Corporation the Sum of Seven hundred and fifty Pounds per Annum in addition to and beyond the Amount which in accordance with the Terms prescribed by the Salford Improvement Act, 1862, shall from Time to Time become due to the Manchester Corporation for all Water thereafter supplied in Bulk to the Salford Corporation for Distribution within the Pendleton District, and the Quantity of Water so supplied in Bulk to that District shall be supplied from the Prestwich Reservoir or other the Works aforesaid, and shall be ascertained by One or more Meter or Meters to be provided and fixed up by the

the Manchester Corporation at the Cost of the Salford Corporation in such Position as the Manchester Corporation may determine.

In witness whereof, the Mayor, Aldermen, and Burgesses of the Borough of Salford, and the Mayor, Aldermen, and Citizens of the City of Manchester, have hereunto affixed their respective Corporate Seals the Day and Year first before written.

The Common Seal of the Corporation of the Borough of Salford was hereunto affixed, in pursuance of an Order of the Council of the said Borough, in the Presence of

L.S.

GEO. BRETT, Town Clerk.

The Common Seal of the Corporation of the City of Manchester was hereunto affixed, in pursuance of an Order of the Council of the said City, in the Presence of

L.S.

JOS. HERON, Town Clerk.

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