



CHAP. lxxv.

An Act for enabling the mayor, aldermen, and citizens of the city of Manchester in the county of Lancaster to acquire additional lands ; to raise further moneys ; and for other purposes. A.D. 1871.
[29th June 1871.]

WHEREAS it is expedient that the mayor, aldermen, and citizens of the city of Manchester in the county of Lancaster, in this Act called "the corporation," should be empowered to acquire, for general improvement purposes or other purposes of the corporation, certain lands, houses, and buildings situate and being in the township of Chorlton-upon-Medlock in the parish of Manchester in the county of Lancaster :

And whereas plans of the lands which the corporation may acquire under this Act, and a book of reference to such plans, have been deposited with the clerk of the peace for the county of Lancaster, which plans and book of reference are in this Act referred to as the deposited plans and book of reference :

And whereas it is expedient that the corporation be enabled to make and enforce byelaws relating to public libraries, museums, and places of instruction :

And whereas it is expedient that further provision be made and additional powers conferred on the corporation with reference to the making and recovering of township and highway rates, the sale or other disposition of lands already or hereafter to be acquired by the corporation, the prevention and abatement of nuisances, the erection of buildings, the sewerage, paving, and otherwise completing of streets, and for other purposes :

And whereas it is also expedient to alter the present boundary of the townships of Newton and Manchester in the county of Lancaster :

And whereas it is expedient that the corporation be empowered to raise further sums of money for general improvement purposes :

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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,)

Short title.

1. This Act may be cited for all purposes as *The Manchester Improvement Act, 1871.*

8 & 9 Vict.
c. 18.,
23 & 24 Vict.
c. 106., and
32 & 33 Vict.
c. 18. incor-
porated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 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.

Interpreta-
tion of terms.

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,)

The word "city" shall mean the city of Manchester:

The expression "town clerk" shall mean the town clerk of the 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:

The expression "Court of Chancery" shall include the Court of Chancery for the county palatine of Lancaster.

Council to
execute Act.

4. The corporation, by the council, are hereby empowered to carry this Act and the several powers thereof into execution.

Authenti-
cation of
notices.

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, and the provisions of the fifty-first section of the Manchester

Corporation Waterworks and Improvement Act, 1867, shall apply to every such summons, demand, or notice, and to the service thereof. A.D. 1871.

6. If any omission, mis-statement, 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 book 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, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, 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 of Lancaster 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 book 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, mis-statement, or wrong description had not been made.

Errors and omissions in plans and books of reference may be corrected by justices, who shall certify the same.

Certificate to be deposited.

7. A copy of the deposited plans and book 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.

Plans, &c. to be open to inspection.

8. True copies of the deposited plans and book 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 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.

Copies of plans, &c. to be evidence.

9. The corporation may, subject to the provisions of this Act, from time to time enter upon, take, and use, and appropriate to general improvement purposes or other purposes of the corporation, all or any of the lands, houses, and buildings in the township of Chorlton-upon-Medlock in the parish of Manchester which are de-

Corporation may acquire additional lands for general improvement purposes.

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Ground laid into new streets to be public highways.

10. 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.

Site and soil of streets, &c. acquired to vest in the corporation.

11. The site and soil of all streets, courts, and passages comprised within the limits of the land to be acquired under this Act, as marked upon the deposited plans, and the fee simple and inheritance thereof, shall from and immediately after the purchase by the corporation of the lands on both sides thereof be wholly and absolutely vested in the corporation.

Powers for compulsory purchases limited.

12. The powers of the corporation for the compulsory purchase or taking of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take part only.

13. And whereas in the case of the property numbered 4 on the deposited plans, and in the deposited book of reference the part of such premises included within the limit of land to be acquired shown on such plans, will be sufficient for the purposes of the corporation, and such part can be severed from the remainder of the property without any material detriment to the use and enjoyment thereof: Therefore (notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845), the owners may be required to sell and convey to the corporation such part only, the corporation paying for the same, and also compensation for any damage sustained by such owners by reason of severance or otherwise by the execution of the works.

As to sale of lands.

14. The corporation may from time to time sell, demise, or otherwise dispose of any lands which are now or hereafter shall be vested in the corporation, and upon payment of any moneys which shall arise by or from the sale, demise, or other disposal of such lands the treasurer for the time being of the city may sign and give a receipt for the moneys to be paid for the same, or the rents to be received in respect thereof, which receipt shall sufficiently discharge any person for the money thereby acknowledged to be received. The corporation may make any such sale as aforesaid upon chief rent, and from time to time may sell and dispose of any such chief rent. The re-sale by the corporation of any land or building within the limit of land to be acquired shown upon the deposited plans

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referred to in the Manchester Corporation Waterworks and Improvement Act, 1869, shall be deemed to be a purpose within the meaning of that Act, and all moneys, whether chief rent or purchase money, received by the corporation in respect thereof shall be applied either in defraying the expenses incurred by the corporation in carrying out the improvements authorised by the last-mentioned Act, or in reduction of the principal moneys for the time being owing under the forty-fifth section thereof or under this Act: Provided always, that as regards any lands now vested in the corporation, and acquired by them in exercise of the powers conferred upon them by the Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth (chapter seventy-six), intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," nothing herein contained shall empower the corporation to sell the same otherwise than in accordance with and subject to the provisions of that Act.

15. From and after the passing of this Act, all rights of way over so much of the public footpath across the Alexandra Park of the corporation in the township of Withington in the county of Lancaster as lies within such park shall be and the same are hereby extinguished.

Stopping
footway.

16. The corporation may, if they think fit, in lieu of exercising the powers in that behalf conferred upon them by the Manchester General Improvement Act, 1851, raise and levy the township and highway rates thereby authorised in the same manner in all respects as they are authorised to raise and levy the borough or city rate of the said city, under and by virtue of the powers in that behalf contained in the Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth (chapter seventy-six), intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and all the provisions of that Act, so far as the same may be applicable, shall apply to the making and recovery of such township and highway rates respectively as fully and effectually as the same apply to the making and recovery of the said borough or city rate.

Township
and highway
rates may be
recovered as
borough rate.

17. The corporation may from time to time make byelaws for all or any of the following purposes relating to the present or any future public library, museum, or place of instruction, for the time being belonging to or vested in or under the control of the corporation:

Power to
make bye-
laws as to
libraries, &c.

For regulating the days on and hours at which the same shall be opened and closed, and for regulating the conduct of

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persons frequenting the same, and for protecting the same, and the books, maps, plans, newspapers, and other articles and matters, fixtures, and fittings therein or thereto belonging, from injury or destruction:

For enabling the servants of the corporation to exclude or remove therefrom idle or disorderly persons, or persons not using such place for the purpose for which the same is intended, or being guilty of a breach of any byelaw relative thereto, or of any public law:

For imposing penalties upon any person improperly obtaining, retaining, or disposing of any book, newspaper, or other article therefrom, or neglecting or refusing compliance with the terms of any guarantee or other document signed by him in relation thereto.

Further provisions as to such bye-laws.

18. The corporation may, in and by any such last-mentioned 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. 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."

Elevations of buildings.

19. All buildings which shall hereafter be erected or built, or the external walls of which shall be materially altered, in any street which may have been, either before or after the passing of this Act, made, widened, or substantially improved by the corporation, shall be erected and built or altered according to a plan for the outside front or elevation thereof approved of by the council, and the owner or other person interested in such buildings shall, prior to such erection, building, or material alteration, deposit a plan with the corporation; and if the corporation disapprove of such plan, they shall, within twenty-one days after receiving the same, give notice to the person depositing the same of the particulars of such disapproval, and of the requirements of the corporation in respect thereto; and no person shall, without the consent of the corporation, deviate from the approved plan; and in case the corporation

shall not, within the time prescribed, signify in writing their disapproval of such plan, such person may proceed according to such plan, so far as the same is in accordance with the Acts of Parliament and byelaws for the time being in force within the city: Provided that this enactment shall not apply to buildings erected or altered by the owners of any railway, and forming or intended to form part of a railway station.

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20. The thirty-ninth section of the Manchester General Improvement Act, 1851, shall extend and apply to any house or building the external walls of which may be materially altered, although the same may not be taken down, but shall not extend or apply to any station buildings belonging to any railway company.

Alteration of buildings.

21. It shall not be lawful to erect any dwelling-house in the said city otherwise than in a street, unless such dwelling-house have a communication with a street satisfactory to and approved by the corporation, nor shall any person, without the consent of the corporation, begin to build in any street, whether new or old, unless and until the length, level, and width thereof shall, so far as the same shall be co-extensive with any such proposed buildings, have been defined, and dedicated to the public in some sufficient manner to the reasonable satisfaction of the corporation: Provided that this enactment shall not apply to any dwelling-house which may be erected by the owners of a railway on land forming part or intended to form part of a railway station.

Houses to be built in streets.

22. It shall be lawful for the corporation to cause any house or building which shall be built, erected, or materially altered contrary to the provisions of this Act, to be taken down or regulated according to the provisions of this Act; and the expenses of such alterations shall be repaid to the council by the owner of the house or building so altered or rebuilt, and shall be recoverable by warrant of distress, to be issued by a justice of the peace for the said city, or by action in any court of competent jurisdiction; and by way of additional remedy, every person offending against the provisions of the three next preceding enactments of this Act, or section thirty-nine of the Manchester General Improvement Act, 1851, shall be liable to a penalty of not exceeding five pounds, and a like sum for every day during which such offence shall continue.

Pulling down of buildings, and penalties.

23. The provisions of the Manchester General Improvement Act, 1851, and any Act or Acts amending or extending the same, in relation to the sewerage, flagging, and paving of streets which shall have a township boundary running along the same or any part

Paving of streets partly without the city.

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Interpreta-
tion of term
"court or
passage."

24. The expression court or passage in the Manchester New Streets Act, 1853, shall extend to and include all yards connected with the same and buildings therein.

Power to
corporation
to execute
works.

25. In all cases where any owner or occupier shall refuse or neglect to remove any obstruction or projection, or to do any work in connexion with his property which under any Act or byelaw for the time being in force within the city he has been duly ordered or required to do or execute, it shall be lawful for the corporation to remove such obstruction or projection or do such work, and to recover the cost thereof from such owner or occupier, either in a summary manner before justices or by action in any court of competent jurisdiction.

Evidence of
ownership.

26. In any proceedings against any person for the recovery of any moneys expended by the corporation under any Act or byelaw for the time being in force within the city, it shall be deemed sufficient *prima facie* evidence of ownership to show that such person actually receives or collects the rents of such property, or that he is rated as owner in respect thereof in any public rate made in such city within the preceding twelve calendar months.

Further
power for the
recovery of
expenses.

27. The powers contained in the twentieth and twenty-first sections of the Manchester General Improvement Act, 1851, in relation to the recovery of moneys owing to the corporation in respect of the paving and sewerage of streets, shall, but without prejudice to other remedies, extend and be applicable to the recovery by the corporation of all moneys lawfully expended by them in alterations or improvements, in removing obstructions or projections, or otherwise in connexion with property under any Local or Public Act of Parliament, or any byelaws for the time being in force within the city.

Penalties for
interference
with works
on Medlock.

28. Any person injuring or interfering with any of the works, plant, or apparatus of the corporation in, upon, or in connexion with the river Medlock shall be liable to a penalty of not exceeding twenty pounds for each offence.

Steam
whistles,
gongs, &c.

29. Any person or company, whether incorporated by Act of Parliament or otherwise, who shall, after notice prohibiting the use thereof shall have been given by the corporation, use or permit to be used within the city any horn, bell, gong, steam whistle, or other

noisy machine or instrument, shall be liable to a penalty of not exceeding five pounds for each offence. A.D. 1871.

30. The thirty-second and thirty-third sections of the Manchester Corporation Waterworks and Improvement Act, 1869, shall apply to and include any extension or enlargement after the passing of this Act of any works within the city wherein any business, trade, or manufacture of a noxious or offensive character, established prior to the twelfth day of July one thousand eight hundred and sixty-nine, shall be carried on, or of the apparatus used in such works. Extending provisions of Act of 1869 as to noxious trades.

31. From and after the passing of this Act, the boundary of the townships of Newton and Manchester, both in the parish of Manchester in the county of Lancaster, between the bridge over the Shooter's Brook in Marcer Street and the south-westerly end of the culvert over the said brook near Hulme Hall Lane, shall be as defined and shown on the plan signed by John George Dodson, Esquire, M.P., and deposited with reference thereto with the town clerk. Alteration of township boundary.

32. The corporation may straighten, cleanse, and cover all water-courses and ditches being within or of which one bank or side is within the city, and may charge the owners of adjoining lands within the city with their proportion of the cost thereof, and recover the same from them in a summary manner, and the proportion of such cost to be paid by the owner or owners of adjoining lands lying without the said city shall, if occasion require, be determined and apportioned by two justices of the peace for the county of Lancaster, who shall have power to order payment thereof by such owner or owners in a summary manner. Power to improve water-courses.

33. The provision in this Act contained with reference to the use of steam whistles or other noisy machines or instruments shall not in any way apply to any railway company; and the provision in this Act contained by which powers are given to the corporation to straighten, cleanse, and cover all watercourses and ditches being within or of which one bank or side is within the city, and to charge the owners of adjoining lands within the city with their proportion of the cost thereof, and to recover the same from them in a summary manner, shall not in any way extend or apply to or in any manner affect any canal or navigation, or the river Irwell, or the Manchester and Salford Junction Canal, or the Duke of Bridgewater's Canal, or any part of the river Medlock below Messieurs Birley's weir near the gasworks belonging to the corporation at Gaythorn in the township of Manchester. Saving rights of railway and canal companies.

34. It shall not be lawful, without the written license of the corporation, to hold any fair within the city, or, without the like Prohibiting fairs.

A.D. 1871. authority, to hold any show or public exhibition of any description in or upon any public street or thoroughfare within the city; and any person holding any such fair, show, or exhibition, or suffering the same to be held contrary to the provisions of this Act, shall be liable to a penalty of not exceeding twenty pounds for every day during which the same shall continue.

Service of
notices, &c.

35. All orders, notices, summonses, demands, and other instruments under this or any other Act of Parliament, or any byelaw relating to or in force for the time being within the city, may, if addressed to the owner or occupier of premises, whether by name or otherwise, be served by delivering the same to some person upon such premises, or if there be no person upon such premises who can be so served then by fixing the same upon some conspicuous part of the premises; provided that all orders, notices, summonses, demands, and other instruments addressed to or affecting any railway or canal company shall be served upon or sent by post to the secretary of the company.

Recovery of
penalties.

36. With respect to the recovery of penalties and expenses, or sums of money directed to be recovered in a summary manner, and the securing of offenders whose names and residences are not known, sections two hundred and forty-seven to two hundred and sixty-one, both inclusive, of the Manchester Police Act, 1844 (seven and eight Victoria, chapter forty, local and personal), are incorporated with this Act.

Appeal
against bye-
laws.

37. Any person dissatisfied with any order, determination, apportionment, or adjudication of the corporation or of any justice under this Act or under the Manchester Corporation Waterworks and Improvement Act, 1867, shall be entitled to appeal against the same in manner provided by sections two hundred and sixty-two, two hundred and sixty-three, and two hundred and sixty-four of the Manchester Police Act, 1844.

Power to
borrow
money on
the credit of
the city rate.

38. In addition to the other sums which the corporation are by any Act relating to the corporation authorised to borrow, the corporation may from time to time borrow at interest for general improvement purposes on the credit of the city rate, or of any property vested in or belonging to the corporation, or which may be acquired by them, any sums of money not exceeding in the whole the sum of four hundred thousand pounds, and the sections sixteen to thirty, both inclusive, of the Act (local and personal) seventh and eighth Victoria, chapter forty, shall apply to all moneys to be so borrowed by the corporation under the authority of this Act, 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 ; provided that all mortgages granted by the corporation prior to the passing of this Act on the same securities or any of them on the credit of which they are by this Act authorised to borrow, and which shall then be in force, shall during their continuance have priority over all mortgages granted on the like securities or any of them under the authority of this Act ; provided also, that the corporation shall, from and after the first day of January one thousand eight hundred and seventy-five, and during the succeeding twenty years, annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum being not less than two pounds per centum on so much of the said sum of four hundred thousand pounds as from time to time is borrowed, and such sinking fund shall be from time to time applicable to the redemption of mortgages granted under this section; and to no other purpose whatever.

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Sinking
fund.

39. All powers, rights, and remedies given to the corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, law, or custom, and the corporation may exercise such other powers as if this Act had not passed.

Power of
Act cumula-
tive.

40. 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.

