



CHAPTER xxi.

An Act to enable the Manchester Royal Exchange Limited to acquire lands for the extension of and to extend the Royal Exchange and for other purposes.

A.D. 1913.

[4th July 1913.]

WHEREAS by a deed of settlement dated the thirteenth day of November one thousand eight hundred and ten (hereinafter referred to as "the deed of settlement") the Proprietors of the Royal Exchange in Manchester and of the buildings connected therewith were constituted as a joint stock company under the name and style of "The Proprietors of the Manchester Exchange" and on the twenty-third day of December one thousand eight hundred and fifty-nine were registered as a company under the provisions of the Joint Stock Companies Acts under the name and style of "The Manchester Royal Exchange Proprietors":

And whereas the Manchester Royal Exchange Proprietors have registered themselves as a Company (hereinafter referred to as "the Company") limited by shares under the provisions of the Companies Act 1879 and the name of the Company has been changed to "The Manchester Royal Exchange Limited" and the Royal Exchange is vested in the Company:

And whereas by the Manchester Royal Exchange Act 1866 the Company were empowered to acquire lands compulsorily and stop up public streets and to re-erect and enlarge the building and premises in the city of Manchester known as the Royal Exchange and the now existing building was erected in pursuance of the powers of the said Act:

And whereas further powers were conferred upon the Company by the Manchester Royal Exchange Act 1912:

2 & 3 Geo. 5
c. xciii.

A.D. 1913.

And whereas by reason of the increasing numbers of persons desirous of using the Exchange in the course of business the existing accommodation is becoming insufficient and it is expedient and would be of public and local advantage that the powers contained in this Act for the acquisition of lands for or in connexion with the enlargement and rearrangement of the Royal Exchange should be conferred:

And whereas the enlargement and rearrangement of the Royal Exchange involves the stopping up of certain public streets:

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

And whereas a plan showing the lands to be taken compulsorily under the powers of this Act and a book of reference to the said plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Lancaster and are in this Act referred to as the deposited plan and book of reference:

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):—

Short title.

1. This Act may be cited as the Manchester Royal Exchange Act 1913.

Incorporation of Acts.

2. The Lands Clauses Acts except sections 16 and 17 of the Lands Clauses Consolidation Act 1845 are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings And—

The expression "the Company" means the Manchester Royal Exchange Limited and the expression "the corporation" means the lord mayor aldermen and citizens of the city of Manchester.

4. Subject to the provisions of this Act the Company may enter upon take hold and use for the purposes of the undertaking of the Company all or any of or any part or parts of the lands delineated on the deposited plan and described in the deposited book of reference.

A.D. 1913.

Power to
take lands.

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plan or specified in the deposited book of reference the Company 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 misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk of the city of Manchester and such certificate and duplicate respectively shall be kept by such clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Correction
of errors
in deposited
plan and
book of
reference.

6.—(1) If the Company shall within the period of one year after the passing of this Act have served notice to treat and within the period of three years after the passing of this Act shall have acquired all the property shown upon the deposited plan as intended to be acquired under the powers of this Act the Company at any time thereafter may stop up and discontinue Bank Street and may stop up and discontinue Half Moon Street so far as the Company may be the owners of the lands on both sides thereof and the sites of those streets respectively shall vest in the Company and all public rights of way thereover shall cease and be extinguished Provided that Bank Street shall not be closed until the Company shall have made reasonable provision for the passage of foot passengers between St. Ann's Square and Cross Street along the line of the passage next hereinafter referred to.

Power to
stop up
streets and
conditions
as to en-
largement of
Exchange.

A.D. 1913.

(2) In the enlargement of the Royal Exchange the Company shall form pave sewer and make up and open for public use a passage not less than eighteen feet wide along the southerly boundary of the lands authorised to be acquired under the provisions of this Act between St. Ann's Square and Cross Street and after such opening the said passage shall be deemed to be a public street repairable by the inhabitants at large.

(3) The Company shall also provide a passage for pedestrian traffic not less than eighteen feet wide on the ground level beneath the main floor of the Royal Exchange as enlarged on or near the northerly part of the existing Bank Street and with a headway of not less than twelve feet and the Company shall as from the completion of the enlargement of the Royal Exchange maintain light and cleanse the said passage and keep the same open between the hours of eight a.m. and eight p.m. on all days except Sundays and public holidays for passage of the public between St. Ann's Square and Cross Street.

(4) Within one year after the enlargement of the Royal Exchange has been erected and made fit for occupation the Company shall at their own cost take down and remove the portico of the Royal Exchange in Cross Street and fill up to the ground level the basements beneath such portico and shall dedicate and throw into Cross Street without charge to or claim upon the corporation so much of the site thereof as projects in front of the building line prescribed by the corporation in the year one thousand eight hundred and ninety-two. The Company shall also at their own cost dedicate and lay into Cross Street so much of the land to be acquired by them under the provisions of this Act as projects in front of the building line prescribed by the corporation in the year one thousand nine hundred.

(5) The Company shall upon the stopping up of Bank Street and Half Moon Street pay to the corporation the sum of fifteen thousand pounds which sum may be applied by the corporation in the payment or discharge of the costs charges and expenses incurred by the corporation in connexion with the Bill for the Manchester Royal Exchange Act 1912 and the Bill for this Act and subject thereto shall be applied in defraying expenditure incurred by the corporation in the execution of works or for other purposes of the corporation to which works or purposes capital is properly applicable.

(6) Any estate right title or interest of the corporation in Bank Street or the part of Half Moon Street to be stopped up

under the powers of this Act shall upon such stopping up
cease and be extinguished. A.D. 1913.

7. The Company in connexion with and for the purposes of this Act with the consent or approval of the corporation may make such alterations of St. Ann's Square Half Moon Street and Cross Street as may be necessary for the construction of the passages by this Act authorised and may subject to the provisions of this Act remove raise lower alter and interfere with any drain or sewer providing a proper substitute if any be required before interrupting the flow of sewage in any such drain or sewer and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted. Power to make subsidiary works &c.

8. The Company may for the purposes of this Act within the limits of land to be acquired shown on the deposited plan remove raise sink or otherwise alter or cause to be altered the position of any steps areas railings walls fences works and apparatus so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Company shall make reasonable compensation to any person who suffers damage by any such alteration. Power to alter steps areas &c.

9. The Company may for the purposes and subject to the provisions of this Act upon the lands acquired by them under the powers of this Act and also in any street within the limits of land to be acquired defined on the deposited plan remove or raise sink or otherwise alter the position of any water-pipe or gas-pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works if any be required during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person for any damage caused by any operations of the Company under the powers of this section: As to water gas and other pipes.

Provided that the Company shall not under the powers of this section or the preceding section of this Act raise sink or

A.D. 1913. otherwise alter the position of any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Under-
pinning of
houses.

10. And whereas in order to avoid in the course of the enlargement or alteration of the Royal Exchange on the lands authorised to be acquired under the provisions of this Act injury to the houses and buildings within one hundred feet of the said lands it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the registered office of the Company :

(3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the Arbitration Act 1889 shall apply to the reference :

(4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the

A.D. 1913.

mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

11. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that

Costs of arbitration in certain cases.

A.D. 1913. — no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have 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:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company 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 Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company 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:

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 of the effect of this section.

Period for
compulsory
purchase of
lands.

12. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

For protec-
tion of Cor-
poration of
Manchester.

13. For the protection of the corporation the following provisions notwithstanding anything to the contrary contained in this Act or shown on the deposited plan shall have effect unless otherwise agreed in writing under seal between the corporation and the Company (that is to say):—

- (1) The intended positions of the building lines referred to in the section of this Act of which the marginal note is "Power to stop up streets and conditions as to enlargement of Exchange" and the parts of Bank Street and Half Moon Street to be stopped up under the powers of this Act are shown on the plan (in this Act referred to as "the signed plan") of which four copies are signed by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) 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 with the master of the Royal Exchange and with the town clerk. The signed plan shall be observed and given effect to by the Company in the enlargement of the Exchange: A.D. 1913.

- (2) In the erection of buildings upon the lands to be acquired by the Company under the powers of this Act the Company shall observe and comply with the Acts of Parliament byelaws and regulations in force in the city of Manchester with respect to buildings and the Company shall so conduct their works upon such lands that the traffic of the adjoining streets shall not be unnecessarily interfered with:
- (3) Whenever in the execution of the powers conferred by this Act it shall be necessary to alter or interfere with or disturb any of the sewers or drains or any of the water gas electric or other mains or pipes or apparatus belonging to the corporation the work shall be carried out by the corporation and the cost thereof shall be repaid to the corporation by the Company and if any difference shall arise as to the expenses incurred under this subsection such difference shall be settled by a single arbitrator under and in accordance with the provisions of the Arbitration Act 1889:
- (4) Any flags paving stones lamps poles sewers drains water hydraulic gas electric and other mains pipes cables wires apparatus and materials belonging to or under the control of the corporation which may be rendered useless or interfered with by the operations of the Company shall remain the property of the corporation and the Company one month before proceeding to stop up or interfere with any street shall give notice to the corporation of such their intention and within the said period of one month the corporation may remove such flags paving stones lamps poles sewers drains water hydraulic gas electric and other mains pipes cables wires apparatus and materials or any of them:

A.D. 1913.

(5) The city surveyor of the corporation and his assistants or other persons appointed by the corporation shall from time to time and at all reasonable times during the construction of the works by this Act authorised have full power to enter and inspect the progress and condition thereof so far as may be necessary to see that the provisions of this section are complied with :

(6) The Company shall be entitled to have decklights with areas below wherever they may consider it necessary or desirable on the frontages to Cross Street St. Ann's Square and the passage on the southerly boundary but such decklights and areas shall not project more than eighteen inches :

(7) The Company shall be entitled to erect hoardings subject to the approval of the city surveyor during the demolition of existing buildings and the erection of new buildings without payment to the corporation unless such hoardings are used for advertising purposes.

Byelaws.

14. All byelaws made or to be made by the Company under the powers of the Manchester Royal Exchange Act 1866 shall extend and apply to and be enforceable with respect to the area of land acquired by the Company under the provisions of this Act and with respect to any enlargement thereon of the existing Royal Exchange.

Copy of Act
to be regis-
tered.

15. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or

the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England. A.D. 1913.

16. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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