



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xliv.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to make a new Street from *Manchester* across the River *Irwell* into *Salford*; and authorizing Arrangements with the Corporation of *Salford* in reference thereto; and for other Purposes.

[15th June 1855.]

WHEREAS it is expedient that the Mayor, Aldermen, and Citizens of the City of *Manchester* should be empowered to make a new Street or Road to commence in the Township of *Manchester* from the Bottom of the Incline leading from *Water Street* to the *London and North-western* Railway, to cross the River *Irwell* by means of a Bridge, and to terminate at the Junction of *Ordsall Lane* with *Hampson Street* in the Township and Borough of *Salford*, and that Provision should be made for enabling the said Mayor, Aldermen, and Citizens, and the Mayor, Aldermen, and Burgeses of the Borough of *Salford*, to enter into Agreements with reference to the Construction and Maintenance of the said new Street

[*Local.*]

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or

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or any Part thereof, and for vesting so much of the said new Street as will be situate within the Borough of *Salford* in the Mayor, Aldermen, and Burgesses of that Borough: And whereas the Objects aforesaid 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,

Interpreta-
tion of
Terms.

I. In construing 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 "Corporation" shall mean the Mayor, Aldermen, and Citizens of the City of *Manchester*:

The Word "Person" shall include Corporation, whether aggregate or sole:

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

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

The Word "House" shall include any Messuage or Dwelling House, Tenement, Warehouse, Manufactory, Building, or other Erection, and every Part thereof.

Short Title.

II. This Act shall for all Purposes be sufficiently described or referred to as "The *Manchester* Improvement Act, 1855."

Council to
execute Act.

III. The Corporation by the Council are hereby empowered to carry this Act and the several Powers thereof into execution.

Council may
appoint Com-
mittees to
carry Act
into execu-
tion;

IV. For the more conveniently carrying this Act and the several Powers thereof into execution, it shall be lawful for the Council and they are hereby empowered to appoint out of their Body from Time to Time One or more Committee or Committees, consisting of such Number of Persons as they may think fit, to manage and transact all or any of the Measures or Purposes which they the Council are hereby directed or authorized expressly or by reference to do, execute, or perform, which Committee or Committees shall have so many and such of the Powers, Authorities, and Discretion by this Act given to and reposed in the Council as the Council shall think proper to delegate to such Committee or Committees.

may make
Contracts in

V. It shall be lawful for the Council from Time to Time to contract and agree with any Person for performing any of the Works by this

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this Act authorized to be made or executed, and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the Corporation; or such Contracts, or any of them, may be signed by the Mayor or by the Town Clerk, and the same shall be signed by the Person or Parties contracting to perform such Work, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and a Copy thereof shall be entered in a Book to be kept by the Town Clerk for that Purpose.

the Name of
the Corpo-
ration;

VI. Provided always, That it shall be lawful for the Council to compound and agree with any Person or Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any Action or Suit shall be brought for any Penalty contained in such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the Council shall think proper.

and may
compound
for Breaches
of Contract.

VII. Any Notice which by this Act may be required to be given to any Person may lawfully be served by delivering the same to such Person, or to his Wife or Servant or any Inmate at his Place of Residence or Business, or by affixing or leaving the same on or at his usual or last known Place of Residence or Business.

Service of
Notices.

VIII. 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 or by the Council, the Signature of the Town Clerk thereto shall be a sufficient Authentication.

Authentica-
tion of
Notices.

IX. Whereas Plans and Sections showing the new Street proposed to be made under the Authority of this Act, and the proposed Bridge across the *Irwell* in connexion therewith, and also Books of Reference to such Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands and Houses through, in, or upon which the said Street is intended to be made, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Council to make the said new Street and Bridge in the Course and in or upon the Lands delineated on the said Plans and described in the said Book of Reference, and within the Limits of lateral Deviation defined on the said Plans, and according to

Power to
make new
Street, &c.
according to
deposited
Plans.

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to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as they may think necessary for such Purpose: Provided always, that it shall be lawful for the Council in carrying the said Works into execution to deviate to any Extent not exceeding Three Feet from the Levels defined on the said Sections.

Errors and Omissions in Books of Reference may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

X. If any Omission, Mis-statement, or wrong Description shall have been made of any Houses or Lands, or of the Owners, Lessees, or Occupiers of any Houses or Lands, described on the said Plans or mentioned in the said Books of Reference, the Council, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Houses or 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 Town Clerk; and such Certificate shall be kept by such Town Clerk with the other Documents to which it relates; and thereupon such Books of Reference shall be deemed to be corrected according to such Certificate, and the Council may take any Houses or Lands in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

Plans, &c. to be open to Inspection.

XI. A Copy of the said Plans, Sections, 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.

XII. True Copies of the said Plans, Sections, 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 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.

8 & 9 Vict. c. 18. incorporated.

XIII. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

XIV. It

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XIV. It shall not be lawful for the Corporation to take for the Purpose of this Act any Portion of a Building known by the Name of *New Botany Warehouse*, and numbered 2 on the said deposited Plans, notwithstanding that the same Building is included within the Limits of Deviation as marked on such Plans.

Corporation
not to take
New Botany
Warehouse.

XV. The Bridge to be erected by the Corporation under the Authority of this Act, for the Purpose of carrying the said intended new Street across the said River *Irwell*, shall be built and constructed in the Manner, and of the Materials, and of the Dimensions, and under the Conditions herein-after set forth :

Regulating
the Construc-
tion of Bridge
over the
River Irwell.

The Abutments or Piers of the said Bridge shall be set as nearly as practicable in a Direction parallel with the Stream or Course of the said River, and shall be parallel with the Abutments and Piers of the Bridges of the *Liverpool and Manchester Railway* and of the *Manchester South Junction and Altrincham Railway* respectively, situate immediately below the said intended new Bridge, and, with the Exception of the centre Pier, which shall not exceed Ten Feet in Thickness, they shall not trench upon or diminish the Waterway of the said River *Irwell*, and shall be so placed as to leave a Space of at least Seven Feet Six Inches wide alongside the said River *Irwell*, measured at Right Angles, for a Towing-path, and the said Bridge shall be made and constructed, by and at the Expense of the Corporation, with solid Parapets Six Feet in Height from the Level of the Footways on both Sides, and such Bridge shall be constructed in such Manner as in the Case of a horizontal Girder Bridge, to afford a clear and continuous Headway over the said River and Towing-path, the under Side of the Beams or other Support over the Waterway of the said River being not lower than the highest Point of the Soffit of the Arch across the said River *Irwell* called the *Regent Road Bridge*, and in the event of such Bridge being built as an arched Bridge, the same shall be of Two Arches of an Elevation of the under Side of the Keystone of each Arch not lower than the Elevation of the under Side of the Keystone of the said *Regent Road Bridge*, and the springing of each such Arch shall be at least One Foot higher than the springing of the Arch on the Towing-path Side of the said *Regent Road Bridge*, and the Towing-path under the said Bridge shall be supported by a retaining Wall formed of good hammer-dressed Stone, and the general Level of the Towing-path under the said Bridge shall not be altered without the Consent of the Company of Proprietors of the *Mersey and Irwell Navigation*.

[*Local.*]

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XVI. During

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Lights to be
exhibited
during the
Construction
of Works.

XVI. During the Construction of the Bridge and any other of the Works of the Corporation adjacent to the said *Mersey and Irwell* Navigation, the Corporation shall at their own Expense cause Lights to be exhibited every Night from Sunset to Sunrise in such Situation and of such Intensity as will be sufficient and necessary to effectually provide for the safe Guidance of Vessels navigating the said *Mersey and Irwell* Navigation between the Hours aforesaid; and in case the Corporation shall neglect or refuse to exhibit and keep any of such Lights burning as aforesaid, they shall for every such Neglect forfeit and pay to the said Company of Proprietors the Sum of Five Pounds, and in addition thereto they shall also pay and make good to the Parties entitled to the same all Damages, Losses, and Expenses occasioned or incurred by reason of every such Neglect as aforesaid, and in case of Nonpayment thereof respectively the same to be recovered in like Manner as Penalties and Forfeitures are by "The Lands Clauses Consolidation Act, 1845," recoverable; and the said Company of Proprietors shall and may be at liberty from Time to Time and at all Times after the Construction of the said Bridge and Works to whitewash or otherwise colour all or such Portions thereof as they may consider necessary or desirable for facilitating the Use and Navigation of the said Navigation during the Night-time, and also to attach or fix any Buffers, Rings, or Fastenings to the said intended Bridge.

Penalties for
obstructing
River Irwell.

XVII. If the said *Mersey and Irwell* Navigation, or Towing-paths thereof, shall at any Time be obstructed or impeded, or if any Ships, Boats, Barges, or other Vessels using the said Navigation cannot pass along the same, or shall be impeded in such Passage, by reason of any Act or Default in or about the Construction, Maintenance, or Repair of any of the Works by this Act authorized, then and in any of such Cases it shall be lawful for the Company of Proprietors of the *Mersey and Irwell* Navigation, at the Costs and Charges of the Corporation, to remove, take out, and put away such Obstruction or Impediment, and make good all Damages or Injury done to the said *Mersey and Irwell* Navigation by any such Obstruction or Impediment; and the Corporation shall pay to the said Company of Proprietors, as or by way of ascertained Damages, the Sum of Five Pounds for every Hour that during the Construction of the said Bridge any such Obstruction or Impediment shall continue, and from and after the Completion of the said Works the Corporation shall be also liable to pay the like Sum of Five Pounds, as or by way of ascertained Damages, for every Hour after the Expiration of Three Days Notice thereof in Writing being given to the Corporation that any such Obstruction or Impediment shall continue; and in addition to such ascertained Damages the Corporation shall repay to the said Company of Proprietors

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prietors the full Amount of the Costs, Charges, and Expenses incurred by the said Company of Proprietors in consequence of such Obstruction or Impediment, or in or about the removing, taking, or putting away the same, or in or about repairing or making good any such Injuries to the said *Mersey and Irwell* Navigation; such Costs and Charges, and such Sum or Sums as or in the Nature of Damages, shall be recovered in the same Manner as is provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Recovery of Forfeitures, Penalties, and Costs.

XVIII. The Company of Proprietors and their Assigns and Lessees shall be at liberty to build up to the said new Street and Bridge, and in conformity with the usual Regulations of the Corporation shall have free and uninterrupted Access thereto by means of Doors, Gates, Windows, and other Openings, for all Purposes whatsoever, without Let or Hindrance from the said Corporation, and may remove such Portions of the Wings of the Bridge and retaining Walls of the said Street or Approaches to the said Bridge as may be above the Level of the Surface of the said Street or Approach, and shall be at liberty to build on and into any Portion of such Wing Walls and retaining Walls of the said Street and of the Approaches to the said Bridge, and other Walls appurtenant to the said Street, as shall be under the Level of such Street, Approaches, and Roadway of the same immediately opposite thereto: Provided, nevertheless, that any such Removal of Portions of the Wings of the said Bridge, or the retaining Walls thereof adjoining the said Street or Approaches thereto, or other Interference with the said Works, shall be executed in accordance with Plans to be approved of by the said Corporation, and under the Direction and to the Satisfaction of their Surveyor.

Right to
build to the
Street.

XIX. It shall not be lawful for the Corporation at any Time or Times to drive, sink, place, lay, or deposit between the Abutments and Pier of the said Bridge, or otherwise in the said *Mersey and Irwell* Navigation, any Piles, Works, or Materials so as to prevent or interfere with the said *Mersey and Irwell* Navigation, or with its being at any Time hereafter scoured, cleansed, or deepened, as Occasion may require, for the Purposes of the said Navigation; and if at any Time hereafter the said Company of Proprietors shall deepen the said Navigation, pursuant to the Powers now vested in them, they shall not be held responsible for any consequential Damage which may arise by reason thereof.

Corporation
not to deposit
Materials in
the River
Irwell.

XX. If in the Execution or by reason of the Construction, Maintenance, or Repairs of the said Bridge, or by reason of any Act or Omission of the Corporation, their Agents, Servants, or Workmen, any Stonework,

Corporation
to remove
Materials
and Rubbish

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falling into
the Irwell.

work, Materials, or Rubbish shall fall into or become or be deposited in the said *Mersey and Irwell* Navigation, the Corporation shall and they are hereby required from Time to Time, as and when the same shall arise, to remove and clear away the same at their Expense; and in case the Corporation shall not, on receiving Three Days Notice in Writing from the Cashier or principal Agent of the said Company of Proprietors, remove and clear away, or begin and proceed with all due Despatch to remove and clear away, the said Stonework, Materials, or Rubbish, it shall be lawful for the said Company of Proprietors and they are hereby authorized and empowered, at the Expiration of such Notice, by themselves, their Agents, Servants, or Workmen, to remove and clear away the same; and all the Expenses thereof, and also the Loss or Damage, whether consequential or otherwise, occasioned thereby, shall be repaid by the Corporation to the said Company of Proprietors, and in default of Payment thereof on Demand (so that such Demand be in Writing, and state the Particulars of all such Expenses, Loss, and Damage,) the said Company of Proprietors shall and may recover the same in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for the Recovery of Forfeitures, Penalties, and Costs.

Provision
for a Swivel
Bridge over
the River
Irwell.

XXI. In case the Company of Proprietors of the *Mersey and Irwell* Navigation shall hereafter apply to Parliament, and obtain an Act of Parliament for rendering the said Rivers *Mersey* and *Irwell* navigable for Sea-going Vessels to *Manchester*, and shall also obtain Power to convert the present Viaduct of the *Liverpool and Manchester* Railway Company across the River *Irwell* at or near to *Ordsall Lane* into a Swivel or Opening Bridge, then it shall be lawful for the said Company of Proprietors to require the Corporation to convert, at the Expense of the said Company of Proprietors, the Bridge proposed to be erected under the Authority of this Act into a Swivel or Opening Bridge of such Dimensions and Construction and in such Manner and Form as will allow the free Passage of all Vessels navigating the said River *Irwell* at all seasonable and proper Times, and so that the said Bridge to be converted as aforesaid shall not offer any unnecessary Impediment or Obstruction to the free Passage of such Vessels as aforesaid: Provided always, that such Bridge, when converted as aforesaid, shall at all Times thereafter be maintained and kept in repair and worked and used for the Purposes of the said Navigation, under the Superintendence and Control of the Corporation, at the Expense of the said Company of Proprietors, and under proper Regulations for the Protection as well of the Traffic using the same as of the said River Navigation, and with proper Regulations for the Public Safety.

XXII. Nothing

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XXII. Nothing (except as herein-before is enacted) in this Act contained shall extend to take away; prejudice, lessen, or affect any of the Powers, Privileges, Exemptions, Rights, or Authorities vested in or enjoyed by the said Company of Proprietors under any Act or Acts of Parliament now in force, or otherwise howsoever.

Saving of Rights of the Mersey and Irwell Navigation Company.

XXIII. The Council may apply to the Purposes of this Act any Moneys which are applicable to Improvement Purposes.

Application of Moneys.

XXIV. It shall be lawful for the Corporation, and for the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, from Time to Time to make and enter into and carry into effect all such Contracts and Agreements as they shall think fit with reference to the Construction and Maintenance of the said new Street or any Part thereof, and the Proportion of the Expenses incurred in carrying this Act into execution which shall be repaid to the said Corporation by the said Mayor, Aldermen, and Burgesses.

Authorizing Agreements between the Corporation and the Mayor, &c. of Salford in reference to new Street.

XXV. The Sites of all Houses and all Lands which may be purchased by the Council, and laid into and appropriated for so much of the said intended Street as shall be situate within the Township and City of *Manchester*, shall, when and so soon as the same shall be so laid into and appropriated, for ever thereafter form Part of the public Highways within the said Township and City, and the same, as well as so much of the said Bridge as will be situate within the Township of *Manchester*, shall be repaired and maintained and kept in repair in such and the same Way and Manner as the Highways within the said Township and City shall for the Time being be by Law maintained, repaired, and kept in repair; and the Sites of all Houses and all Lands which may be purchased by the Council, and laid into and appropriated for so much of the said intended Street as shall be situate within the Borough of *Salford*, shall, when and so soon as the same shall be so laid into and appropriated, for ever thereafter form Part of the public Highways within the said Borough, and the same, as well as so much of the said Bridge as will be situate within the said Borough, shall be repaired and maintained and kept in repair in such and the same Way and Manner as the Highways within the said Borough shall for the Time being be by Law maintained, repaired, and kept in repair.

Ground appropriated for new Street to be considered as Part of public Highway.

XXVI. The Mayor, Aldermen, and Burgesses of the Borough of *Salford* may apply to and for the Purposes of this Act any Monies
[Local.] 6 X which

Corporation may apply Monies to-

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wards Ex-
pense of
Street.

which for the Time being are applicable to Improvement Purposes within the said Borough.

Expenses of
Act.

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

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