

CHAPTER ccvii.

An Act to enable the Mayor Aldermen and Citizens of the City of Manchester to establish and contribute towards a Fund for the encouragement of Thrift amongst their Officers and Servants to confer upon them further powers and make further provision with respect to the improvement health and good government of the City to provide for vesting in the said Mayor Aldermen and Citizens as an open space the St. Michael's disused Burial Ground to amend and extend the provisions of the Local Acts relating to the City of Manchester and for other purposes.

A.D. 1891.

[5th August 1891.]

WHEREAS it is expedient that a fund should be established as provided by this Act for the encouragement of thrift amongst the officers and servants of the mayor aldermen and citizens of the city of Manchester (in this Act called "the Corporation") and that the Corporation be empowered to subscribe or contribute to such fund and that such other provision should be made in reference thereto as contained in this Act :

And whereas it is expedient that provision should be made for the supply by the Corporation within the city of water under pressure for the purpose of supplying motive power by hydraulic pressure :

And whereas it is expedient to extend as regards the city of Manchester the limit imposed by the Public Libraries Act 1855 on the amount to be paid out of or levied by a rate :

And whereas it is expedient to make further provision as contained in this Act with regard to the remuneration of the coroner and deputy coroner of the city :

And whereas it is expedient that further and better provision should be made with respect to streets buildings drains and closet accommodation places of public entertainment and other matters affecting the improvement health and good government of the city :

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And whereas it is expedient that the disused burial ground called or known as the Angel Meadow New Burial Ground adjoining the churchyard of St. Michael's Church Manchester should be vested in the Corporation as an open space and that the agreement relating thereto as set forth in the schedule to this Act should be confirmed :

And whereas it is expedient that the Corporation be empowered to acquire for the purposes of markets and slaughter-houses the lands in this Act mentioned and a plan of the said lands with a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands (in this Act referred to as the deposited plan and book of reference) have been deposited with the clerk of the peace for the county of Lancaster :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to raise money which are as follows :—

For waterworks purposes £250,000 ;

For purchase of lands for markets and slaughter-houses £200,000 ;

For general street improvements £100,000 :

And whereas the several works and purposes mentioned in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas it is expedient that further provision should be made with reference to the borrowing powers of the Corporation and the transfer and transmission of the securities of the Corporation and other matters and that the local Acts relating to the Corporation and the city of Manchester should be otherwise amended :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the council at a meeting held on the 19th day of November 1890 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Manchester Examiner and Times newspaper being a local newspaper published or circulating in the city of Manchester such notice being in addition to the ordinary notice required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the city rate of the city :

And whereas such resolution was published twice in the said Manchester Examiner and Times newspaper and has received the approval of the Local Government Board and of one of Her Majesty's Principal Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of

the council at a further special meeting held in pursuance of a similar notice on the fourth day of February 1891 being not less than fourteen days after the deposit of the Bill in Parliament : A.D. 1891.

And whereas the owners and ratepayers of the city by resolution in the manner provided by Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 :—

1. This Act may be cited for all purposes as the Manchester Corporation Act 1891. Short title.

2. 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.

“ City ” means the city of Manchester :

“ Council ” means the council of the city :

“ Town clerk ” means the town clerk of the city :

“ Treasurer ” means the treasurer of the city :

“ City fund ” and “ city rate ” mean respectively the city fund and city rate of the city :

“ Daily penalty ” means a penalty for each day on which any offence is continued after conviction thereof :

“ Security ” means any Manchester Corporation Consolidated Stock or Manchester Corporation Redeemable Consolidated Stock or any mortgage grant of annuity or other security issued or granted or to be issued or granted by the Corporation under any statutory borrowing power :

“ Dividend ” means and includes any dividend interest or other periodical payment on or under any security :

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

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ment passed or to be passed but does not include borrowing powers conferred on the Corporation by the Manchester Ship Canal Act 1891 :

“Statutory security” means and includes any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture stock corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 :

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on or over any building structure street or public way but shall not be deemed to include (i) any flagstaff or pole or (ii) any vane or weather cock unless adapted or used wholly or in part for the purposes of any advertisement or announcement or (iii) any sign which is securely fixed to or against but not over any building or which rests immediately upon the top of any wall or building being of one continuous face and not open work or (iv) any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place.

Council to
execute Act.

3. The Corporation by the council are hereby empowered to carry this Act and the several powers thereof into execution.

Authentica-
tion of no-
tices.

4. Any summons demand notice order license or document (other than a conveyance contract or security) to be given made delivered or served by or on the part of the Corporation under this Act shall if signed by the town clerk be of the same effect as if sealed by the Corporation and the provisions of the fifty-first section of the Manchester Corporation Waterworks and Improvement Act 1867 shall

apply to every such summons demand notice order license or other document. A.D. 1891.

ESTABLISHMENT OF FUND FOR THE ENCOURAGEMENT OF THRIFT.

5. It shall be lawful for the Corporation to establish in manner herein-after provided a fund for the encouragement of thrift and with a view of providing a sum of money which in the event of retirement or death of any person in the service of the Corporation who has contributed to the fund shall be available for himself or his representatives such fund to be called "the Thrift Fund." Thrift Fund.

The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of the Thrift Fund and may determine in and by any such scheme the following matters and things or any of them (that is to say):—

What classes of persons shall be entitled to contribute to and participate in the benefit of the Thrift Fund and to what extent such contribution shall be payable by persons entering or who shall have entered the service of the Corporation after the passing of this Act And also upon what terms and conditions persons in the service of the Corporation at the passing of this Act shall on their own application be admitted to the benefit of the Thrift Fund:

The division of the persons contributing to and to be benefited by the Thrift Fund into two or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from the one class to the other Provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made:

What (if anything) shall disqualify any person in the employ of the Corporation from becoming a contributor to the Thrift Fund and participating in the benefits thereof:

Under what circumstances any person having been a contributor to the Thrift Fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof:

What proportion (if any) of his own contributions to the Thrift Fund and of the interest which shall have accrued thereon under the scheme any person having been but ceasing to be a contributor thereto shall be entitled to receive:

What proportion (if any) of the additions made by the Corporation to the Thrift Fund in respect of the contributions of any member shall be payable to the representatives of such member

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in the event of his dying before he becomes entitled to any benefit under the scheme on resignation or retirement:

The per-centage or proportion of their salaries or wages which shall be payable to the Thrift Fund by the contributors:

The age at which or other circumstances in which a person shall become entitled to benefit under any scheme:

The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity instead of such gross sum calculated at such rate of interest as may be defined by the scheme:

The rate at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the Thrift Fund by the contributors and by the Corporation respectively:

Under what circumstances and conditions temporary advances may be made to contributors to the Thrift Fund out of the sums contributed by them:

The future management and direction of the Thrift Fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if so what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the Thrift Fund or form a separate consultative committee to be elected by the contributors of the Thrift Fund and to define the functions and mode of election of such consultative committee:

The securities upon which the moneys received on account of the Thrift Fund shall from time to time be invested:

And generally all such other matters and things in relation to the Thrift Fund as the Corporation shall deem fit and proper to form part of and to be included in such scheme.

Audit.

6. The accounts of the Corporation under this part of this Act shall be audited in the same manner as other accounts of the Corporation.

Forfeiture of rights under scheme in certain cases.

7. Any scheme under this part of this Act shall contain the following provisions:—

Any contributing member retiring bona fide from the service of the Corporation of his own accord before attaining the age prescribed by the scheme and not to escape dismissal for fraud dishonesty or misconduct involving pecuniary loss to the Corporation or leaving the service of the Corporation in consequence

of reductions or alterations in the establishment or from his services being discontinued from any cause other than fraud dishonesty or misconduct involving pecuniary loss to the Corporation shall be entitled to receive back the whole amount of his own contributions with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the Thrift Fund :

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The representatives of any contributing member who not having been guilty of fraud dishonesty or misconduct involving pecuniary loss to the Corporation shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the Thrift Fund except as may be provided by the scheme :

Any contributing member dismissed from the service of the Corporation for fraud or dishonesty or for misconduct involving pecuniary loss to the Corporation or retiring to escape dismissal for any of those causes shall at the discretion of the Corporation forfeit all or any part of his contributions and the interest thereon and lose all benefits from the Thrift Fund except such return (if any) as may at such discretion be made to him out of his own contributions and the interest thereon.

8. The Corporation shall supply a copy of any scheme in force under this part of this Act at a price not exceeding sixpence to any person in the employ of the Corporation interested in the Thrift Fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the Thrift Fund a copy of the last annual balance sheet of the same for the time being.

Copies of scheme to be supplied.

9. (1) The Corporation shall at the end of each and every half year after the establishment of the Thrift Fund contribute thereto out of the rate or revenue upon which the salary or wages of each contributing member is or are respectively chargeable a sum equal to one third of the sum which during the same half year has been contributed thereto by such contributing member :

Corporation to contribute to fund.

(2) In the event of the moneys standing to the credit of the Thrift Fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation out of the city rate :

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(3) The Corporation may also pay out of the city rate any salaries costs and expenses of the management and administration of the Thrift Fund and of and incidental to investments.

Alteration of scheme.

10. It shall be lawful for the Corporation from time to time but subject to the provisions of this Act to alter any portion of any scheme. But no then existing contributor nor the representatives of any contributor then deceased shall by reason of any such alteration be placed in any worse position than if the alteration had not been made.

Certain provisions of Provident Nominations and Small Intestacies Act 1883 made applicable.

11. The provisions of sections 7 to 10 of the Provident Nominations and Small Intestacies Act 1883 shall (so far as applicable) extend and apply to the Thrift Fund and to the contributors thereto and to the Corporation as if the Thrift Fund were the funds of a registered trade union and the contributors to the Thrift Fund were members of a registered trade union and the Corporation were directors within the meaning of that Act.

Corporation not to regard trusts or assignments.

12. The Corporation shall not be bound to recognise or see to the execution of any assignment of or any trust (whether express or implied or constructive) relating to any contributions of any contributing member to the Thrift Fund or the interest thereon or additions thereto but the receipt of the contributing member for the same or (if he be dead) of his legal personal representatives or the person or persons to whom the same may be paid under the authority of this Act shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any assignment thereof or any trust to which the same may be subject and whether or not the Corporation have had notice express or implied of any such assignment or trust or of any charge or incumbrance upon any such contributions or the interest thereon or additions thereto or any part thereof respectively and the Corporation shall not be bound to see to the application of any money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

HYDRAULIC POWER.

Power to supply water for hydraulic pressure.

13. The power conferred upon the Corporation by section ninety-six of the Manchester Corporation Waterworks Act 1847 to supply any person with water for other than domestic purposes at such rent and upon such terms and conditions as shall be agreed upon between the Corporation and the person desirous of having such supply of water shall extend to the supply by the Corporation within the city

by agreement of water under pressure for the purpose of supplying motive power by hydraulic pressure for any purposes to which such power is applicable and such supply shall be deemed a purpose of the Waterworks Acts and a part of the waterworks undertaking of the Corporation. A.D. 1891.

14. In laying down or executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in the last preceding section upon across over under or in any way affecting the lands or property now or hereafter belonging to or used or occupied by any railway company incorporated by Act of Parliament (in this section referred to as "the railway company") or the bridges approaches viaducts stations or other works of the railway company or in any street where the same is crossed on the level by the railways or sidings of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him and by and at the expense of the Corporation who also shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation to the railway company in respect thereof the amount of such compensation together with full costs to be recoverable by the railway company from the Corporation by all and the same means as any simple contract debt is recoverable :

For the protection of railway companies.

Whenever the Corporation shall commence any of the works by this Act authorised crossing or in any way affecting the said railways works or lands of the railway company they shall proceed with and complete the same with all due despatch.

15. (1) The Corporation shall not without the previous consent in writing of the company of proprietors of the Rochdale Canal (herein-after called "the canal company") lay or maintain under the powers of the Manchester Corporation Waterworks Act 1847 or this Act any mains pipes or other works across under over or along

For the protection of Rochdale Canal.

A.D. 1891. — the Rochdale Canal or the towing-paths thereof or other property of the canal company otherwise than in the roadways of public bridges across the same and in such manner that no injury or interference with the permanent structure of any such bridge and no interruption of the traffic on the canal or towing-path shall be occasioned and the canal company may at any time upon giving to the Corporation three months notice in writing remove alter or renew any bridge upon which any mains pipes or works may be laid in the same manner as they might have done if such mains pipes and works had not been so laid without making compensation to the Corporation for any expense or loss occasioned to them thereby and in the event of any such alteration or renewal the Corporation shall at their own expense alter the position of their mains pipes or works and relay the same upon the altered or renewed bridge in the same manner and subject to the same restrictions as in the case of the original bridge and all works of the Corporation in relation to the laying down maintaining altering or relaying of any mains pipes or other works upon any such bridges shall be executed under the supervision and to the satisfaction of the engineer of the canal company and according to plans approved by him :

(2) If and whenever by reason of any works or operations of the Corporation or the bursting leakage or failure of any mains pipes or works of the Corporation the traffic of the said canal or the towing-paths thereof shall be obstructed or interrupted or any water in the canal shall be run to waste then and in every such case the Corporation shall make compensation to the canal company in respect thereof the amount of such compensation together with full costs to be recoverable by the canal company from the Corporation by all and the same means as any simple contract debt is recoverable.

LIBRARY RATE.

Power to increase library rate.

16. For the purposes of the execution within the city of the Public Libraries Act 1855 and the Acts amending the same such Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be paid out of or levied by a rate were twopence instead of one penny in the pound.

CORONER.

Remuneration of coroner &c.

17. (1) The Corporation may if they think fit remunerate the coroner or the deputy coroner of the city by salary instead of by fees and allowances and in that case may pay the salaries and expenses of clerks and all other disbursements requisite for the

purpose of the duties of the coroner inclusive of the provision at the cost of the city fund of suitable court and office accommodation : A.D. 1891.

(2) Provided that as regards the coroner in office at the commencement of this Act this section shall operate only by agreement with him :

(3) Provided also that when a coroner has been appointed at or is paid by a salary under this section such salary shall not be reduced except with the consent of one of Her Majesty's Principal Secretaries of State.

BUILDINGS.

18. (1) It shall not be lawful for any person to erect or set up in the city in any place any wooden or other structure or erection of a movable or temporary character (unless the same falls within the exceptions herein-after set forth in this section) without a license in writing first had and obtained from the Corporation for the erection or setting up of such structure or erection and every such license may contain such conditions with respect to such structure or erection and the time during which it is to be permitted to continue as the Corporation may think expedient and if any person erects or sets up any such structure or erection without having had or obtained such license to erect or set up the same or makes default in observing any of the conditions contained in such license or is guilty of any breach of such conditions he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

No temporary erection to be set up without license.

(2) Provided always that a license shall not be required under the last preceding sub-section in the case of any wooden or other structure or erection of a movable or temporary character erected for use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after the completion of such construction alteration or repair or in the case of any wooden or other structure or erection erected for the purpose of protecting or of preventing the acquisition of rights of light :

(3) The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the city with respect to new buildings and any tent or stand not remaining for more than seven days :

(B) Structures or erections erected or set up upon the premises of any canal dock or railway company and used for the purposes of or in connexion with the traffic of such canal dock or railway under the provisions of any Act of Parliament.

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Limiting
period
during which
approval of
plans to
remain in
force.

19. (1) No plans sections and particulars for laying out of new streets or erection of new buildings which have been passed or approved prior to the tenth day of November 1890 by the Corporation or by the local authority of any area added to the city by the Manchester City Extension Act 1885 or by the City of Manchester Order 1890 confirmed by the Local Government Board's Provisional Order Confirmation (No. 16) Act 1890 shall be available for or be deemed to authorise the laying out of streets or the erection of buildings which shall not have been commenced at the expiration of six months after the passing of this Act and before proceeding with any such streets or buildings (unless commenced before the expiration of that period) plans sections and particulars shall be submitted de novo to the Corporation under and in accordance with the byelaws for the time being in force :

(2) Any approval of plans sections and particulars for laying out of new streets or erection of new buildings which have been passed or approved by the Corporation since the tenth day of November one thousand eight hundred and ninety or which shall after the passing of this Act be so passed or approved shall only be available for the laying out of streets or the erection of buildings which are commenced within two years after the date of such approval or after the passing of this Act whichever shall last happen :

(3) Nothing in this section shall be deemed to enlarge extend or revive any approval which by lapse of time is now obsolete and not available for the laying out of streets or the erection of buildings or which has been expressly given or stated to be in operation for a limited period that has expired or shall expire before any of the periods in this section prescribed.

Projections
from build-
ings to be
subject to
approval
whether the
same consti-
tute annoy-
ance or ob-
struction or
not.

20. (1) Section 55 of the Act 7 and 8 Vic. cap. xl. intituled " An Act for the Good Government and Police Regulation of the Borough of Manchester " in this Act called the Manchester Police Regulation Act 1844 shall be read as if the word " which " after the words " obstruction or projection " the word " near " and the expression " shall be an annoyance or obstruction in any such street or foot- way or endanger or render less commodious the passage along " the same " had been respectively omitted therefrom and those words and expression are hereby repealed :

(2) Section 55 of the said Act as amended by the last preceding sub-section shall not prejudice any rights of owners under the byelaws for the time being in force in relation to new streets and buildings :

(3) Provided always that nothing herein contained shall affect any obstruction or projection existing at the passing of this Act if

and so long as the same shall not be an annoyance or obstruction in the street or footway or shall not endanger or render less commodious the passage along the same. A.D. 1891.
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21. (1) Section 19 of the Manchester Improvement Act 1871 shall be read as if the words “ which may have been either before or after the passing of this Act made widened or substantially improved by the Corporation ” had been omitted therefrom and those words are hereby repealed: Amending
section 19 of
Act of 1871.

(2) The word “ street ” in section 19 of the Manchester Improvement Act 1871 as amended by the last preceding sub-section shall include any present or future square street highway lane or road:

(3) Without restricting the generality of section 19 of the Manchester Improvement Act 1871 in the case of a building 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 that section as amended by this section shall in the case of a plan for the outside front or elevation of a building in a street which may not have been either before or after the passing of this Act made widened or substantially improved by the Corporation apply only so as to enable the Corporation to approve or disapprove of such a plan in respect of projections proposed to be made beyond the building line of the street or in respect of the proposed height of the building above the level of the street.

22. (1) The powers and provisions contained in section 42 of the Manchester Corporation Waterworks and Improvement Act 1867 as amended by section 34 of the Manchester Corporation Waterworks and Improvement Act 1869 and Article I. of the Manchester Order 1881 confirmed by the Local Government Board’s Provisional Orders Confirmation (Halifax &c.) Act 1881 shall extend apply to and be exerciseable and enforceable on the first erection of any house or building as if the same were a dwelling-house without an ashpit and under such powers and provisions it shall be lawful for the Corporation by their order to prescribe what privy ashpit earthcloset or watercloset accommodation or conveniences shall be provided at or in connexion with such house or building on the erection thereof and any owner of any house or building or intended house or building who makes default in complying with any such order shall be liable to the penalties imposed and the Corporation shall have the powers and remedies provided by the first-named section in default of compliance with an order of the Corporation: Waterclosets
to be pro-
vided in new
buildings.

(2) Sections 65 66 and 67 of the Manchester Police Regulation Act 1844 are hereby repealed:

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(3) Nothing in this section contained shall authorise any deviation from or alteration in any byelaws for the time being in force in the city relating to waterclosets earthclosets privies and ashpits :

(4) Nothing herein contained shall prejudice or affect the operation of Article XXV. of the City of Manchester Order 1890 confirmed by the Local Government Board's Provisional Order Confirmation (No. 16) Act 1890.

SAINT MICHAEL'S DISUSED BURIAL GROUND.

Confirming
scheduled
agreement.

23. The agreement set forth in the schedule to this Act is hereby confirmed and may and shall be carried into effect by the respective parties thereto Provided always that the Corporation shall not sell the premises comprised in the said agreement or any part thereof unless compelled to do so by statute.

PURCHASE OF LAND.

Power to
acquire lands
for markets
&c.

24. The Corporation may subject to the provisions of this Act enter upon take and use and appropriate for markets slaughter-houses and other purposes authorised by section 123 of the said Manchester Police Regulation Act 1844 or by the Manchester Market Act 1846 all or any of the lands houses and buildings herein-after described or referred to delineated on the deposited plan and described in the deposited book of reference relating thereto except the lands numbered 1 to 39 both inclusive and 68 to 75 both inclusive on the deposited plan in the township of Manchester in the parish of Manchester and the provisions of the Lands Clauses Acts are for the purposes of this Act and except where expressly varied by this Act incorporated with this Act :

The lands herein-before referred to and delineated on the deposited plan are—

Certain lands in the parish of Manchester in the county of Lancaster bounded by the Rivers Irwell and Medlock Dawson Street Water Street and lands belonging or reputed to belong to Messrs. Butler Withington and Smallman :

Certain lands in the same parish bounded by the River Medlock Elm Street and the abbatoirs of the Corporation including a portion of Elm Street :

Certain other lands in the same parish bounded by the Manchester South Junction and Altrincham Railway the River Irwell the Corporation yard (scavenging department) Elm Street and lands belonging or reputed to belong to the London and North-western Railway Company including a portion of Elm Street :

And the Corporation may also purchase and acquire but by agreement only and may hold any other lands which they may require for the purposes aforesaid but the Corporation shall not create or permit any nuisance upon the lands so acquired by agreement Provided always that nothing in this section shall authorise the Corporation without the previous consent in writing of the London and North-western Railway Company to enter upon take or interfere with any portion of the lands of that company Provided also that nothing in this section shall authorise the Corporation without the consent of the mayor aldermen and burgesses of the borough of Salford to enter upon take or use any lands within the said borough as constituted under the Salford Corporation Act 1891.

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25. 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 plan 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 plan 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 plan and book of reference.

26. A copy of the deposited plan 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 such person of one shilling for every inspection and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour and after the rate of sixpence for every one hundred words copied therefrom.

Plan to be open to inspection.

27. Copies of the deposited plan and book of reference or of any alteration or correction thereof or extract therefrom certified to be correct by the clerk of the peace for the county of Lancaster or

Certified copies of plan to be evidence.

A.D. 1891. 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.

Limiting time for compulsory purchase of lands.

28. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Power to persons under disability to grant easements.

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

Restrictions on displacing persons of labouring class.

30. (1.) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme :

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modification in the scheme :

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme

to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced : A.D. 1891.

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit :

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court :

(5.) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty :

(6.) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act :

(7.) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

A.D. 1891.

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit:

(8.) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector:

(9.) The expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

MISCELLANEOUS.

Amendment
of sections 25
and 26 of
Manchester
Corporation
Act 1882.

31. (1) The words "other public entertainment" in sections 25 and 26 of the Manchester Corporation Act 1882 shall include any house room garden or place kept or used for the purpose of a skittle alley bowling alley or place of public entertainment where such house room garden or place is opened or kept open to persons other than those lodging or usually residing on the premises for any purpose after the hour of eleven o'clock at night or before the hour of six o'clock in the morning:

(2) The justices acting in any petty sessions in and for the city may if and as they think fit grant to any person licensed under the aforesaid sections 25 and 26 an occasional license exempting him on any special occasion from the restriction in his first-named license as to closing his licensed premises and enabling him to keep open his said premises during such hours and for such purposes as shall be mentioned in the said occasional license and such licensed person may keep open his said premises during such hours and for such purposes as are mentioned in the said occasional license:

(3) Provided that seven days notice of any objection to renewal of any license granted under the aforesaid sections 25 and 26 as amended by this Act shall be given to the holders of licenses:

(4) Any license granted under the aforesaid sections 25 and 26 or the above sub-sections shall be sufficiently authenticated if the con-

currence of the majority of the justices granting such license be signified by means of an impression from an official seal or stamp in such form as the justices may direct affixed in the presence of the justices in sessions assembled and verified in the case of each license by the signature of their clerk. Any seal purporting to be so affixed and verified shall be received in evidence without further proof:

(5) In case of any breach or disregard of any of the terms or conditions upon or subject to which any license was granted under the aforesaid sections 25 and 26 the holder thereof shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such license shall be liable to be revoked by the order of a court of summary jurisdiction.

32. (1.) Where any railway or canal crosses over any street in the city by a bridge or viaduct or where any street in the city crosses over any railway or canal by a bridge or viaduct the owner of such railway or canal shall on receiving twenty-eight days notice from the Corporation remove any placard or advertisement exhibited on such bridge or viaduct or on any parapet thereof at the passing of this Act and which may be specified in such notice. Provided that this sub-section shall not prejudice or affect any subsisting contract until the thirty-first day of December one thousand eight hundred and ninety-two:

Regulations
as to adver-
tising on
bridges
vehicles &c.

(2.) It shall not be lawful for any railway or canal company after the passing of this Act to affix or exhibit or permit to be affixed or exhibited upon any part of any bridge or viaduct over any street in the city or any parapet of any bridge or viaduct which is under any such street any placards or advertisements except such as shall have been approved in writing by the Corporation which approval may be for such time and on such conditions as therein expressed and if any such placard or advertisement be affixed or exhibited the Corporation may remove the same at the cost of such company provided that nothing in this or the last preceding sub-section contained shall apply to any parapet or wall belonging to a railway or canal company and not facing a street or shall extend to prevent placards or advertisements relating solely to the business of a railway or canal company on the face of the abutments underneath any such bridge or viaduct over any street or upon the parapet of any bridge or viaduct carrying any street over any such railway or canal but nothing herein contained shall authorise the covering over with placards or advertisements of any white or glazed bricks or tiles or other material which any such company is under obligation to provide or maintain:

A.D. 1891.

(3.) It shall not be lawful in any street in the city to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit :

(4.) It shall not be lawful to erect fix maintain or retain to upon or in connexion with any building or erection any sky-sign whether now existing or not except with the license in writing of the Corporation and in the event of such license being granted except for such period and under and subject to such terms and conditions as shall be therein prescribed :

Provided that in any of the following cases a license of the Corporation under this sub-section shall become void namely :—

- (i.) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor of the city ;
- (ii.) If any change be made in the sky-sign or any part thereof ;
- (iii.) If the sky-sign or any part thereof fall either through accident decay or any other cause ;
- (iv.) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof ;
- (v.) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed :

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the license for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation and for the surveyor of the city or in his absence any other duly qualified surveyor to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were a dangerous building within the meaning of sections 38 and 39 of the Manchester Corporation Waterworks and Improvement Act 1867 :

(5.) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval license or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

(6.) The word "street" in this section includes any present or future square street highway lane or road but shall not include any

approach road to any station of any railway company being the property of such company. A.D. 1891.

33. Section 123 of the Manchester Police Regulation Act 1844 shall be read as if the words "within the borough" after the words "same for the purchase of such land or ground" had been omitted therefrom and those words are hereby repealed but the Corporation shall not create or permit any nuisance upon any such land or ground. Amendment of section 123 of Manchester Police Regulation Act 1844.

34. (1) Section 14 of the Manchester Improvement Act 1871 shall be construed and have effect as if the word "exchange" had been inserted therein in two places namely (first) after the expression "may from time to time sell" and (secondly) after the expression "shall arise by or from the sale" and as if the words "or any" "easement right or privilege of any kind over or in relation to such" "lands" had been inserted therein after the expression "vested in the Corporation" and as if the words "or exchange" had been inserted therein after the expression "nothing herein contained shall empower the Corporation to sell": Amending section 14 of Act of 1871.

(2) On an exchange under the said section as amended by the last sub-section any easement right or privilege of any kind may be reserved or may be granted over or in relation to the lands of the Corporation or any part thereof or other land or an easement right or privilege of any kind may be given or taken in exchange for land or for any other easement right or privilege of any kind.

35. It shall not be lawful without the written license of the Corporation to hold any collection of stalls standings shows booths exhibitions caravans or other like entertainments within any portion of the city situate within a radius of one mile from the base of the statue of the Prince Consort in Albert Square and any person who shall infringe or cause to be infringed the provisions of this section shall be liable to a penalty of not exceeding two pounds and to a daily penalty of not exceeding twenty shillings. Prohibiting fairs.

36. The term "owner" whenever used in connexion with lands or premises in any of the local Acts relating to the city including Provisional Orders confirmed by Acts and also including this Act shall unless the context otherwise requires mean the person for the time being receiving the rack rent of the lands or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such lands or premises were let at a rack rent and for the purposes of this section rack rent means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises and the full net annual value shall be taken to be the Definition of "owner."

A.D. 1891. rent at which the property might reasonably be expected to be let from year to year free from all usual tenant's rates and taxes and tithe commutation rentcharge (if any) and deducting therefrom the probable annual average cost of the repairs insurance and other expenses (if any) necessary to maintain the same in a state to command such rent.

Amending section 36 of Act of 1869.

37. Section 36 of the Manchester Corporation Waterworks and Improvement Act 1869 shall be read as if the expression "such a wall or fence as shall be specified in such notice or order" had been used therein instead of the expression "a sufficient wall or fence" Provided always that this section shall only apply to notices given by the Corporation after the passing of this Act.

Amending section 41 of Act of 1853.

38. Section 41 of the Manchester New Streets Act 1853 shall in the case of repairs be read as if the words "within such period as the council shall by their notice prescribe not being less than forty-eight hours" had been used therein instead of the words "within one month."

Medical practitioner not disqualified by receipt of fees.

39. A payment made to any medical practitioner in pursuance of Article VIII. (5) of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (Halifax &c.) Act 1881 shall not disqualify that practitioner for serving as a member of the council of the city or in any municipal office.

FINANCIAL.

Power to borrow for waterworks purposes.

40. In addition to the other sums which the Corporation are empowered to borrow under this Act or any of their Waterworks Acts the Corporation may from time to time borrow at interest for purposes (including the supply of water for hydraulic pressure under the powers of the section of this Act the marginal note of which is "Power to supply water for hydraulic pressure") connected with their waterworks undertaking authorised by the Manchester Corporation Waterworks Acts 1847 to 1875 and of 1882 and of 1889 and this Act on the credit of the city rate and of the rates rents and charges leviable and receivable by them under such Acts any sums not exceeding in the whole the sum of two hundred and fifty thousand pounds (of which any sum not exceeding one hundred thousand pounds may be so borrowed for the supply of water for hydraulic pressure and any sum not exceeding one hundred and fifty thousand pounds may be so borrowed for the said waterworks purposes other than the supply of water for hydraulic pressure) and (subject as in this Act provided) section 143 (except the part thereof beginning "and in the event" and ending "at any one time" and

except so much thereof as would enable the Corporation to borrow on the security of any property vested in or belonging to them) and sections 144 145 and 150 to 154 of the Manchester Corporation Waterworks Act 1847 (except so far as such sections or any of them relate to annuities) sections 34 to 49 of the Manchester Corporation Waterworks and Improvement Act 1872 sections 62 and 63 of the Manchester Corporation Waterworks and Improvement Act 1875 Article VII. of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885 Articles III. to IX. both inclusive of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886 and the provisions of this Act shall apply to all moneys to be so borrowed under the present section as if the same had been expressly repeated and re-enacted in this Act with reference thereto.

A.D. 1891.

41. The Corporation may (in addition to the other sums which they are authorised to raise by any Act) from time to time borrow and raise at interest on the credit of the city rate for the purposes of this Act relating to the acquisition use and appropriation of land for markets slaughter-houses and other purposes authorised by section 123 of the Manchester Police Regulation Act 1844 or by the Manchester Market Act 1846 any sums of money not exceeding in the whole the sum of two hundred thousand pounds and (subject as in this Act provided) section 16 (except the part thereof beginning "and in the event" and ending "at any one time" and except so much thereof as would enable the Corporation to borrow on the security of any property vested in or belonging to them or which may be acquired by them) and sections 17 18 and 23 to 27 and section 30 of the Manchester Police Regulation Act 1844 (except so far as such sections or any of them relate to annuities) sections 34 to 49 of the Manchester Corporation Waterworks and Improvement Act 1872 sections 62 and 63 of the Manchester Corporation Waterworks and Improvement Act 1875 Article VII. of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885 Articles III. to IX. both inclusive of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886 and the provisions of this Act shall apply to all moneys to be so borrowed by the Corporation under the authority of this section as if the same had been expressly repeated and re-enacted in this Act with reference to the further sum so authorised to be borrowed.

Power to borrow for market purposes.

42. (1) In addition to the other sums which the Corporation are by any Act relating to the Corporation authorised to borrow the

Power to borrow for improvements.

A.D. 1891. Corporation may from time to time borrow at interest on the credit of the city rate any sums of money not exceeding in the whole the sum of one hundred thousand pounds for the purchase of land and the payment of compensation for or in respect of street widenings and improvements under the following local Acts of the Corporation or some or one of them (that is to say) 7 and 8 Victoria chap. xli. intituled "An Act for the Improvement of the Town of Manchester" 8 and 9 Victoria chap. cxli. intituled "An Act to effect Improvements in the Borough of Manchester for the purpose of promoting the Health of the Inhabitants thereof" the Manchester General Improvement Act 1851 the Manchester New Streets Act 1853 the Manchester Burial Board Act 1857 the Manchester Improvement Act 1871 the Manchester Corporation Waterworks and Improvement Act 1875 and the Manchester City Extension Act 1885:

(2) Subject as in this Act provided section 16 (except the part thereof beginning "and in the event" and ending "at any one time" and except so much thereof as would enable the Corporation to borrow on the security of any property vested in or belonging to them or which may be acquired by them) and sections 17 18 and 23 to 27 and section 30 of the Manchester Police Regulation Act 1844 (except so far as such sections or any of them relate to annuities) sections 34 to 49 of the Manchester Corporation Waterworks and Improvement Act 1872 sections 62 and 63 of the Manchester Corporation Waterworks and Improvement Act 1875 Article VII. of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885 Articles III. to IX. both inclusive of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886 and the provisions of this Act shall apply to all moneys to be so borrowed by the Corporation under the authority of this section as if the same had been expressly repeated and re-enacted in this Act with reference to the further sum so authorised to be borrowed.

Railways to be rated at one-fourth only of the net annual value thereof.

43. As to any addition to the city rate made by the Corporation or under any precept from or at the instance or by the direction of the Corporation for the purposes mentioned in the respective sections of this Act the marginal notes whereof are respectively "Power to borrow for waterworks purposes" "Power to borrow for market purposes" and "Power to borrow for improvements" the owner or occupier of any land used only as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof as ascertained by the valuation list for the time being in force or if there be none by the rate for

the relief of the poor made next before the making of such assessment The Local Government Board may from time to time by order make such regulations as seem to the Board necessary or proper respecting the form of the rates notices and accounts to be made used and kept by the overseers of any parish situate wholly or partly in the city with respect to any addition made under the powers of this Act to any city rate and to any assessment in respect thereof and an order under this section shall be deemed to be an order within the meaning of section 98 of the Poor Law Amendment Act 1834. A.D. 1891.

44. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of borrowed moneys.

45. (1) The Corporation shall repay—

(A) All moneys borrowed under the powers of this Act for purposes connected with their waterworks undertaking other than the supply of water for hydraulic pressure in any period not exceeding sixty years from the date of the borrowing of the same ;

As to repayment of borrowed moneys.

(B) All moneys borrowed under the powers of this Act for purposes relating to the supply of water for hydraulic pressure under the powers of the section of this Act the marginal note of which is " Power to supply water for hydraulic pressure " in any period not exceeding forty years from the date of the borrowing of the same ;

(C) All moneys borrowed under the powers of this Act for purposes relating to the acquisition use and appropriation of land for markets slaughter-houses and other purposes authorised by section 123 of the Manchester Police Regulation Act 1844 or by the Manchester Market Act 1846 in any period not exceeding fifty years from the date of the borrowing of the same ; and

(D) All moneys borrowed under the powers of this Act for the purchase of land and the payment of compensation for or in respect of street widenings and improvements in any period not exceeding fifty years from the date of the borrowing of the same :

Which said periods are herein-after respectively referred to as the prescribed periods.

(2) Such repayment shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds provided that every such instalment or instalments

A.D. 1891. shall be paid out of the rates rents and charges on the security of which the principal moneys in respect of which it or they are so paid were borrowed.

(3) The sinking funds shall be provided as follows:—

(A) The Corporation in every year shall appropriate and set apart out of the funds rates and rents on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed on such security within the respective prescribed periods:

(B) The first payments to the said sinking funds shall be made on or before the 31st day of March next following the expiration of one clear year from the dates of the borrowing of the moneys in respect of which such payments are to be made.

(4) The yearly sums so to be appropriated and set apart to any sinking fund shall be invested from time to time and accumulated in the way of compound interest by investing the same and the income thereof respectively in any statutory security.

(5) The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based.

(6) The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of land and premises acquired under this Act by means of moneys borrowed under this Act or by way of fine or premium on any lease of such lands and premises in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation.

(7) If the Corporation out of the proceeds of the sale or disposition of lands or out of other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed under the powers of this Act the payments to the sinking fund established under the provisions of this Act for the repayment of such principal moneys may be reduced to such extent and upon

such terms as may be from time to time approved by the Local Government Board. A.D. 1891.

(8) The Corporation may from time to time re-borrow any money necessary for repaying any principal money borrowed under any statutory borrowing power on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so from time to time Provided as follows:—

(A) The time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the prescribed period:

(B) For the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan:

(C) The Corporation shall not re-borrow any moneys paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of land or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

(9) The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not

A.D. 1891. exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by writ of Mandamus to be obtained by the Local Government Board out of the High Court. The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application of sinking fund under Waterworks Act of 1879.

46. The sinking fund under section 86 of the Manchester Corporation Waterworks Act 1879 shall be applied exclusively in the redemption of mortgages or annuities granted or in the purchase of Manchester Corporation Consolidated Stock or Manchester Corporation Redeemable Consolidated Stock created by the Corporation under or for the purposes of that Act.

Amendment and extension of section 34 of Act of 1872.

47. (1) The provisions of section 34 of the Manchester Corporation Waterworks and Improvement Act 1872 as amended by Article III. of the Manchester Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886 shall be applicable to and exerciseable by the Corporation under or in relation to any statutory borrowing power of the Corporation :

(2) Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Manchester Corporation Redeemable Consolidated Stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raiseable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation :

(3) The Corporation shall not in the exercise of any borrowing power conferred by this Act create or issue any irredeemable stock.

Provisions as to transfers of securities.

48. (1) Every deed of transfer of any security shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever :

(2) The deed of transfer when duly executed and stamped shall be delivered to and kept by the Corporation or the town clerk and the Corporation or the town clerk shall enter a memorial thereof in the appropriate register of the Corporation and shall endorse a notice of that entry on the deed of transfer and also in the case of the transfer of a security (other than a stock certificate) on such security :

(3) Until the deed of transfer has been so delivered to the Corporation or to the town clerk the Corporation or the town clerk shall not be affected thereby and the transferee of the security shall not be entitled to receive any dividend thereon and (in the case of a redeemable security) shall not be entitled to repayment thereof :

(4) The Corporation or the town clerk before allowing any transfer of any security may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer :

(5) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the town clerk with the approval of the Corporation may require.

49. (1) The interest in any security of a sole stockholder or sole bondholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof Provided that this provision shall not affect the property in or nature of any perpetual annuity of the Corporation which has been granted to a person and his heirs or empower the executors or administrators to transfer or deal with the same further or otherwise than they are now by law empowered :

Transmission of securities on death.

(2) The Corporation or the town clerk shall not be required to allow any executors or administrators to transfer any security until the probate of the will of or the letters of administration to the estate of the deceased has or have been left with the Corporation or the town clerk for registration together with evidence by statutory declaration if the Corporation or the town clerk so require of identity of the testator or intestate and of the executors or administrators which declaration shall be retained by the Corporation or the town clerk who may require all the executors who have proved the will or all the administrators to join in the transfer.

50. (1) If the interest in any security has become transmitted in consequence of the bankruptcy of a stockholder or bondholder or the death of one of two or more joint stockholders or bondholders or the marriage of a female stockholder or bondholder or by any lawful means other than a transfer or the death of a sole stockholder or sole bondholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the town clerk require :

Transmission of securities on marriage &c.

(2) The declaration shall state the manner in which and the party to whom the security has been transmitted and shall be left with and kept by the Corporation or the town clerk :

(3) If the transmission is in consequence of the marriage of a female stockholder or bondholder the declaration shall if the Cor-

A.D. 1891. — poration or the town clerk so require set forth or exhibit an official copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the stockholder or bondholder :

(4) If the transmission is in consequence of the death of a joint stockholder or joint bondholder the declaration shall if the Corporation or town clerk so require set forth a copy of the register of the death or burial of the deceased stockholder or bondholder and declare the identity of the deceased person with the deceased stockholder or bondholder :

(5) The name of the person entitled under the transmission shall be entered in the register of the security :

(6) Until the transmission has been so authenticated the Corporation shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend :

(7) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder or bondholder although the actual ownership of the security may remain unaltered.

Provisions as
to payment
of dividends
&c.

51. (1) The Corporation may pay by the treasurer the dividends on any security and such payments may be made by warrant payable in cash at the option of the stockholder or bondholder at such London bank or such Manchester bank as shall be specified by the Corporation or the treasurer in such warrant :

(2) The Corporation or the treasurer shall not be required to allow any executors or administrators to receive any dividend on any security solely held by their testator or intestate until the probate of the will or the letters of administration has or have been left with and duly registered by the Corporation or the town clerk and the Corporation or the town clerk may require the identity of the testator or intestate and of the executors or administrators to be verified by statutory declaration to be retained by the Corporation :

(3) The Corporation or the treasurer before allowing the receipt of any dividend on any security may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of a competent person or persons or of such other nature as the Corporation or the town clerk may require and such declaration shall be retained by the Corporation :

(4) Where more persons than one are registered as joint holders of any security any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them :

(5) Where any security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of dividends on the security shall be sufficient authority in that behalf if given under the hand of the person not under disability attested by a credible witness but the Corporation or the treasurer before acting on the letter of attorney may if they or he think fit require proof to the satisfaction of the Corporation or the town clerk of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons which statutory declaration shall be retained by the Corporation :

A.D. 1891.

(6) Where a stockholder or bondholder desires to have his dividends sent by post to him or his duly authorised agent or (in the case of a joint holding) to any one of the stockholders or bondholders or to their duly authorised agent he or they may make a request for that purpose to the Corporation or the treasurer in writing signed by him or them in a form approved by the Corporation and shall give to the Corporation or the treasurer an address in the British Islands to which the letters containing the dividend warrants are from time to time to be sent :

(7) The posting by the Corporation or the treasurer of a letter containing a dividend warrant addressed to a stockholder or bondholder or a duly authorised agent at the address so given or at any substituted address to be given by such stockholder or bondholder or such authorised agent shall as respects the liability of the Corporation or the treasurer be equivalent to the delivery of the warrant to the stockholder or bondholder himself :

(8) Every dividend warrant issued by the Corporation or the treasurer shall be deemed a cheque and the Corporation and the treasurer shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882 :

(9) If at any time any dividend on any security is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

52. The Corporation the town clerk and the treasurer in relation to the registers and books of any security shall respectively be deemed a banker within the meaning of the Bankers Books Evidence Act 1879 and any Act extending or amending that Act.

Application of Bankers Books Evidence Act 1879 to Corporation &c.

53. Manchester Corporation Consolidated Stock and Manchester Corporation Redeemable Consolidated Stock shall respectively be deemed capital stock of a body corporate within the Act of the session of the 24th and 25th years of the reign of Her present

Application of Acts as to forgery.

A.D. 1891. Majesty chap. 98 "to consolidate and amend the statute law of " England and Ireland relating to indictable offences by forgery " as amended and extended by the Forgery Act 1870:

Temporary investments.

54. (1) The Corporation may from time to time invest temporarily in any statutory security money raised by any security and not for the time being applied to or required for the undertaking or purpose for which it is raised :

(2) The Corporation may if they think fit from time to time apply the interest and annual proceeds of any such statutory security or any part thereof in reduction of such contributions out of the Corporation revenues as are payable in respect of dividends on the securities by the issue whereof that money is raised.

GENERAL.

Recovery of penalties.

55. All penalties imposed by this Act not otherwise specially provided for shall be recovered in manner provided by the Summary Jurisdiction (England) Acts.

As to appeal.

56. Any person deeming himself aggrieved by any order judgment determination assessment or requirement or the withholding of any certificate license consent or approval of or by the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act including any provision of any of the local Acts amended by this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction (England) Acts.

Exemption of Government property from building regulations.

57. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Expenses of Act.

58. The costs charges and expenses attending or incident to the applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the city rate of the city.

The SCHEDULE referred to in the foregoing Act.

A.D. 1891.

ARTICLES of AGREEMENT made the third day of April one thousand eight hundred and ninety between the Right Reverend James Lord Bishop of Manchester of the first part the Very Reverend John Oakley Doctor of Divinity Dean of Manchester of the second part the Warden and Fellows of the College of Christ in Manchester founded by King Charles otherwise styled the Dean and Canons of Manchester (herein-after called the Dean and Canons) of the third part John William Maclure Esquire Member of Parliament and John Howarth Clark gentleman both of the City of Manchester and Thomas Craven of Salford in the County of Lancaster engineer the Churchwardens of the Cathedral and Parish Church of Manchester of the fourth part the Overseers of the Poor of the Township of Manchester of the fifth part the Reverend John Edward Mercer of 99 Bury New Road Broughton near the said City Clerk in Holy Orders Rector of the Parish of Saint Michael Angel Meadow in the said City of Manchester of the sixth part and the Mayor Aldermen and Citizens of the said City of Manchester (herein-after referred to as the Corporation) of the seventh part.

WHEREAS the plot of land described in the schedule hereunder written was by a sentence of consecration dated the twenty-first day of September one thousand seven hundred and eighty-seven dedicated set apart and consecrated by the Right Reverend Beilby Lord Bishop of Chester to be a cemetery or place of Christian burial wherein the bodies of the dead within the town and parish of Manchester aforesaid might be interred according to the rites and usage of the Church of England and the said Lord Bishop of Chester did accordingly pronounce decree and declare the same to have been and to be separated dedicated and consecrated and that it ought so to remain for ever thereafter And whereas by order of Her Majesty in Council dated the seventeenth day of May one thousand eight hundred and sixty-seven and made under an Act passed in the session of Parliament held in the twentieth and twenty-first years of Her Majesty's reign intituled "An Act to amend the Burial Acts" it was ordered that the churchwardens or other such persons as might have the care of the under-mentioned burial ground should adopt or cause to be adopted the following measures namely That the entire surface of the Angel Meadow New Burial Ground (meaning the said plot of land

A.D. 1891.

described in the schedule hereunder written) then disused adjoining Saint Michael's Churchyard Manchester be covered with stone asphalt or other hard material and be surrounded with a sufficient fencing to prevent intruders And whereas the Corporation in or about the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine caused the surface of the said plot of land described in the schedule hereunder written to be fenced off walled and levelled and to be flagged pursuant to the herein-before recited Order of Her Majesty in Council dated the seventeenth day of May one thousand eight hundred and sixty-seven and incurred therein expenditure amounting to the sum of five thousand and eight pounds nine shillings and fourpence And whereas the said sum of five thousand and eight pounds nine shillings and fourpence was refunded to the Corporation by the overseers of the poor of the township of Manchester And whereas it is expedient that the said plot of land described in the schedule hereunder written should be vested in the Corporation in order that the same may be maintained by them as an open space for the benefit and use of the citizens of Manchester subject to the provisions herein-after contained Now these presents witness that each and every of the parties hereto do hereby agree with the others and each and every other of them in manner following (that is to say):—

1. The parties hereto of the first six parts or such of them as claim any estate or interest in the premises will when this agreement has been confirmed as herein-after mentioned according to their respective estates and interests therein convey with the consent of such of the parties hereto of the first six parts as claim no estate or interest in the said premises unto the Corporation their successors and assigns all and singular the plot of land and hereditaments comprised and described in the schedule hereunder written with their rights easements and appurtenances to hold the same unto and to the use of the Corporation their successors and assigns for ever nevertheless upon the terms and conditions herein-after specified (that is to say):—

2. The premises shall be used only as an open space for the benefit and recreation of the citizens of Manchester.

3. The premises shall be kept fenced and in proper order and repair by and at the expense of the Corporation their successors or assigns.

4. No intoxicating liquors shall be sold on the premises.

5. No meetings for political purposes shall be allowed on the premises.

6. The premises shall be kept closed between the hours of nine p.m. on each day and seven a.m. on the following day except that during the period between the first day of April and the thirtieth day of September inclusive they may be kept open on each day until ten p.m.

7. No erections or appliances for gymnastics or other amusements which may have been or may be set up on the premises shall be used on Sundays or on any other day in such a manner as to disturb the services held in the said church of Saint Michael.

8. The premises shall not be planted with trees shrubs or flowers in such a way as to interfere with their use as a place of exercise and amusement.

9. No musical performance by bands or otherwise shall be allowed on the premises while services are being held in the said church.

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10. The present level of the premises shall not be lowered or otherwise disturbed except by raising the same where necessary such raising to be effected by using gravel clean cinders or pure soil.

11. The Corporation their successors and assigns will maintain upon the premises and will at all times when the premises are open to the public supply with water two drinking fountains in consideration of a sum of two hundred pounds having been heretofore paid by the overseers of the poor of the township of Manchester to the Corporation for the purpose.

12. In the event of the premises or any portion thereof being sold by the Corporation their successors or assigns for any purpose the remains of persons who may have been buried there shall be removed by the Corporation their successors or assigns at their own cost and interred in a consecrated portion of one of the cemeteries maintained by them and the proceeds of any such sale shall be applied in such a manner as the parties hereto of the second third fourth and fifth parts or their successors in office for the time being shall direct.

13. This agreement is conditional on the same being approved by Parliament in its present form or with such modifications as may be approved by each of the parties by an Act or Provisional Order to be promoted by the Corporation or in the alternative the Corporation will obtain such confirmation on the first occasion of their having to promote a Bill in Parliament.

14. The costs of all parties of and incidental to this agreement and also of and incidental to the conveyance provided for by clause 1 shall be paid by the Corporation.

In witness whereof the parties hereto of the first second fourth and sixth parts have hereunto set their hands and seals and the parties hereto of the third fifth and seventh parts have hereunto affixed their respective common seals the day and year first before written.

The Schedule before referred to.

All that plot of land formerly used as a burial ground situate in the township and city of Manchester bounded on the westerly side by Ashley Lane on the north-easterly side by Saint Michael's Place on the south-easterly side by Back Style Street and on the south-westerly side by the churchyard of Saint Michael's Church and which plot of land contains eight thousand superficial square yards or thereabouts and is delineated in the plan hereunto annexed and therein edged red.

Signed sealed and delivered by the
said James Lord Bishop of Manchester
in the presence of

E. P. CHARLEWOOD Secretary
to the Bishop.

J. MANCHESTER.

L.S.

Signed sealed and delivered by the
said John Oakley Dean of Manchester
in the presence of

W. ORFORD.

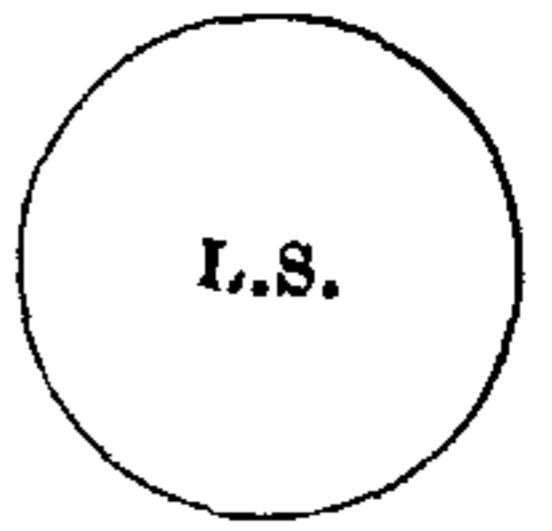
JOHN OAKLEY D.D.
Dean of Manchester.

L.S.

A.D. 1891.

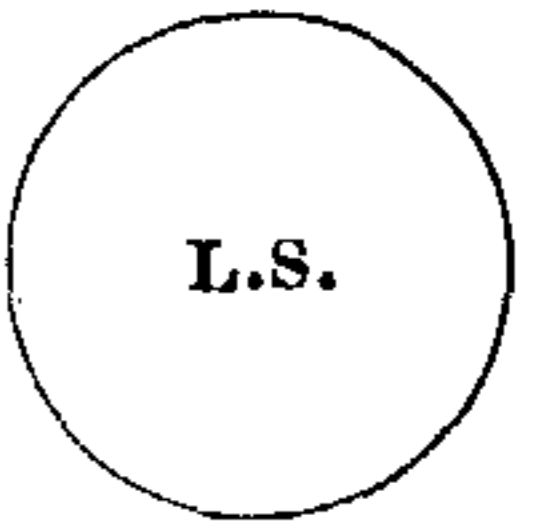
Sealed by the said Dean and Canons
in the presence of
W. ORFORD Chapter Clerk.

JOHN OAKLEY Dean.
C. W. WOODHOUSE
Canon.
J. DAVENPORT
KELLY Canon.



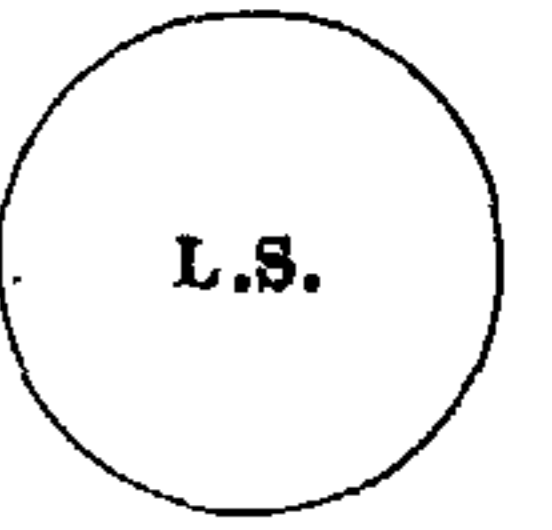
Signed sealed and delivered by the
said John William Maclure in the
presence of
ARTHUR LINGS Solicitor Man-
chester.

JOHN W. MACLURE.



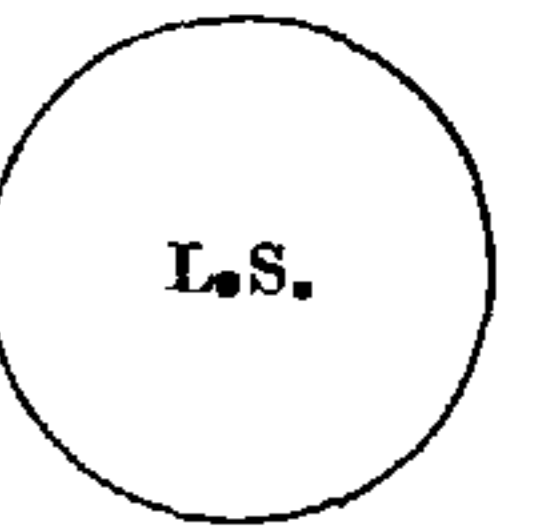
Signed sealed and delivered by the
said John Howarth Clark in the
presence of
ARTHUR LINGS.

HOWARTH CLARK.

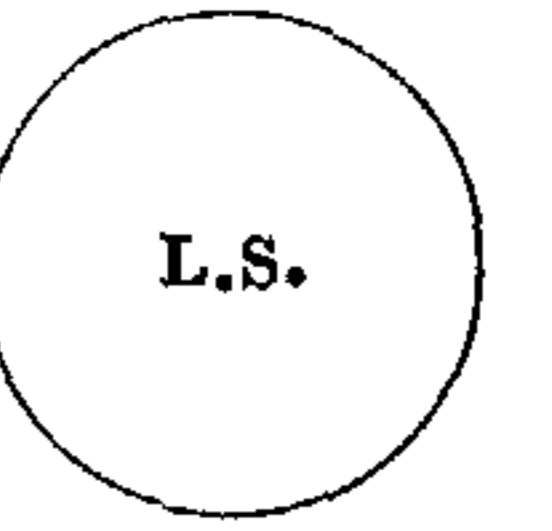


Signed sealed and delivered by the
said Thomas Craven in the presence
of
JOHN BOWLER Clerk to Mr. A.
Lings Solicitor Manchester.

THOS. CRAVEN.

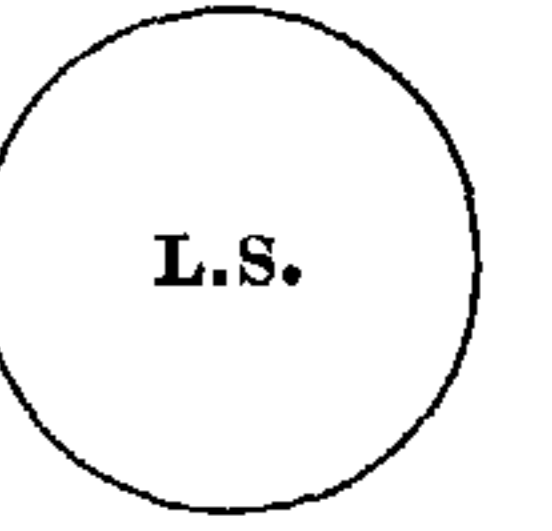


The Common Seal of the Overseers
of the Poor of the Township of Man-
chester was hereunto affixed in the
presence of
FENTON MANGNALL Chairman.
THOS. LINGS Comptroller.



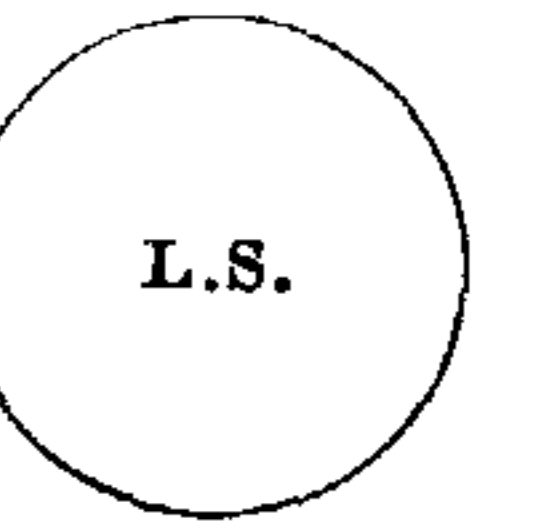
Signed sealed and delivered by the
said John Edward Mercer in the
presence of
J. F. IRWIN Clerk to Town Clerk
Manchester.

J. EDWARD MERCER



The Common Seal of the Corpora-
tion of the City of Manchester was
hereunto affixed in pursuance of an
Order of the Council of the said city
in the presence of
JOHN MARK Mayor.
THOMAS HUDSON Assistant Town
Clerk.

8597.



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