CHAPTER cxxvi.

An Act to extend the Boundaries of the City of Manchester and for other purposes. [22nd July 1885.]

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WHEREAS the township of Harpurhey and the local government districts of Bradford and Rusholme are populous suburbs of the city of Manchester (herein-after called the city) but they are now under the jurisdiction of separate sanitary highway and school authorities:

And whereas it is expedient to extend the boundaries of the city by including therein the said township and local government districts and to constitute the mayor aldermen and citizens of the city (herein-after called the Corporation) acting by the council the sole authority for all municipal sanitary and local government purposes within the extended city:

And whereas it is expedient to dissolve the said local boards and to provide for such adjustment of rights and liabilities as may be rendered equitable by reason of such dissolution or of any other provisions of this Act:

And whereas it is desirable to make provision for the representation of the added part of the city and for settling the division into wards of the extended city:

And whereas the existing city is a school board district under the Manchester School Board and it is expedient that the Bradford School Board which is now the school authority for the township of Bradford be dissolved and that the district of the Manchester School Board be extended:

And whereas the agreement set forth in the Second Schedule to this Act respecting the sale and conveyance of certain lands situate in the township of Newton in the county palatine of Lancaster has been made between the Dean and Canons of the College of Christ in Manchester of the first part the Corporation of the second part and the President and other officers of and the subscribers to the Manchester Royal Infirmary Dispensary and Lunatic Asylum of the

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third part and it is expedient that the said agreement be confirmed and carried into effect and also that the Corporation be empowered to acquire by agreement the lands in this Act described for the purpose of extending their cemetery:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of December one thousand eight hundred and eighty-four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Manchester Guardian" a local newspaper published or circulating in the city such notice being in addition to the ordinary notices 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 "Manchester Guardian" a local newspaper published or circulating in the city and has received the approval of the Local Government Board and of Her Majesty's Principal Secretary of State for the Home Department:

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 on the fourth day of March one thousand eight hundred and eighty-five in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city by resolution in the manner provided in 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 (that is to say):—

I.—Preliminary.

Short title.

1. This Act may be cited as the Manchester City Extension Act 1885.

Interpretation of terms.

2. In this Act unless the context otherwise requires—

"The existing city" means the municipal city of Manchester as existing immediately before the passing of this Act:

"The added part of the city" means the area added to the existing city by this Act:

"The extended city" means the existing city with the added part of the city:

"The Corporation" means the mayor aldermen and citizens of the existing city or of the extended city (as the case may require):

"The local authorities of Harpurhey" means the surveyors of highways and lighting inspectors or other like authority of the township of Harpurhey and the rural sanitary authority having jurisdiction in the said township:

"Person" includes a corporation:

"The City School Board" means the school board for the city:

"The Education Department" means the Lords of the Committee of Her Majesty's Privy Council on Education:

"The Local Acts" means the several Acts of Parliament set forth in the First Schedule to this Act and includes any order relating to the city of Manchester which may be confirmed by Parliament during its present session:

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

"The Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force amending the same:

"The Burial Acts" means the Burials Acts 1852 to 1871 and the Manchester Burial Board Act 1857 and all Acts for the time being in force amending the same respectively.

Commencement of Act.

3. For the purposes of the division of the extended city into wards and of all proceedings preliminary to the municipal elections of 1885 this Act shall come into operation on its passing and for all other purposes (save as expressly provided) shall come into operation on the thirtieth day of September one thousand eight hundred and eighty-five which latter date is herein-after referred to as the commencement of this Act.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the council.

II.—Extension of City Boundaries.

Extension of boundaries of city.

5. The boundaries of the existing city are hereby extended so as to comprise and the city shall accordingly comprise in addition to the existing city the township of Harpurhey and the districts of the local boards of Bradford and Rusholme.

Authority of Corporation extended.

6. Subject to the provisions of this Act the powers rights privileges authorities and duties of the Corporation as a municipal

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body and of the Corporation acting by the council as the sanitary authority for the district of the existing city and of the Corporation acting in the execution of the Local Acts or of any other Local Act or Order confirmed by Parliament in force within the existing city or otherwise and of all officers and servants of the Corporation in their respective official capacities shall extend to and throughout the extended city.

Extension of jurisdiction of recorder and other officers.

7. The jurisdiction powers authorities rights privileges and duties of the recorder clerk of the peace and coroner of the city and of the hundred court of record and the registrar and other officers thereof and of the justices of the peace appointed for the city whether acting in general or in quarter sessions or in petty sessions or out of sessions or otherwise and of the police constables and other peace officers of the city shall extend throughout the extended city.

Local Acts byelaws &c. to apply to extended city.

8. The Local Acts byelaws and regulations as the same respectively are in force at the commencement of this Act within the existing city (except section 20 of the Manchester Town Hall and Improvement Act 1866 and any rules orders and regulations made in pursuance of that section) shall extend and apply to the extended city (subject to any future repeal or amendment of the same) and byelaws and regulations made by any county justices or by any other local authority in force within the added part of the city at the commencement of this Act shall cease to be in force or to have any effect therein: Provided that any person may be tried and punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed:

Provided also that where in any part of the added area at the passing of this Act byelaws under the Public Health Act 1875 are in force such byelaws shall continue in force therein until repealed by the Corporation and during such period the existing city byelaws shall not be applicable in such part of the added area:

Provided also that the provisions of the Acts mentioned in the first part of the First Schedule hereto shall extend and apply to the added area from and after the first day of January one thousand eight hundred and eighty-six and not at any earlier date.

Extinction of liability to county and other rates and collection of arrears.

9. Lands and other property in the added part of the city shall not be liable to be rated or be rated to any county rate or rate in the nature of a county rate made after the commencement of this Act in or for the county palatine of Lancaster or any part thereof or to any rate made after the commencement of this Act by or in accordance with the precept of any rural sanitary or highway authority but orders respecting any county rate or rate in the nature of a county rate and matters connected therewith made

before the commencement of this Act shall be executed and all arrears of any such last-mentioned rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed and every person committing an offence in the added part of the city before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed: Provided always that the Corporation shall be liable to contribute to general county purposes in respect of the added part of the city upon the same basis as is now the case in respect of the existing city.

Corporation to take over proportion of county debt.

10. (1.) The Corporation shall pay out of the city fund and city rate to the justices of the peace for the county palatine of Lancaster in respect of the loss of rateable value to the county by reason of the passing of this Act and in respect of compensation to officers such sums in relation to the several items set forth in the Third Schedule to this Act as shall be agreed upon between the Corporation and the justices or failing agreement as shall be determined by arbitration in manner herein-after provided.

(2.) Such sums shall be paid by the Corporation to the treasurer of the said county within six months of the date of determining the amount of such sums whether by agreement or arbitration.

Corporation to take over certain police stations.

11. The justices shall transfer and convey to the Corporation and the Corporation shall accept and take over the following police stations namely—

The police station situate in Moston Lane Harpurhey;

The police station situate in Brook Street Bradford;

The police station situate in the township of Rusholme;

with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively and the justices shall at the cost of the Corporation prepare and execute an effectual conveyance or conveyances of the same to the Corporation.

The consideration for the transfer shall be the payment by the Corporation to the justices out of the city fund and city rate of such sum as shall be agreed or as in default of agreement shall be settled by arbitration in manner provided by this Act.

Corporation to pay proportion of pension to Sir John Iles Mantell.

12. If a pension shall be granted by the justices of the Manchester division to Sir John Iles Mantell under the Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878 the Corporation shall pay annually out of the city fund and city rate to the fee fund of the justices of that division such proportion of such pension as would have been chargeable on the added part of the city if this Act had not been passed and the first of such payments shall be made within three months after the granting of such pension.

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Any difference as to the amount or mode of payment shall be settled by arbitration in manner provided by this Act.

Added part of city to be part of city of Manchester.

13. Subject to the provisions of this Act and of the Municipal Corporations Acts the added part of the city shall form and for all intents and purposes be part of the city of Manchester and all the rights privileges benefits and advantages enjoyed by the citizens or inhabitants of the existing city are hereby extended to and may be enjoyed by the citizens or inhabitants of the extended city.

As to Corporation property.

14. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing city shall vest in the Corporation for the benefit of the extended city. The Corporation shall hold enjoy and exercise for the benefit of the extended city all the powers rights and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing city but subject to all debts liabilities and engagements affecting the same.

Officers of Corporation continued.

15. The town clerk and all other officers and servants of the Corporation shall continue to be the town clerk officers and servants of the Corporation and shall hold their offices and situations by the same tenure as at the commencement of this Act.

Deposit of plan of extended city.

16. A plan of the city as extended by this Act signed in duplicate by the Right Honourable the Earl of Camperdown the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred shall within two weeks after the passing of this Act be deposited in the office of the Clerk of the Parliaments and with the town clerk of the city at his office and a copy thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Director General of Her Majesty's Ordnance Survey and to the Local Government Board.

Copies of deposited city plan to be evidence.

17. Copies of the said plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice and elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract. All sums received under this section shall be carried to the credit of the city fund.

Corporation to be burial board for extended city.

18. From and after the commencement of this Act the Corporation acting by the council shall be the burial board for the extended city and shall have within the extended city (to the exclusion of any other authority) all the powers rights duties liabilities and obligations of a burial board under the Burial Acts.

III.—Increase of Wards Boundaries and Representation of new Wards.

Formation of added area into wards.

19. (1.) The added part of the city shall be divided into such number of wards with such boundaries and names and such number of councillors and proportionate number of aldermen as may be determined by a commissioner to be for that purpose appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act.

(2.) The commissioner may inquire into the circumstances of the wards immediately adjoining the added part of the city and may if he think fit provide by his scheme that the area of any such ward be reduced and that some portion or portions thereof be combined with portions of the added part of the city so as to form new wards: Provided that the councillors who at the commencement of this Act represent any such adjoining ward shall hold office for the same when reduced for the same period as they would have held office if the existing wards of the city had remained unaltered: Provided further that if New Cross Ward be reduced three of the six councillors representing that ward may be transferred by the scheme to a new ward to be created under this Act.

Report of commissioner.

20. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme before the first day of August one thousand eight hundred and eighty-five or such later day as may on his application be fixed by the said Secretary of State.

Scheme to be published and thereupon to come into operation.

21. (1.) The town clerk shall as soon as may be after the delivery to him of the scheme publish the same in the London Gazette and in some local newspaper or newspapers circulating in the city and from the date of the publication in the Gazette the boundaries of wards and appointment of councillors determined and made by the scheme shall be observed and be in force.

(2.) If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in Council on further information and report from the commissioner definitely approves a scheme in that behalf.

Application of section 30 of 45 & 46 Vict. c. 50.

22. Subject to the provisions of this Act sub-sections (8) (9) (10 (11) (14) and (15) of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

First election after passing of Act.

23. (1.) The first election of councillors for the additional ward or wards constituted in pursuance of this Act shall be held on the second day of November one thousand eight hundred and eighty-five.

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(2.) Of the persons then elected one third shall go out of office on the first day of November in each of the three succeeding years and the person or persons elected by the smallest number of votes shall retire first or if there has been no poll the order of retirement shall be determined by the council.

(3.) The first election of aldermen under this Act and the said scheme shall be held on the ninth day of November one thousand eight hundred and eighty-five.

Further provisions as to elections.

24. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor or aldermen in relation to each of the wards determined by such scheme as aforesaid before the first day of November one thousand eight hundred and eighty-five may be done in like manner as if such wards were and had been wards of the city existing at the time of the passing of this Act and the assignment of aldermen as returning officers by the council on the tenth day of November one thousand eight hundred and eighty-four shall so far as practicable be deemed to have applied to the several wards of the city as determined by such scheme subject nevertheless to any provisions in that behalf made in and by such scheme. In respect of any ward not having a returning officer the mayor may appoint a member of the council to act in that capacity.

Citizens or burgess list and roll.

25. For the purposes of the parish citizens or burgess lists and the citizens or burgess roll to be made after the passing of this Act under the Municipal Corporations Acts and the Parliamentary and Municipal Registration Act 1878 and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added part of the city shall be deemed to have always been part of the city: Provided that no such parish citizens or burgess lists or the citizens or burgess roll to be so made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notices given at the time or times now required prior to the passing of this Act if such lists or roll or notices be given made and published as soon after the passing of this Act as may be practicable.

Provisions of Municipal Corporations Acts to apply to elections.

26. Subject to the provisions of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Acts.

IV.—Dissolution of Local Boards; Provisions as to School Boards, &c.

Local boards dissolved.

27. From and after the commencement of this Act the local boards for the districts of Bradford and Rusholme in the county

palatine of Lancaster shall be dissolved and all jurisdiction and powers of the local authorities of Harpurhey shall cease as respects that township.

Transfer to Corporation of liabilities of local boards, &c.

28. From and after the commencement of this Act all liabilities and obligations which immediately before the commencement of this Act were attached to either of the said local boards or the local authorities of Harpurhey in respect of the said township shall be transferred and attach to the Corporation and shall be discharged and performed accordingly.

Rusholme tramways to vest in Corporation.

29. From and after the commencement of this Act the tramways works and undertaking of the local board for the district of Rusholme authorised by the Rusholme Local Board of Health Tramways Order 1877 (and other orders amending the same) with all the rights powers and privileges of the said local board shall be transferred to and vested in the Corporation and the Corporation shall be entitled to exercise the powers conferred on the said local board by any order made by the Local Government Board and confirmed by Parliament.

Transfer to Corporation of property of local boards, &c.

30. From and after the commencement of this Act all such property real and personal and all rights interests and easements whatsoever including things in action as immediately before the commencement of this Act belonged to or were vested in or enjoyed or exercised by either of the said local boards or the said local authorities in respect of the township of Harpurhey or any person on their behalf respectively shall belong to and be vested in the Corporation and may be held recovered exercised and enjoyed accordingly.

Rates due at commencement of Act to be recoverable by Corporation.

31. All rates tolls and dues which immediately before the commencement of this Act are due and payable or accruing due and payable to either of the said local boards or the said local authorities in respect of the township of Harpurhey shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation in like manner as any other rates tolls or dues may be collected and recovered by the Corporation.

Debts due to and by local boards to be paid to and by Corporation.

32. All persons who immediately before the commencement of this Act owe any sum of money to either of the said local boards or the said local authorities in respect of the township of Harpurhey or to any person on their behalf respectively shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from either of the said local boards or the said local authorities in respect

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of the township of Harpurhey or for the payment whereof the said local boards or the said local authorities in respect of the township of Harpurhey are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the Corporation.

Actions, &c. not to abate.

33. Any action or proceeding or cause of action or proceeding commenced or existing by or against either of the said local boards or the said local authorities in respect of the township of Harpurhey before the commencement of this Act shall not abate or be prejudicially affected by this Act but on the contrary may be prosecuted maintained or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of either of the said local boards or the said local authorities in respect of the township of Harpurhey were parties to such action or proceeding.

Deeds, &c. to remain in force.

34. Subject to the provisions of this Act all deeds contracts agreements mortgages bonds and securities made or entered into before the commencement of this Act by with in favour of or on behalf of either of the said local boards or the said local authorities in respect of the township of Harpurhey or any person on their behalf and now in force shall be and remain as valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the said local boards or the said local authorities in respect of the township of Harpurhey had been party or privy thereto.

Books to be evidence.

35. All books and other documents directed or authorised to be kept by either of the said local boards by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall notwithstanding the dissolution of those boards be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

City to be a school district.

36. For the purposes of the Elementary Education Act 1870 and the Acts amending the same the extended city shall from the commencement of this Act be a school district and the school board for the existing city shall be the school board for the said school district and the members of the school board for the existing city who are in office at the commencement of this Act shall constitute the school board for the said school district and shall be deemed to have been elected therefor and shall hold office subject to the provisions of the said Acts and this Act and to any order for holding a new election or otherwise which may be made by the Education Department: Provided always that the district of

Rusholme and the township of Harpurhey shall be respectively exempt from the school board rate until such time as school accommodation may be required and provided therein respectively by the City School Board.

Dissolution of Bradford School Board.

37. From and after the commencement of this Act the school board for the district of Bradford shall be dissolved and its bye-laws cease to be of effect and the property (if any) of that board shall be transferred to and vest in the school board for the extended city and all the debts liabilities contracts and engagements of the said board existing at the commencement of this Act shall be transferred to and be discharged and satisfied and performed by the school board for the extended city.

Audit of accounts of local boards and school board.

38. (1.) The accounts of the local boards for the districts of Bradford and Rusholme respectively up to the time of the commencement of this Act shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed and the provisions of section 247 of the Public Health Act 1875 and any regulations duly issued by the Local Government Board with respect to the audit of accounts of local boards and of their officers shall extend and apply to such audit.

(2.) The accounts of the school board for the district of Bradford up to the time of the commencement of this Act shall be audited by the proper officer subject and according to the provisions in that behalf of the Elementary Education Act 1870 as if this Act had not been passed.

Compensation to officers of authorities.

39. (1.) Compensation shall be paid by the Corporation out of the city fund and city rate to any officer of either of the said local boards or of any other sanitary authority or of surveyors of highways lighting inspectors or other like authority in respect of the loss of the whole or part of his emoluments in consequence of the passing of this Act.

(2.) Any such compensation may (at the option of the Corporation) be by way of annuity or otherwise and in case of difference between the Corporation and any officer as aforesaid as to the amount of compensation payable to him the difference shall be finally and conclusively settled by the Local Government Board.

(3.) Provided that any officer who is employed by the Corporation shall to the extent of the annual salary attached to such employment be deemed to have waived all right to compensation under this section.

Arbitration between the Corporation

40. Any difference between the Corporation and the justices with respect to the amount of any compensation or other payment

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and county justices.

or with respect to any other matter arising in the execution of this Act shall be determined by arbitration in manner provided by the Lands Clauses Consolidation Act 1845.

V.—Miscellaneous.

Confirmation of scheduled agreement.

41. The agreement set forth in the Second Schedule to this Act is hereby confirmed and may and shall be carried into effect by all the respective parties thereto.

Power to purchase land from dean and canons of Manchester.

42. It shall be lawful for the Corporation as the burial board of the city to purchase by agreement and for the warden and fellows of the College of Christ in Manchester otherwise styled the dean and canons of Manchester to sell and convey to the Corporation a plot of land situate in the township of Newton in the parish of Manchester and county of Lancaster on the easterly side of the Philips Park Cemetery of the Corporation and on the northerly side of and in part bounded by the River Medlock and on the southerly side of a footpath leading from a private road on the northerly side of a cemetery to Clayton Vale Print Works and which plot contains eleven thousand eight hundred and one square yards or thereabouts and the Corporation may appropriate the said land to the enlargement of the existing Philips Park Cemetery. The consideration for such sale may be either a perpetual rentcharge to be secured by the covenant of the Corporation without power of re-entry or a gross sum.

Restriction on taking houses of labouring class.

43. (1.) The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district 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.

(2.) For the purpose of this section the expression "labouring class" includes mechanics artizans 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 such persons who may be residing with them.

Power to borrow.

44. For the purpose of paying the compensation payable by the Corporation to clerks or officers the costs charges and expenses of this Act and other moneys payable by the Corporation under this

Act and properly chargeable to capital the Corporation may in lieu of paying the same out of the city rate either in one sum or by instalments borrow the moneys necessary for those purposes or any part thereof subject according to the provisions and restrictions of the Public Health Acts relating to the borrowing of money under those Acts and may mortgage the city fund and city rate for the purpose of securing the repayment of such moneys and interest.

As to closets, &c. in added area.

45. Whereas in portions of the local government district of Bradford and the township of Harpurhey closets and ashpits on the pail system have been provided by and at the cost of owners of property Be it enacted that the Corporation shall not be at liberty to require the same to be adapted to the mode of construction required in the city at the time of passing this Act.

As to privies and ashpits in Harpurhey and Rusholme.

46. In relation to privies and ashpits existing in the township of Harpurhey and the district of Rusholme at the passing of this Act the Corporation shall in exercising the powers of the Public Health Act 1875 or any Local Act be subject to the following conditions and provisions which the Corporation are hereby authorised and required to carry into effect.

(1.) No demand for payment of any expenses or charges incurred by the Corporation in the alteration or reconstruction of any such privies or ashpits shall be made by the Corporation until after the expiration of three years from the passing of this Act when such demand may be made upon the owner for the time being.

(2.) After the expiration of such period of three years the repayment of such expenses or charges shall be made to the Corporation by annual instalments (with interest) extending over seven years.

Further provisions for the protection of Harpurhey.

47. Provided always that notwithstanding the foregoing provisions of this Act and in addition thereto the Corporation shall not for the period of five years from the passing of this Act under the powers of the Public Health Act or of any local or other Act require the alteration or reconstruction of any privies or ashpits constructed in the township of Harpurhey under and in pursuance of the bye-laws of the rural sanitary authority of the Prestwich Union made in one thousand eight hundred and seventy-six.

Provisions in regard to Victoria Park.

48. Nothing herein contained shall affect Victoria Park which shall remain and be a private park to the same extent as at present. The public shall be entitled to no right of way over the roads therein except on foot nevertheless the occupiers shall be liable to be rated to the city rate and the occupiers of houses therein shall be supplied with gas and water at the same rate as the occupiers of houses

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within the city of Manchester and to have all the privileges of Rusholme ratepayers residing outside the park.

Corporation to divert sewage from brooks.

49. The Corporation shall in accordance with the provisions of the Public Health Act 1875 and other Acts in force in the extended city forthwith execute such works as may be necessary to divert and shall divert the sewage and drainage within the district of Rusholme from the brooks and streams within that district and from the sewers of the Withington Local Board and shall take such sewage and drainage into the sewers of the Corporation. The cost of such works shall be paid out of the city rate of the extended city.

Power of Corporation to exercise borrowing powers of local boards.

50. The Corporation may exercise all the borrowing powers of the existing Corporation and of the local boards for Bradford and Rusholme as those powers respectively exist at the commencement of this Act but the moneys raised by the exercise of the borrowing powers of either of the said local boards shall be applied only to purposes to which such moneys would have been applicable if this Act had not been passed and shall be repaid in the manner and within the respective periods fixed for repayment of the same.

Sums borrowed by local boards to be charged on city rate.

51. All sums borrowed or re-borrowed before the commencement of this Act by either of the said local boards and all sums borrowed or re-borrowed by the Corporation in the exercise under this Act of the borrowing powers of either of those boards respectively shall be charged on the city rate but the original securities for all such sums shall remain valid and in force unless and until the holders thereof shall agree to accept and shall receive new securities in lieu thereof from the Corporation. Such sums shall rank next after the charges on the city rate existing at the commencement of this Act and as between themselves shall have priority according to the date of the respective loans.

General saving for Corporation.

52. Nothing in this Act shall take away abridge or prejudicially affect any right power authority estate or interest of the Corporation under the Municipal Corporations Acts or the Public Health Acts or otherwise; and every such right power authority estate and interest may be had enjoyed and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Expenses of Act.

53. The costs charges and expenses preliminary and of and incident to the applying for obtaining and passing of this Act shall be paid by the Corporation out of the city rate of the city.

THE FIRST SCHEDULE.

LOCAL ACTS.

FIRST PART.—WATERWORKS ACTS.

Session and Chapter.	Title or Short Title.
10 and 11 Vic. cap. cciii -	The Manchester Corporation Waterworks Act 1847.
11 and 12 Vic. cap. ci -	The Manchester Corporation Waterworks Amendment Act 1848.
17 Vic. cap. xxxviii -	The Manchester Corporation Waterworks Act 1854.
21 and 22 Vic. cap. lxxxvii	The Manchester Corporation Waterworks Act 1858.
23 Vic. cap. xciii - -	The Manchester Corporation Waterworks Act 1860.
26 and 27 Vic. cap. lxviii -	The Manchester Corporation Waterworks Act 1863.
28 and 29 Vic. cap. cxlv -	The Manchester Corporation Waterworks Act 1865.
30 Vic. cap. xxxvi - -	The Manchester Corporation Waterworks and Improvement Act 1867.
32 and 33 Vic. cap. cxvii -	The Manchester Corporation Waterworks and Improvement Act 1869.
35 and 36 Vic. cap. xxxi -	The Manchester Corporation Waterworks and Improvement Act 1872.
38 and 39 Vic. cap. clxi -	The Manchester Corporation Waterworks and Improvement Act 1875.
42 Vic. cap. xxxvi - -	The Manchester Corporation Waterworks Act 1879.
45 and 46 Vic. cap. cciii -	The Manchester Corporation Act 1882.

SECOND PART.—IMPROVEMENT ACTS.

6 Vic. cap. xvii - -	An Act for transferring to the Mayor Aldermen and Burgesses of the Borough of Manchester certain powers and property now vested in the Commissioners for cleansing lighting watching and regulating the Town of Manchester.

Session and Chapter.	Title or Short Title.
7 and 8 Vic. cap. xl - -	An Act for the good government and police regulation of the Borough of Manchester.
7 and 8 Vic. cap. xli -	An Act for the improvement of the Town of Manchester.
8 and 9 Vic. cap. cxli -	An Act to effect improvements in the Borough of Manchester for the purpose of promoting the health of the inhabitants thereof.
9 and 10 Vic. cap. ccxix -	The Manchester Market Act 1846.
10 Vic. cap. xiv - -	The Manchester Markets Act 1847.
14 and 15 Vic. cap. cxix -	The Manchester General Improvement Act 1851.
16 and 17 Vic. cap. xci -	The Manchester New Streets Act 1853.
17 Vic. cap. xxviii - -	The Manchester Improvement Act 1854.
18 Vic. cap. xliv - -	The Manchester Improvement Act 1855.
20 and 21 Vic. cap. cxvii -	The Manchester Burial Board Act 1857.
21 Vic. cap. xxv - -	The Manchester Improvement Act 1858.
23 Vic. cap. xlviii -	The Manchester Improvement Act 1860.
28 Vic. cap. xc - -	The Manchester Improvement Act 1865.
29 Vic. cap. xxix -	The Manchester Town Hall and Improvement Act 1866.
30 Vic. cap. xxxvi - -	The Manchester Corporation Waterworks and Improvement Act 1867.
32 and 33 Vic. cap. cxvii	The Manchester Corporation Waterworks and Improvement Act 1869.
34 and 35 Vic. cap. lxv -	The Manchester Improvement Act 1871.
35 and 36 Vic. cap. xxxi	The Manchester Corporation Waterworks and Improvement Act 1872.
38 and 39 Vic. cap. clxi -	The Manchester Corporation Waterworks and Improvement Act 1875.
43 and 44 Vic. cap xxxvi	Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880.
44 and 45 Vic. cap. lxvi -	Local Government Board's Provisional Orders Confirmation (Halifax &c.) Act 1881.
45 and 46 Vic. cap. cciii -	The Manchester Corporation Act 1882.
47 and 48 Vic. cap. ccxv -	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884.

THE SECOND SCHEDULE.

ARTICLES OF AGREEMENT made the eighteenth day of March 1885 Between The Warden and Fellows of the College of Christ in Manchester founded by King Charles otherwise styled the Deans and Canons of Manchester (herein-after called the Dean and Canons) of the first part The Mayor Aldermen and Citizens of the City of Manchester in the county of Lancaster (herein-after called the Corporation) of the second part and The President Treasurers Deputy Treasurers Benefactors and Subscribers of and to the Manchester Royal Infirmary Dispensary and Lunatic Hospital or Asylum (herein-after called the Infirmary) of the third part.

Whereby it is agreed and declared as follows :—

1. The Dean and Canons will sell to the Corporation who will purchase the fee simple and inheritance of and in the land and hereditaments delineated and edged red on the plan hereunto annexed and described in the First Schedule hereto together with the rights specified in the same schedule except and reserved with respect to the same land and hereditaments as mentioned in the Fourth Schedule hereto at and in consideration of a perpetual yearly rentcharge of 180*l.* to be payable by two equal half-yearly payments on the 25th day of March and the 29th day of September in every year without deduction (the property tax or income tax payable in respect of such rentcharge only excepted) and the first half-yearly payment of the said rentcharge to be made on the 29th day of September 1885. The said rentcharge shall be a charge on the said land and hereditaments within the meaning of and having the incidents provided by section 44 of the Conveyancing and Law of Property Act 1881 and in addition to the remedies therein contained the said rentcharge shall also be secured by the covenant for payment of the Corporation with the Dean and Canons such covenant to be inserted in the conveyance from the Dean and Canons to the Corporation. The said conveyance shall also contain covenants by the Corporation to the effect mentioned in Article 4 of this agreement and shall be completed within six calendar months after this agreement shall have been sanctioned by Parliament.

2. Forthwith after the execution of the conveyance from the Dean and Canons to the Corporation under the first article the Corporation will sell and convey

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to the Infirmary who will purchase and accept a conveyance of the said land rights and hereditaments described in the said First Schedule except and reserved as mentioned in the said Fourth Schedule and subject to the said rentcharge and the powers and remedies for the recovery thereof and in such conveyance shall be contained a covenant by the Infirmary with the Corporation for payment of the said rentcharge and to indemnify the Corporation against the several covenants to be contained in the said conveyance to the Corporation and against all costs charges and expenses to be incurred under or in connexion with such covenants or any of them. In such conveyance shall also be contained usual powers of entry distress and perception of rents and profits for enforcing payment by the Infirmary of the said rentcharge such powers to be granted and made exerciseable over the said land and hereditaments described in the said First Schedule.

3. For the considerations herein-after in this clause appearing the Dean and Canons will sell and convey to the Corporation who will purchase the fee simple and inheritance of and in the land and hereditaments described in the Second Schedule hereto subject to the like exceptions with respect to the same land as are mentioned in the Fourth Schedule hereto such conveyance to be completed within six calendar months after this agreement shall have been sanctioned by Parliament and the Infirmary will sell and convey to the Corporation who will purchase the fee simple and inheritance of and in the land and hereditaments described in the Third Schedule hereto subject to such exceptions and reservations as are mentioned or referred to in the Fifth Schedule hereto such conveyance to be completed within the before-mentioned period of six calendar months. In consideration of such conveyance by the Dean and Canons the Corporation shall forthwith after the execution of such conveyance by the Infirmary convey the land and hereditaments described in the said Third Schedule (subject to the exceptions and reservations mentioned or referred to in the said Fifth Schedule) to the Dean and Canons and in consideration of the conveyance by the Infirmary of the said land and hereditaments described in the said Third Schedule the Corporation shall forthwith after the execution of the conveyance thereof by the Dean and Canons convey the land and hereditaments described in the said Second Schedule (subject to the exceptions and reservations mentioned or referred to in the said Fourth Schedule) to the Infirmary.

4. The conveyance to the Corporation of the plot of land described in the said First Schedule shall contain covenants by the Corporation to leave open and unbuilt upon and free from all manner of obstructions the portions of the intended streets to be called Sandiford Street Clarendon Street and Anson Street lying co-extensive with and forming parts of the said plot of land edged red on the said plan and also at the expense of the Corporation to make pave sough and flag or gravel and at all times after keep in repair to the satisfaction of the Dean and Canons or their agent the same portions of the last-mentioned streets (six feet whereof co-extensive with and immediately adjoining such part of the said plot of land edged red on the said plan as does not constitute street land shall be laid with good flagstones and proper curbs thereto as and for footpaths) and also to bear and pay one-half of the expenses of making and maintaining proper and sufficient main sewers which may be required by the Dean and Canons their successors and assigns under the last-mentioned streets co-extensive with the said land edged red on the said plan.

5. The conveyances mentioned in the third article of this agreement shall contain covenants by the respective grantees to leave open and unbuilt upon and free from all manner of obstruction the respective portions of the lands comprised in such conveyances as are upon the plan hereto annexed shown as constituting parts of the intended street shown on the said plan such street to be at all times and for all purposes for the joint use of the Dean and Canons and the Infirmary and their respective successors and assigns and all other persons authorised by them respectively to use such street.

6. The Corporation shall not inquire into the title of the Dean and Canons to the plots edged red and coloured green on the said plan but shall accept the same as good without investigation doubt or question and the Dean and Canons shall not be required to produce or deliver up or to give any acknowledgment of the right to production of any of their title deeds or any other documents or document or evidences relating to their title or to undertake for the safe custody of such deeds documents or evidences or to furnish any attested or other copies thereof or any abstract of their title.

7. The abstract of title to the plot of land coloured brown on the said plan shall commence with an indenture dated the 20th day of January 1871 and made between John Taylor of the first part Philip Berry of the second part and the Infirmary of the third part and the Infirmary shall acknowledge the right of the Corporation to the production of the same indenture and to delivery of copies thereof without any undertaking for the safe custody thereof.

8. The costs and expenses of the solicitor and surveyor of the Dean and Canons for the preparation and execution of this agreement and of a surrender by the Infirmary to the Dean and Canons of part of the said land edged red on the said plan and of adjoining land and the negotiations preparatory thereto respectively and in or about the preparation and execution of the conveyances to be executed in pursuance of these presents and of any documents and of any other thing in pursuance of these presents shall be borne and paid by the Corporation in the first instance but afterwards repaid to them by the Infirmary.

9. 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.

In witness whereof the said Dean and Canons the Corporation and the Infirmary have hereunto affixed their respective common seals the day and year first before written.

The First Schedule herein-before referred to.

All that land containing 19,962 square yards of land or thereabouts situate in the township of Newton in the county of Lancaster and delineated in the plan hereunto annexed and therein edged red. Together with the full and free right and liberty in common with the Dean and Canons their successors and assigns and lessees and grantees of the like privileges for the Corporation their successors and assigns and their agents and servants and the respective tenants and occupiers for the time being of the said land edged red on the said plan

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and all persons having occasion to go to or from the said land or any of them the right to pass and repass on foot or with horses carts and carriages or otherwise at all times and for all purposes whatsoever over and along the streets adjoining or forming part of the said land edged red on the said plan.

The Second Schedule herein-before referred to.

All that land containing 1065 square yards of land or thereabouts situate in the township of Newton in the county of Lancaster and delineated in the plan hereunto annexed and therein coloured green.

The Third Schedule herein-before referred to.

All that land containing 1065 square yards of land or thereabouts situate in the township of Newton in the county of Lancaster and delineated in the plan hereunto annexed and therein coloured brown.

The Fourth Schedule herein-before referred to.

Except and reserved out of the said plots of land edged red and coloured green in the plan hereto annexed unto the Dean and Canons and their successors lessees and assigns and all persons by their authority the right to pass and repass on foot or with horses carts and carriages or otherwise at all times and for all purposes whatsoever over and along so much and such part of the said plots of land edged red and coloured green on the said plan as extend into and form parts of intended streets as shown in the said plan and also except and reserved unto the Dean and Canons and their successors and assigns for the time being all tithe commutation rentcharges or sums of money in lieu of tithes payable for or in respect of the same premises and all mines delfs and quarries of lead coal cannel slate stone clay and all minerals in or under the same premises with full and free liberty of getting the same by means of underground workings only they the Dean and Canons and their successors and assigns for the time being making reasonable satisfaction to the Corporation their successors and assigns for any damage or injury to be occasioned to the said premises or any part thereof in their then state in consequence of the exercise of all or any of the rights herein-before mentioned.

The Fifth Schedule herein-before referred to.

Except and reserved out of the said plot of land coloured brown on the plan hereto annexed unto the Infirmary their successors lessees and assigns and all persons by their authority the right to pass and repass on foot or with horses carts and carriages or otherwise at all times and for all purposes whatsoever over and along so much and such part of the said plot of land coloured brown on the said plan as extends into and forms part of an intended street as shown in the said plan and also except and reserved unto the Infirmary their successors and assigns for the time being all mines delfs and quarries of lead coal cannel slate stone clay and all minerals in or under the same premises with full and free liberty of getting the same by means of underground workings only they the Infirmary their successors and assigns for the time being making reasonable satisfaction to

the Corporation their successors and assigns for any damage or injury to be occasioned to the said premises or any part thereof in their then state in consequence of the exercise of all or any of the rights mentioned in this schedule. A.D. 1885.

JOHN OAKLEY
Dean.

Sealed by the Dean and Canons in the presence of

W. Orford
Chapter Clerk.

Common Seal of the Dean and Canons.

WM. CRANE,
C. W. WOODHOUSE
J. DAVONPORT KELLY } *Canons.*

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

J. J. Harwood
Mayor.

T. Hudson
for Town Clerk.

Common Seal of the Corporation.

The Common Seal of the Infirmary was hereunto affixed in the presence of

Edwd. S. Heywood
Chairman.

P. Goldschmidt
Treasurer.

W. L. Saunder
Secretary.

Common Seal of the Infirmary.

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THE THIRD SCHEDULE.

Debt on County Sessions House Liverpool.
Debt on the police station for the head-quarters division at Preston.
Deficiency in the county police superannuation fund.
Pensions already granted to officers of Lancaster and Salford prisons.
Prospective pensions which may hereafter be granted to officers of Lancaster and Salford prisons in the service of the county prior to 1st April 1878.
Maintenance of juveniles committed to reformatory schools.
Maintenance of children committed to industrial schools.
Debt upon the late Salford Hundred County Prison.
Compensation to the clerk of the peace for the county palatine of Lancaster at the time of the passing of this Act.
Compensation to the coroner of the Salford district of the county of Lancaster at the time of the passing of this Act.
Compensation to the clerk to the justices of the Manchester Petty Sessional Division at the time of the passing of this Act.

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