CHAPTER xl.

An Act for enabling the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to execute works and acquire additional lands for the purposes of their Waterworks to amend and extend the provisions of the Acts relating to such Waterworks and for other purposes. [24th June 1889.] A.D. 1889.

WHEREAS by the Manchester Corporation Waterworks Act 1879 (herein-after referred to as "the Act of 1879") the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this Act called "the Corporation") were empowered to obtain a supply of water from the Lake Thirlmere in Cumberland and it is expedient that some of the provisions of the Act of 1879 and of the other Acts therein and herein-after referred to as "the recited Waterworks Acts" should be amended or extended:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the several counties within which the said works will be constructed and those lands are situate which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas it is expedient that the Manchester City Extension Act 1885 should be 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 31st day of October 1888 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Manchester Guardian" newspaper a local newspaper published or circulating in the city of Manchester

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such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the moneys in the hands of the Corporation on the waterworks account:

And whereas such resolution was published in the said "Manchester Guardian" 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 sixth day of February 1889 being 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 3 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:

Short title.

1. This Act may be cited for all purposes as the Manchester Corporation Act 1889.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit contained in sections 75 to 83 both inclusive) and the clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act The Waterworks Clauses Act 1847 as incorporated in the recited Waterworks Acts and in this Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from the 44th section thereof.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Act of 1879 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided always that in the Acts

wholly or partially incorporated with this Act for the purposes of this Act and the Act of 1879 and also in this Act the words and expressions following shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

The expressions "the undertakers" and "the promoters of the undertaking" shall mean the Corporation;

The expressions "the railway" and "centre line of the railway" shall mean respectively the works by this Act authorised and the centre line thereof respectively as shown upon the deposited plans;

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

The expression "Town Clerk" shall mean the Town Clerk of the city.

Council to execute Act.

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

Authentication of notices.

5. Any summons demand notice or document to be given made or entered into 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 may be in writing or print or partially in writing and partially in print and the provisions of the fifty-first section of the Manchester Corporation Waterworks and Improvement Act 1867 shall apply to every such summons notice or other document.

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

certificates to be deposited.

6. If any omission misstatement or wrong description shall have been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or mentioned in the deposited books 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 misstatement 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 misstatement 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 where such lands are situate and with the Town Clerk and such certificate shall be kept by such clerk of the peace and Town Clerk respectively with the other documents to which it relates and thereupon such plans or books 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 misstatement or wrong description had not been made.

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Plans &c. to be open to inspection.

7. A copy of the deposited plans and books of reference respectively shall be kept by the Town Clerk who shall permit all persons to inspect the same at reasonable times and to make copies and extracts of and from the same respectively on payment by 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.

Certified copies of plans &c. to be evidence.

8. Copies of the deposited plans and books 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 Cumberland or by the clerk of the peace for the county of Westmorland or by the clerk of the peace for the county of Lancaster or by the clerk of the peace for the county of Chester as the case may require or by the Town Clerk which certificate such clerks 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.

Power to acquire lands for water-works.

9. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take use and hold all or any of the lands defined on the deposited plans and described in the deposited books of reference including the lands in the township of Godley and parish of Mottram in Longdendale in the county of Chester within the limits of land to be acquired shown upon the said plans and section 65 of the Act of 1879 shall extend and apply to such of the said lands as are situate in the county of Cumberland.

Power to construct new works for water-works purposes.

10. Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the deviations and alterations shown upon the said plans in the line and levels of the aqueduct ninthly described in and authorised by the Act of 1879 and also the other works shown upon the deposited plans and sections in connexion with such aqueduct And the Corporation shall have and may exercise in respect of the said deviations alterations and works all the powers conferred upon them by the Act of 1879 with respect to the said aqueduct ninthly described in and authorised by that Act as if such works had been authorised by such Act Provided always that nothing herein contained shall alter or prejudice any of the provisions of the Act of 1879 for the protection of landowners and others specifically named in such provisions.

Power to deviate.

11. Subject to the provisions of this Act the Corporation may in the construction of the several works by this Act authorised deviate laterally from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans and where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Corporation may in making such work deviate laterally from the line thereof to any extent within the boundaries of such road but so as not to take or interfere with any property abutting upon such road or adjoining thereto or any cellar under the footpaths thereof which is not acquired by the Corporation and the Corporation may also deviate from the levels of the said several works by this Act authorised as delineated on the deposited sections relating thereto to any extent not exceeding five feet Provided always that the Corporation shall not deviate upwards from such levels so as to alter the level of the ground of any existing road or footway and provided also that except in the case of a work passing along a road nothing herein contained shall authorise the Corporation to deviate laterally where no limits of lateral deviation are defined upon the deposited plans.

Limiting time for compulsory purchase of lands.

12. 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 take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement or right to take water in which other than the parties to the agreement have an interest) 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 rentcharges 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.

Restriction on displacing persons of the labouring class.

14. 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 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

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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.

New works to form part of waterworks undertaking.

15. Subject to the provisions of this Act the works to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of rents rates and charges be deemed part of the waterworks undertaking of the Corporation as if they had been authorised by and included or referred to in the recited Waterworks Acts.

Holders of life annuities to produce evidence of existence of cestui que vie.

16. In the case of all life annuities heretofore granted or hereafter to be granted by the Corporation under the Manchester Corporation Act 1882 or the Acts specified in the First Schedule thereto or any of them it shall be lawful for the Corporation before making any payment of any life annuity to require that the registered holder thereof shall produce and deliver up to the proper officer of the Corporation a certificate in the form in the Schedule to this Act annexed or shall furnish such other evidence of the existence of the person during whose life the annuity is payable as shall be satisfactory to the Corporation.

Amending section 42 of Act of 1863.

17. Section 42 of the Manchester Corporation Waterworks Act 1863 is hereby repealed and in lieu thereof the following provision shall have effect (that is to say) :—

Every person who shall wilfully carelessly or without written authority from the Corporation in any way interfere with any valve pipe lock cock or other apparatus or works of the Corporation or with any meter used for registering the quantity of water supplied by the Corporation shall without prejudice to any other right or remedy for the protection of the Corporation or the punishment of such offender be liable to a penalty for every such offence not exceeding five pounds.

Amending section 46 of Act of 1863.

18. Section 46 of the Manchester Corporation Waterworks Act 1863 is hereby repealed and in lieu thereof the following provision shall have effect (that is to say) :—

Any person who shall without the consent in writing of the Corporation affix extend or enlarge any pipe or use any other means or device for the purpose of supplying any person tenement or premises with water from the works of the Corporation shall forfeit and pay a sum not exceeding five pounds and a further sum not

exceeding forty shillings for every day during which such offence shall be continued. A.D. 1889.

Providing for election of aldermen when number not capable of equal division.

19. Whereas by virtue of the Manchester City Extension Act 1885 and the scheme approved by Her Majesty in Council on the 12th day of August 1885 the number of aldermen of the city has been increased from sixteen to nineteen Be it enacted that as such number is not capable of equal division so that half of the whole number may go out of office on each ordinary day of election of aldermen in every third year the larger half shall go out of office on the ninth day of November one thousand eight hundred and eighty-nine and the remainder or smaller half shall continue to hold office until and shall go out of office on the ninth day of November one thousand eight hundred and ninety-two and so alternately from time to time Provided always that for the purpose of giving effect to this enactment the Council shall if and when necessary determine the order in which any aldermen or alderman shall go out of office and in particular which two of the three aldermen elected on the ninth day of November one thousand eight hundred and eighty-five in pursuance of the said Act and scheme shall go out of office on the ninth day of November one thousand eight hundred and eighty-nine and which one of such aldermen so elected shall continue to hold office until and shall go out of office on the ninth day of November one thousand eight hundred and ninety-two This provision shall be applicable to any alderman holding office by way of succession on a casual vacancy to any of the last-mentioned three aldermen.

Expenses of Act.

20. The costs charges and expenses attending or incident to the 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 moneys in the hands of the Corporation or hereafter to accrue to them on waterworks account.

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SCHEDULE referred to in the foregoing Act.

FORM OF CERTIFICATE.

Manchester Corporation Life Annuities.

Certificate of Existence.

I hereby certify that
who is the Annuitant described in Grant No. is alive and
has appeared before me this day of 18 .

*(Signature)
(Designation)
(Address)

* To be signed by a Justice of the Peace, a Minister of Religion, a Surgeon, a Solicitor, a Banker, a Member of the London Stock Exchange, or an Officer, either on full pay or on half pay or retired, of the Army or Navy.

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