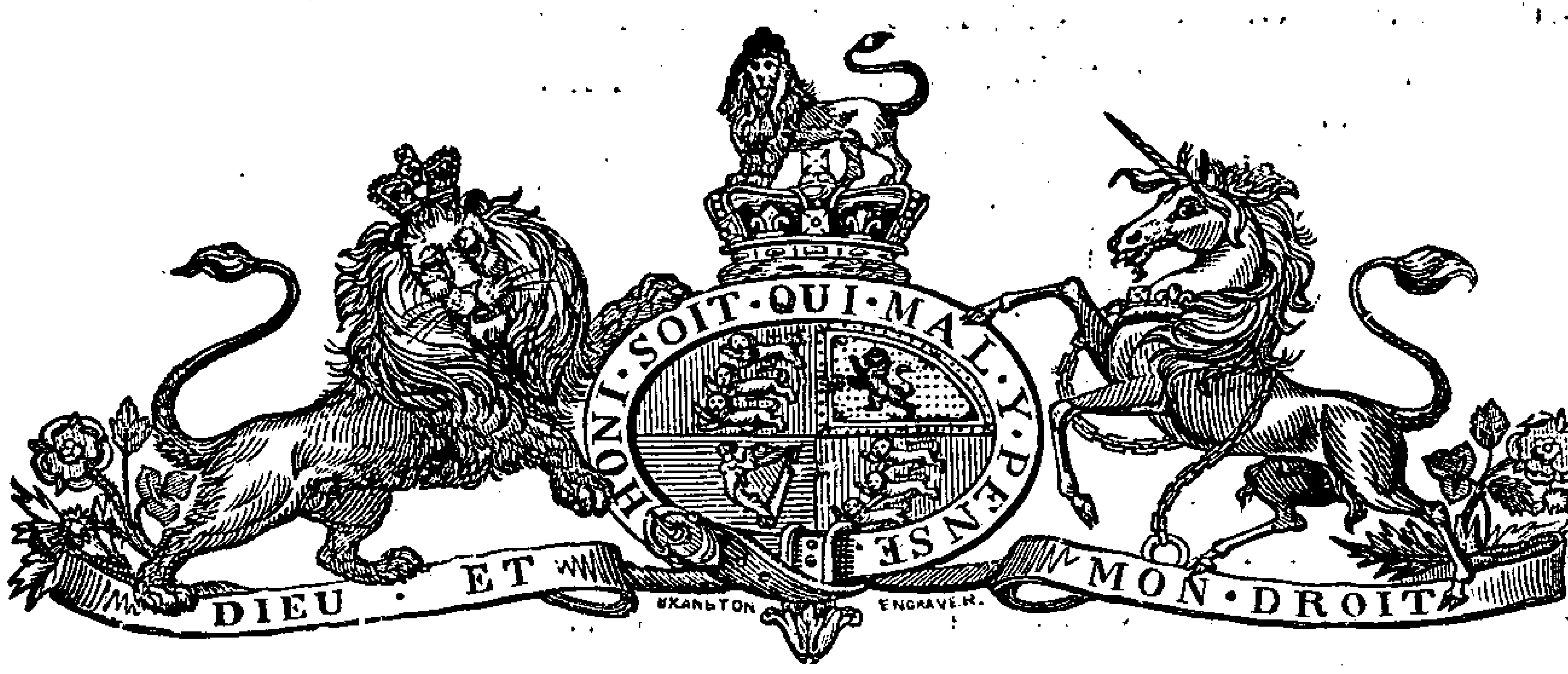


ANNO SEXTO

VICTORIÆ REGINÆ.

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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*.

[9th *May* 1843.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for cleansing, lighting, watching, and* 32 G. 3. c. 69.
regulating the Streets, Lanes, Passages, and Places within the Townships of Manchester *and* Salford *in the County Palatine of* Lancaster; *for widening and rendering more commodious several of the said Streets, Lanes, and Passages, and for other Purposes therein mentioned:* And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the* 5 G. 4. c. 133.
better lighting with Gas the Town of Manchester *in the County Palatine of* Lancaster: And whereas another Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend several Acts for cleansing, lighting, watching, improv-* 9 G. 4. c. 117.
ing, and regulating the Towns of Manchester *and* Salford *in the County Palatine of* Lancaster: And whereas another Act was passed in the

Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend several Acts for supplying the Town of* Manchester *with Gas, and for regulating and improving the same:* And whereas another Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to authorize the raising of further Monies for supplying the Town of* Manchester *with Gas:* And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for widening and improving a Part of* London Road *in the Parish of* Manchester *and County of* Lancaster; *and also for effecting Improvements in the Streets and other Places within the Town of* Manchester: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enlarge the Powers of several Acts for effecting Improvements in the Streets and other Places within the Town of* Manchester: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling the Directors of the* Manchester *Gas Works to purchase Land, Buildings, and Apparatus for the Extension of their Works:* And whereas another Act was passed in the Second Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for effecting Improvements in the Streets and other Places within and contiguous to the Town of* Manchester: And whereas the Commissioners acting under the said recited Acts, so far as the same relate to the Town of *Manchester*, are incorporated under the Name or Style of "The Commissioners for cleansing, lighting, watching, and regulating the Town of *Manchester;*" and the Powers conferred by the said Acts are, according to the Provisions thereof, authorized to be exercised and carried into effect by the said Commissioners, and by a Board of Directors of the *Manchester* Gas Works appointed by and out of the general Body of the said Commissioners, and also by a Committee of the said Commissioners, styled the "Improvement Committee;" and under the Provisions of the said Acts, or some of them, certain Real and Personal Estates and Effects are vested in and belong to the said Commissioners: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England and Wales, it is provided, that the Trustees under any Act or Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough, or Part of any Borough, might (if not beneficially interested), at a Meeting to be called for the Purpose, transfer all the Powers vested in them under any such Act or Acts to the Body Corporate of such Borough, and the said Body Corporate should thenceforth be Trustees for executing by the Council of such Borough the Powers and Provisions of any such Act or Acts of Parliament; and the Members of the said Council should have the same Powers and be subject to the same Duties as if their Names had been originally inserted in such Act or Acts, or as if they had been elected under the Provisions of such Act or Acts as Trustees respectively: And whereas a Special General Meeting of the said Commissioners for cleansing, lighting, watching, and regulating the Town of *Manchester* was duly convened and held on the

11 G. 4. & 1 W. 4. c. 47.

1 W. 4. c. 16.

2 & 3 W. 4. c. 36.

6 & 7 W. 4. c. 16.

7 W. 4. & 1 Vict. c. 112.

2 & 3 Vict. c. 2.

5 & 6 W. 4. c. 76.

First Day of *December* last, at which it was determined to transfer to the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* (as the Body Corporate thereof) all the Powers vested in the said Commissioners by virtue of all or any of the several Local Acts of Parliament herein-before recited, and then in force within the said Township of *Manchester*: And whereas such Transfer as aforesaid would be attended with great public Advantage, and the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* are willing to accept the same; but inasmuch as some of the said Local Acts have been enacted subsequently to the passing of the said recited Act for the Regulation of Municipal Corporations in *England* and *Wales*, Doubts have arisen whether a Transfer of the Powers conferred on the said Commissioners by such Acts can be legally made without the further Authority of Parliament, and other Doubts have also arisen as to the Mode of effecting such Transfer: And whereas it is expedient that such Doubts should be removed, and that the Powers and Property now vested in the said Commissioners, Gas Directors, and Improvement Committee respectively, and in any other Committee appointed out of the Body of the said Commissioners, by virtue of the herein-before recited Local Acts, should be effectually transferred to and vested in the said Mayor, Aldermen, and Burgesses of the Borough of *Manchester*: 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, That on and after the Twenty-fourth Day of *June* next the respective Powers and Duties of the said Commissioners for cleansing, watching, lighting, and regulating the Town of *Manchester*, and of the said Gas Directors and Improvement Committee under the said recited Acts, or any or either of them, shall cease and determine.

Repealing Powers of the Improvement Commissioners.

II. And be it enacted, That the respective Powers, Provisions, and Directions contained in the said recited Acts, for or in relation to the Election, Appointment, and Qualification of the said Commissioners, Gas Directors, and Improvement Committee, from Time to Time, and for the Regulation and otherwise in respect of the Meetings of the said respective Bodies, and of the Proceedings thereat, shall be and the same are hereby repealed, as to the Operation and Effect thereof, from and after the said Twenty-fourth Day of *June* next, but without Prejudice to any Acts or Proceedings previously done, had, or transacted under or pursuant to the same Powers, Provisions, and Directions, and to any Demands or Liabilities by reason or in consequence thereof, and which shall be existing on the said Twenty-fourth Day of *June*.

Repealing certain Provisions in the Improvement Acts.

III. And be it enacted, That from and immediately after the said Twenty-fourth Day of *June* such of the said Powers, Authorities, and Privileges, and the Right and Obligation to carry into effect such of the Provisions respectively contained in the said recited Acts as are now in force, and are vested in, or might, if this Act had not been passed, have been exercised, enforced, or carried into effect by the said Commissioners, Gas Directors, and Improvement Committee respec-

Transferring Powers of Commissioners to the Corporation.

respectively, or any or either of those several Bodies, either alone or with the Concurrence of any others or other of them, or in or by any particular or specified Number, or in or by any of the individual Members for the Time being of the same Bodies or Body respectively, (save only and except such of the aforesaid Powers, Authorities, Privileges, and Provisions as are hereby repealed,) shall be and the same are hereby transferred unto and vested in the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster*, and the said respective Powers, Authorities, and Privileges shall be from Time to Time exercised, and the said Provisions shall be carried into effect, in the Manner herein-after directed: Provided nevertheless, that such of the same Powers, Authorities, Privileges, and Provisions as were by the said recited Acts, or any or either of them, vested in or directed to be exercised or carried into effect by any or either of the said respective Bodies of Commissioners, Gas Directors, and Improvement Committee, or any Member or Members thereof respectively, with or subject to any Condition or Provision for the Consent, Control, Superintendence, Direction, Request, or Recommendation of any other of the same Bodies respectively, or any Member or Members thereof, shall henceforth be exercised or carried into effect without reference to and discharged from such Condition or Provision, and in like Manner as if no such Consent, Control, Superintendence, Direction, Request, or Recommendation had been originally required for or with reference to the Exercise or Execution of the same Powers, Authorities, Privileges, or Provisions respectively, and the same Conditions or Provisions are hereby expressly repealed.

Powers of Corporation to be executed by Town Council.

IV. And be it enacted, That the said Powers, Authorities, Privileges, and Provisions which, and the Right and Obligation to exercise and effect which, are herein-before transferred unto or vested in the said Mayor, Aldermen, and Burgesses of the said Borough, shall be from Time to Time exercised and carried into effect through or by means of the Town Council for the Time being of the said Borough, or any Committee or Committees to be from Time to Time, and for such Time as shall be thought fit, appointed by such Town Council, and in the same Manner, and with the Benefit of and subject to the same Powers, Authorities, Rules, Regulations, and Provisions, as the general Business of the said Borough shall or ought to be from Time to Time carried on and conducted; but the Expences of or incidental to the same shall be defrayed out of the respective Funds by the said several Acts made subject thereto, and not out of the Borough Fund.

Property of Commissioners vested in Corporation.

V. And be it enacted, That from and immediately after the said Twenty-fourth Day of *June* all the Messuages, Buildings, Gas and other Works, and Hereditaments, of whatsoever Tenure or Description, which shall then belong to or be vested in the said Commissioners for all or any of the Purposes of the said recited Acts, and also all the Monies, Bonds, Covenants, Debts, Liabilities, Deeds, Books, Writings, Maps, Plans, and personal Estate whatsoever which shall then belong to or be vested in the said Commissioners, and the said Gas Directors and Improvement Committee respectively, shall be

be and the same are hereby vested in the said Mayor, Aldermen, and Burgesses for the like respective Estates, Rights, Interests, and Purposes, and in like Manner, as the same respectively would have remained or been so vested in, or would have belonged to the said Commissioners, Gas Directors, and Improvement Committee respectively, if this Act had not been passed; and all Persons and Corporations who shall then owe or be subject to any Liability, whether immediate or future, to pay any Monies to the said Commissioners, Gas Directors, and Improvement Committee respectively, shall pay the same, with all Interest (if any) due or to accrue due thereon, to the said Mayor, Aldermen, and Burgesses, upon the Trusts and for the Purposes of this Act.

Debts of Commissioners to be paid by Corporation.

VI. And whereas the said Commissioners have, under and in pursuance of the Provisions of the said recited Acts or some of them, contracted Bond and other Debts to a large Amount, and it is expedient to provide for the Payment of the said Debts by the said Mayor, Aldermen, and Burgesses in manner herein-after appearing; be it therefore enacted, That from and after the said Twenty-fourth Day of *June* all Bonds, Debts, Monies, and Securities for Money, which before the passing of this Act were given, contracted, and payable by the said Commissioners, shall, together with all Interest due or to accrue due thereon, be paid by the said Mayor, Aldermen, and Burgesses acting as aforesaid out of the Properties, Monies, and Rents hereby transferred to and vested in or authorized to be received by them, and shall have the same Priority as nearly as Circumstances will admit, and shall be recovered from them in like Manner, *mutatis mutandis*, as the same could have been recovered from the said Commissioners previous to the passing of this Act.

Subsisting Contracts of Commissioners may be enforced against Corporation.

VII. And be it enacted, That from and after the said Twenty-fourth Day of *June* all Contracts, Assurances, Acts, and Proceedings by the said recited Acts authorized to be entered into, made, or transacted with, or carried on, by or against, and all Forfeitures, Penalties, and other Obligations thereby imposed upon the said Commissioners, Gas Directors, and Improvement Committee respectively, in relation to the Exercise or Execution by them of the several Powers, Authorities, and Provisions by this Act transferred to or authorized to be exercised by the said Mayor, Aldermen, and Burgesses of the said Borough, and which are not hereby repealed, shall or may be entered into, made, or transacted with, and be incumbent upon, carried on by, and enforced against the said Mayor, Aldermen, and Burgesses of the said Borough, acting by the said Town Council aforesaid, in the same Manner and as fully as if the respective Enactments in relation thereto were herein repeated, with the Substitution of a Reference to the said Mayor, Aldermen, and Burgesses, acting by the Town Council aforesaid, for the respective References in the same Enactments contained to the said Commissioners, Gas Directors, and Improvement Committee respectively.

Powers of existing Acts to remain in force

VIII. Provided always, and be it enacted, That, subject to the express Provisions of this Act and the full Operation thereof, such and so many of the several Enactments and Provisions in the said recited

and be exercised by Corporation.

recited Acts contained as may at the Time of the passing of this Act be subsisting and capable of taking effect, and as are not hereby repealed, and are not inconsistent with the Provisions of this Act, shall from and after the said Twenty-fourth Day of *June* operate and take effect in the same Manner and as fully as if the same were herein repeated and re-enacted, with the Substitution of a Reference to the said Mayor, Aldermen, and Burgesses, acting by such Town Council as aforesaid, for the respective References in the same Acts respectively contained to the said Commissioners, Gas Directors, and Improvement Committee respectively.

Interpretation Clause.

IX. And be it enacted, That the Words and Expressions hereinafter mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Word "Commissioners" shall mean also and include any Committees or Bodies appointed out of the general Body of the said Commissioners, and any individual Member or Members of the same Body; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that this Act shall be construed in the most beneficial Manner for effecting the Ends hereby intended.

Expences of Act.

X. And be it enacted, That all Costs, Charges, and Expences of and attending the applying for, preparing, obtaining, and passing of this Act, shall be paid and discharged by the said Mayor, Aldermen, and Burgesses, by and out of the first Monies to be received by them under and by virtue of this Act, before any Part thereof be applied to any other Purpose by this Act specified.

Public Act.

XI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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