ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xlviii.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to effect further Improvements in the said City; and for other Purposes. [15th *May* 1860.]

WHEREAS it is expedient that the Mayor, Aldermen, and Citizens of the City of *Manchester* (in this Act called the Corporation) should be empowered to widen and enlarge the Street in the Township and Parish of *Manchester* called *Mount Street*, between its Junction with *Bancroft Street* and its Junction with *Peter Street*, and also to widen and enlarge the Street in the said Township and Parish called *David Street* between its Junction with *Portland Street* and the Bridge carrying the same over the *Rochdale* Canal, and also to purchase certain Lands and Houses for those Purposes, and for the Improvement of the City respectively: And whereas by "The *Manchester* Markets Act, 1846," Provision is made for the Sale by the Corporation within Three Years from the passing of that Act of Lands acquired by them under the Provisions of that Act, but not required for the Purposes of the Markets thereby authorized to be established, and also for the Sale by the Corporation of old Markets when new ones shall have been established: And whereas there are in the City of *Manchester* Two

9 & 10 Vict. c. ccxix.

Markets, called respectively the *Deansgate* Shambles and the *Victoria* Shambles, which were acquired by the Corporation not under the Provisions of "The *Manchester* Markets Act, 1846," but under the Provisions of the Act of the Seventh and Eighth *Victoria*, Chapter Forty, which are no longer required for the Purposes of Markets, and it is expedient that the Corporation should be required to sell the same: And whereas it is also expedient that further Provision should be made with reference to the Publication and exhibiting of the Tolls and Rates payable in respect of the Markets of the Corporation: And whereas it is also expedient that the Corporation should be empowered to alter and increase the Pensions and Allowances now payable to certain Police Officers out of the Police Superannuation Fund of the City, under "The *Manchester* New Streets Act, 1853:" And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

16 & 17 Vict. c. xci.

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Manchester* Improvement Act, 1860."

Interpretation of Terms.

II. In construing this Act the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

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

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

Council to carry Act into execution.

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

Power to Corporation to appoint Committee to carry Act into execution.

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

V. It

Power to Corporation to make Contracts.

V. It shall be lawful for the Corporation from Time to Time to contract and agree with any Person for performing any of the Works by this Act authorized to be made or executed; and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the Corporation; or such Contracts or any of them may be signed by the Mayor or by the Town Clerk, and the same shall be signed by the Person or Parties contracting to perform such Works, and shall specify the several Works to be done and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and a Copy thereof shall be entered in a Book to be kept by the Town Clerk for that Purpose; and it shall be lawful for the Corporation to take such Bond or other Security from every Contractor for the due Performance of his Contract as they shall think sufficient; and the Corporation shall cause the Works to be done in pursuance of such Contract to be inspected by such Persons as they shall from Time to Time appoint, and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the Corporation shall and may have and pursue all the Remedies provided by the said Contract, and shall and may cause any Action at Law or Suit in Equity to be brought against any Party so contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Nonperformance thereof.

Power to Corporation to compound for Breaches of Contract.

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

Service of Notice.

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

Authentication of Notices.

VIII. Any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print, and if the same require Authentication by the Corporation the Signature of the Town Clerk thereto shall be a sufficient Authentication.

Power to acquire Lands, widen Streets, &c.

IX. And whereas Plans showing the proposed widening and Enlargement of *Mount Street* and *David Street*, and the Lands proposed to be

be acquired for the Purposes thereof, and also showing certain Lands in the Township and Parish of *Manchester* proposed to be acquired for the Improvement of the said City, and Sections in reference to the proposed widening and Enlargement of *Mount Street* and *David Street*, and Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Therefore, subject to the Provisions of this Act, the Corporation may, if they think fit, widen and enlarge in the Lines and according to the Levels shown on the said Plans and Sections with reference thereto so much of the Street in the Township and Parish of *Manchester* called *Mount Street* as is situate between its Junction with *Bancroft Street* and its Junction with *Peter Street*, and also so much of the Street in the said Township and Parish called *David Street* as is situate between its Junction with *Portland Street* and the Bridge carrying the same over the *Rochdale* Canal, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the Book of Reference as may be necessary for such Purposes; and the Corporation may also enter upon and take and appropriate for Purposes connected with the general Improvement of the said City all or any Part of the Lands in the said Township and Parish delineated on the said Plans and described in the Book of Reference which are situate as follows; that is to say, certain Lands adjoining to and on the Northerly Side of the Apple Market near to its Junction with *Victoria Street* and *Hunt's Bank*; certain Lands abutting upon *Corporation Street*, near its Junction with *Long Mill Gate* and *Miller Street*; certain Lands abutting upon *Corporation Street* and *Cock Gates*, and abutting upon *Corporation Street* and *Hyde's Cross*; and certain Lands on the Westerly Side of and abutting upon *Bancroft Street*, where the same is intersected by *Back Lloyd Street*.

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

X. 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 on the said Plans or mentioned in the said Books of Reference, the Corporation, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Land affected by such proposed Correction, may apply to any Two Justices for the Correction thereof, and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Town Clerk, and such Certificate shall be kept by such Town Clerk with the other Documents to which it relates, and thereupon such Books of Reference shall be deemed to be corrected according to such Certificate, and the Corporation may take any Land in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate, &c. to be deposited.

XI. A Copy

Plans, &c. to be open to Inspection.

XI. A Copy of the said Plans, Sections, 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 each Person of One Shilling for every such Inspection, and of the further Sum of One Shilling for every Hour during which such Inspection shall continue after the first Hour, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Copies of Plans, &c. to be Evidence.

XII. True Copies of the said Plans, Sections, and Books of Reference, or of any Alteration or Correction thereof or Extract therefrom, certified by the Clerk of the Peace of the County of *Lancaster*, or by the Town Clerk, which Certificate such Clerk of the Peace and Town Clerk respectively shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Certain Provisions of 8 & 9 Vict. c. cxli. incorporated.

XIII. The several Powers and Provisions in the Local and Personal Act, 8 and 9 *Victoria*, Chapter 141., either expressly or by reference contained or provided with respect to the Purchase and taking of the Houses or Lands mentioned in the Schedule to that Act, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expenses attending the Purchase of any such Houses or Lands by the Corporation, and for all other Purposes connected therewith, and which said several Powers and Provisions are contained in the Eleventh and following Sections to the Seventeenth Section, inclusive of the said Act, shall extend and be applicable to the purchasing and taking of the Houses and Lands authorized to be purchased and taken by this Act, and to the ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and to the Payment and Investment of the Purchase Monies, and to the Payment of the Expenses attending the Purchase of any such Houses and Lands by the Corporation, and to all other Purposes connected therewith, in the same Manner in all respects as if the said several Powers and Provisions had been re-enacted in this Act, and the same Powers and Provisions shall for the Purposes of this Act be incorporated therewith, and may in all Proceedings at Law or otherwise be pleaded or referred to as Part of this Act: Provided always, that the Powers of the Corporation for the compulsory Purchase or taking of Houses or Lands for the Purposes of this Act shall not be exercised after the Expiration of Four Years from the passing of this Act:

Compulsory Powers not to be exercised after Four Years.

Ground laid into Streets to be public Highways.

XIV. The Sites of all Houses and all Lands which may be purchased by the Corporation, and laid into and appropriated for Streets, shall, when and so soon as the same shall be so laid into and appropriated for Streets,

and for ever thereafter, form Part of the public Highways, and shall be repaired and maintained and kept in repair in such and the same Way and Manner as the Highways shall for the Time being be by Law maintained, repaired, and kept in repair.

Land Tax to be made good.

XV. For the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by the Execution of the Powers of this Act within the City, be it enacted, That if the Corporation become possessed by virtue of this Act of any Land charged with the Land Tax, they shall from Time to Time be liable to make good the Deficiency in the Assessments for Land Tax arising within the City by reason of such Land having been taken or used for the Purposes of this Act, and the Deficiency shall be computed according to the Rental at which such Land, with any Building thereon, was valued or rated for Land Tax at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the City shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless, if at any Time the Corporation shall think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Corporation to sell Deansgate Shambles and Victoria Shambles.

XVI. The Corporation shall, within Ten Years after the passing of this Act, sell the whole or any Part of the Two Markets in the City of *Manchester* called respectively the *Deansgate Shambles* and the *Victoria Shambles* to any Person willing to purchase the same, either absolutely and for a Sum in gross, or in consideration of a perpetual yearly Rent, and the Monies to arise from any such Sale shall be carried by the Corporation to the Market Account.

Corporation to sell Lands not required.

XVII. The Corporation shall, within Ten Years after the passing of this Act, as regards all Lands heretofore acquired by them, and within Ten Years from the Acquisition by them of any other Lands, under the Provisions of the Improvement Acts or this Act, sell and convey such Parts thereof as shall not be required for the Purposes for which the same were acquired to any Person willing to purchase the same, either absolutely and for a Sum in gross, or in consideration of a perpetual annual Rent.

Application of certain Provisions of 8 & 9 Vict. c. 18. to this Act.

XVIII. The Provisions of "The Lands Clauses Consolidation Act, 1845," "with respect to Lands required by the Promoters of the Undertaking under the Provisions of this or the Special Act or any Act incorporated therewith," shall extend and apply to all Lands which, under the Provisions of this Act, the Corporation are required to sell.

List of Tolls to be painted on Boards

XIX. Section 44 of the Markets Act of 1846 is hereby repealed, and in lieu thereof be it enacted as follows; (that is to say,) the Corporation

poration shall from Time to Time cause to be painted on Boards or to be printed and attached to Boards in legible Characters, and affixed and continued in some conspicuous Place in the *Market Hall*, and in every Market or Market Place, or Place for holding any Market or Fair, a List of the several Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the Market to which each such List shall relate, and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed therein, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration and Reparation of such List in the same Manner as if such List had continued affixed in the State required by this Act.

or printed and set up in every Market and Market-place.

XX. And whereas by the Fifty-ninth Section of "The *Manchester* New Streets Act, 1853," it is enacted, that every Member of the Police Force of the City of *Manchester* who shall have served with Diligence and Fidelity upwards of Twenty Years shall be entitled to be placed on the Superannuation List, with an annual Allowance from the Fund in the Fifty-eighth Section of that Act mentioned of Three Eighth Parts of his Pay; and by the Sixtieth Section of the same Act it is enacted, that every Member of the Force who shall have so served less than Twenty Years but upwards of Fifteen Years shall be entitled to be placed on the Superannuation List, with an Allowance from the said Fund of One Fourth Part of his Pay: And whereas it is expedient that the Council should be empowered to increase such respective Allowances: Therefore the Corporation may increase the annual Allowance from the said Fund to any Member of the Force so having served upwards of Twenty Years to any Amount not exceeding Two Third Parts of his Pay, and to any Officer having served less than Twenty Years but more than Fifteen Years to any Amount not exceeding One Half of his Pay.

Power to increase Allowances out of Police Superannuation Fund in certain Cases.

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

Expenses of Act.

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