## CHAP. cx.

A.D. 1871.

An Act to confer additional powers upon the Corporation of Salford in reference to the Drainage and Improvement of the Borough; and for other purposes. [13th July 1871.]

WHEREAS by "The Salford Improvement Act, 1862," "The Salford Improvement Act, 1867," and "The Salford Improvement Act, 1870," (in this Act referred to as "the Acts of 1862, 1867, and 1870,") various powers for the regulation and improvement of the borough of Salford (in this Act called "the borough"), and the borrowing of money for those purposes, have been conferred upon the mayor, aldermen, and burgesses of that borough (in this Act called "the Corporation"): 25 & 26 Vict. c. ccv. 30 & 31 Vict. c. lviii. 33 & 34 Vict. c. cxxix.

And whereas it is expedient that those powers be extended, and that the Corporation be authorised to construct certain works in connexion with and for the more effectually draining certain parts of the borough, and for the purification, treatment, and disposal of the sewage therefrom, and that other powers in relation to the drainage and improvement of the borough be conferred upon them:

And whereas plans and sections and a book of reference, prepared in relation to the objects and purposes of this Act, have been deposited with the clerk of the peace for the county of Lancaster, and are herein-after referred to as "the deposited plans, sections, and book of reference:"

And whereas the purposes aforesaid 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 authority of the same, as follows; (that is to say,)

### Preliminary.

**1.** This Act may be cited for all purposes as "The Salford Improvement Act, 1871." Short title.

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Interpretation of terms.

**2.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall, except as herein-after mentioned, have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in the Acts incorporated with this Act, and also in this Act, the expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "Court of Chancery" includes the Court of Chancery for the county palatine of Lancaster.

Acts of 1862, 1867, 1870, and this Act to be read as one Act.

**3.** So far as they are not varied or repealed by this Act, the Acts of 1862, 1867, and 1870, and this Act shall be read together and have effect and be construed and executed as if they were one Act, and the purposes of this Act shall be deemed to be purposes of those Acts respectively; and the several words and expressions in the Act of 1862 to which meanings are assigned by that Act have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Council of borough to execute Act.

**4.** The Corporation by the council may carry this Act into execution.

## Drainage and Sewerage.

General Acts herein named incorporated.

**5.** The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are (except where expressly varied by this Act) incorporated with and form part of this Act, but this provision shall not incorporate with the Act of 1862 any of the provisions of those Acts not already incorporated therewith.

Power to make drainage works.

**6.** Subject to the provisions of this Act, the Corporation may make and maintain in the line and according to the levels shown on the deposited plans and sections the works hereafter described, with all proper works, buildings, conduits, valves, sluices, and other appliances in connexion therewith, for the proper control, discharge, purification, and disposal of the sewage of the borough, and of the effluent water therefrom, and may for those purposes, and for the purposes connected therewith, enter upon, take, and use any of the lands shown on the deposited plans and described in the deposited books of reference:

Firstly, a tank or tanks for the purpose of receiving, filtering, or otherwise dealing with the sewage of the borough, such tank or tanks commencing at a point in a field belonging or reputed

to belong to John Dugdale and Anna Maria Worsley Doncaster, and in the occupation of William Brown, situated four hundred and twenty yards, or thereabouts, in a north-westwardly direction from the Mode Wheel Weir, in the river Irwell, and being one hundred and fifty yards distant from and in a northerly direction from the northern bank of the river Irwell, measured from a point on the said bank two hundred and thirty yards from the said weir, and terminating at a point five hundred and seventy yards, or thereabouts, to the westward of the point of commencement herein-before described:

Secondly, a culvert, conduit, or watercourse, commencing at the westerly side of the said tank or tanks, and terminating by a junction with the river Irwell at a point on the northerly bank thereof six hundred yards or thereabouts below the said Mode Wheel Weir:

Thirdly, a carriage road commencing at a point about fifty yards to the west of the junction of Mode Wheel Lane and Eccles New Road, and terminating at or near to the north-easterly side of the tank or tanks herein-before described:

All which works will be situate wholly within the borough of Salford and in the parish of Eccles and townships of Pendleton and Pendlebury, all in the county of Lancaster.

Lateral and vertical deviations.

**7.** In constructing the works by this Act authorised, the Corporation may, subject to the provisions and restrictions of this Act, deviate from the lines shown on the deposited plans to any extent not exceeding the limits shown on those plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet.

Limiting time for purchase of lands.

**8.** The powers of the Corporation for the compulsory purchase or taking of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

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

**9.** If any omission, mis-statement, or wrong description shall have been made of any land or other property, or of the owners, lessees, or occupiers of any land or other property, described on 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 or property 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 (which shall be given

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in duplicate) state the particulars of any such omission, mis-statement, or wrong description, and one part of such certificate, with the other documents to which it relates, shall be deposited with the clerk of the peace for the county of Lancaster, and the other part of such certificate shall be deposited 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 and books of reference shall be deemed to be corrected according to such certificate, and the Corporation may take any land or property in accordance with such certificate, and make the work as if such omission, mis-statement, or wrong description had not been made.

Plans, &c. to be open to inspection.

**10.** A copy of the deposited plans and book of reference respectively, and of all such alterations and corrections thereof as aforesaid, shall be kept by the town clerk, who shall permit all persons interested in any property proposed to be taken under the powers of this Act to inspect the same at reasonable times, and to make copies and extracts of and from the same respectively, free of all charge, and shall permit all other persons to do the like 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.

**11.** Copies of the deposited plans and books of reference, and 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 primâ facie evidence of the contents thereof.

Corporation may appropriate lands for purposes of Act.

**12.** The Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them.

Corporation may convey sewage into works, and discharge it into river Irwell.

**13.** The Corporation may convey into the works firstly and secondly herein-before described the sewage of the borough, and may there purify and prepare the same for agricultural or other purposes, and may discharge the effluent water from the said works into the river Irwell, so that the same shall not in any case become a nuisance.

Disposition of sewage.

**14.** The Corporation, for the purpose of clearing, cleansing, and emptying the sewers belonging to them or under their management,

from time to time may construct and place either above or under ground such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, and may cause any sewage or refuse therefrom to be collected for sale for any purpose whatever, and may absolutely sell or contract with any company or persons for the sale of sewage or for the distribution of it over any lands, and may by agreement purchase or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage, and may exercise the powers given by this section either within or beyond the borough, but not so as to create a nuisance.

Contract for supply of sewage.

**15.** The Corporation may from time to time, for the purpose of utilizing sewage, agree with any person or body of persons, corporate or unincorporate, as to the supply of such sewage and the works to be made for the purpose of that supply, and the parties to execute the same and to bear the costs thereof, and the sums of money, if any, to be paid for that supply; but no contract shall be made under this section for the supply of sewage for a period exceeding twenty-five years.

Power to deal with land appropriated to sewage purposes.

**16.** The Corporation may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding fourteen years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such lands, or by farming such lands and disposing of the produce thereof; subject to this restriction, that in any appropriation of such lands provision shall be made for receiving, storing, disinfecting, or distributing all the sewage which it is the duty of the Corporation to cause to be disposed of in that manner.

Corporation not exempt from indictment for nuisance.

**17.** Nothing in this Act herein-before contained shall exempt the Corporation from liability to an indictment for a nuisance.

Sewers may be made by owners and occupiers of land beyond borough.

**18.** Where any person is the owner or occupier of any building or lands outside the borough, in respect of which he would not be liable to the payment of rates under this Act, he may, with the consent of the Corporation first obtained in writing, on payment to them of a reasonable sum of money, periodical or in gross, to be agreed on, have a communication into a sewer of the Corporation of any sewer or drain for the purposes of his building or lands aforesaid that may be lawfully made therefrom; but nothing in this Act shall affect any right acquired by such owner or occupier, independently of this Act, to use any sewer of the Corporation.

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River Irwell.

For better preserving flow of river Irwell.

**19.** Every person who shall do, or cause or suffer to be done, any of the following things shall for every such offence be liable to a penalty not exceeding twenty pounds:

(A.) Cast or deposit or put, or permit or suffer to be cast, deposited, or put, or cause to fall or flow into the river Irwell, within the borough, any solid matter of any kind whatever:

(B.) Place any solid matter in such a position on or near the bank of the river Irwell, within the borough, as to render such solid matter liable to be washed into that river by floods.

For the purposes of this enactment the occupier for the time being of any land or building from or in connexion with which any solid matter shall be so cast or deposited shall primâ facie be deemed the offender: Provided always, that this section shall not be deemed to extend or apply to any works or operations of the Company of Proprietors of the Mersey and Irwell Navigation, or to any matter or thing which may unavoidably fall into the river during the progress of any works in relation to the repair or reconstruction of the walls or banks of such river.

Power of examination.

**20.** The Corporation, by any person from time to time duly authorised in writing under the hand of the town clerk of the borough, shall at all times between the hours of nine in the morning and six in the evening be entitled to have access to any land, mill, manufactory, or other work or building on or near the bank of the river Irwell, within the borough, in order to ascertain,—

(A.) Whether such land, mill, manufactory, or other work or building has any means whereby any solid matter of any kind can be cast or deposited or put, or permitted or suffered to be cast, deposited, or put, or caused to fall or flow into the river Irwell:

(B.) Whether any solid matter has been placed in such a position on or near the bank of the river Irwell as to render such solid matter liable to be washed into that river by floods:

And every person who shall prevent or impede the person so authorised as aforesaid in the making of any examination necessary for the purposes aforesaid, or shall in reference to the purposes aforesaid give false information to any person so authorised, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to restrain offences by injunction.

**21.** The Court of Chancery, at the instance of the Corporation, or of any person whose property, rights, or interests shall be or be

likely to be injured or prejudicially affected by such offence as aforesaid, may restrain the commission of any such offence by injunction, either perpetual or otherwise, and may award such costs as the court in its discretion shall think fit; and all laws, rules, orders, and regulations which shall for the time being be in force in reference to the granting and enforcing of injunctions shall be applicable and applied to the applying for, granting, and enforcing injunctions under this Act.

## Building Regulations.

As to materials used for building dwelling-houses.

**22.** The Corporation may from time to time, by their order, prescribe the minimum size and strength of the materials to be used in the construction of any dwelling-house hereafter to be built within the borough, and in default of compliance with any such order the builder shall be liable to a penalty not exceeding one hundred pounds.

Repeal of section 27 of Act of 1870, and enactment in lieu thereof.

**23.** Section twenty-seven of the Act of 1870 is by this Act repealed, and in lieu thereof be it enacted, that the notice required by section twenty-six of that Act shall be accompanied by a plan and longitudinal section and duplicate thereof, drawn to a scale of one inch to thirty feet horizontal, and of one inch to ten feet vertical, showing the streets or courts intended to be laid out or formed, and the proposed course and direction thereof, and the several streets or courts with which such intended streets or courts are intended to communicate, and showing the intended length, width, and proposed name of each such new street or court; and such section shall show the level of the surface of the ground and of the intended street or court along the centre line thereof, above a datum horizontal line referred to some fixed point (stated in writing on the section) in the neighbourhood thereof, and also the level of the streets or courts with which each such new street or court is intended to be connected, at the point of junction therewith, and the said plan and section shall also show how much of each such new street or court is proposed to be laid out as a footway, and the position, size, level, and form of and at which any new sewer is proposed to be made in such new street or court, and the mode by which it is proposed to obtain an outfall for every such sewer.

Amendment of section 46 of the Act of 1870.

**24.** Section forty-six of the Act of 1870 shall be read and construed and have effect as if the words "nor until an amended "notice and amended plans and sections prepared in conformity "with sections forty-three and forty-four of this Act, and showing "compliance with the requirements of the Corporation, shall have

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" been left at the office of the surveyor, and shall have been approved " by the Corporation," had been inserted after the words "fourteen days" in that section.

## Expenditure.

Expenditure on drainage works.

**25.** The costs, charges, and expenses of executing this Act in relation to drainage and sewerage shall, in case the same be incurred for the benefit only of any one district, be paid by the Corporation out of moneys borrowed on security of the district rates of such district; but if the same be incurred for the benefit of two or more districts, the Corporation, as they think fit, may apportion the same between or amongst such districts.

Expenses of Act.

**26.** The costs, charges, and expenses of and incidental to the applying for, obtaining, and passing of this Act shall be borne and paid by the Corporation in such proportions out of moneys borrowed on the security of the borough rate and gasworks, and on the security of the district rates of the district or several districts affected thereby, as the council shall determine.

## Saving Rights.

Saving rights of proprietors of Mersey and Irwell Navigation.

**27.** Nothing in this Act contained shall prejudice, alter, or affect the following provisions contained in the Act of 1862; to wit,

The provisoes to the one hundred and fortieth section;

The four hundred and thirty-ninth section;

but the said provisoes and section shall extend to this Act and to the powers hereby conferred as though the same were repeated in this Act.

Saving rights of Corporation of Manchester.

**28.** Nothing in this Act shall be deemed to prejudice, diminish, alter, or take away any of the estates, property, rights, privileges, powers, franchises, exemptions, immunities, or authorities vested in the Corporation of Manchester immediately before the passing of this Act, under or by virtue of any Act of Parliament, or otherwise howsoever.

Saving rights of Corporation under their charter and Acts.

**29.** Nothing in this Act shall be held to diminish any of the rights, powers, privileges, or authorities vested in or enjoyed or exercised by the Corporation under their charter or the Acts of Parliament relating to the borough.

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