ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*.

[4th *July* 1844.]

WHEREAS by an Act made and passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, Regulations are made for the warehousing of Foreign Goods, without Payment of Duty at the Ports of the United Kingdom: And whereas it is expedient to permit such Goods to be removed from such Ports to be warehoused within or near to the Borough of *Manchester* for Home Consumption only: 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 from and after the passing of this Act the said Borough of *Manchester* shall be a warehousing Borough or Place for Goods for Home Consumption only, for the Purposes of this Act, subject to the Provisions and Limitations herein-after contained; and that it shall be lawful for the Commissioners of Her Majesty's Customs, by their Order, from Time to Time to appoint the Places or Premises

3 & 4 W. 4. c. 57.

Borough of Manchester to be a Place for warehousing Goods for Home Consumption,

subject to the Provisions and Limitations hereinafter contained.

Premises within or near the said Borough, or within the Distances from the Town Hall in *Manchester* herein-after mentioned, which shall be the Warehouses and Places for depositing Goods removed under this Act, and also to make all such Rules, Regulations, and Conditions, and to require such Securities respecting such Warehouses and Places, and the Goods lodged therein, as they are empowered by the said recited Act to make and require in respect of Warehouses and Goods at Ports, and the Owners or Occupiers of such Warehouses or Places within or near the said Borough, or within the Distance from the Town Hall in *Manchester* herein-after mentioned; and the Goods lodged therein, and the Owners of such Goods, shall be subject to the same Conditions, Penalties, Forfeitures, and Liabilities as the like Parties or Goods are or may be subject to in Ports under and by virtue of the said recited Act, or of any Acts made or to be made relating to the Customs: Provided always, nevertheless, that all Warehouses or other Places to be appointed as aforesaid for the Deposit of Goods under or by virtue of this Act shall be situated within Two thousand Yards from the Town Hall at *Manchester*, or within such Distances therefrom as the Lords Commissioners of the Treasury or the Commissioners of Her Majesty's Customs may approve of and direct.

Act not to require Commissioners of Customs to provide Warehouses for Deposit of Tobacco in Manchester.

II. And be it enacted, That the Commissioners of Her Majesty's Customs shall not be required by any thing herein contained to provide the Warehouses for the Deposit of Tobacco in the said Borough of *Manchester*, but that such Warehouses shall be provided in the same Manner and at the like Expence as Warehouses for the warehousing of other Goods under this Act, and shall be subject to the same Conditions and Regulations in every respect as Warehouses for warehousing Tobacco are or may be subject to under any Act or Acts made or to be made relating to the Customs.

Provisions of recited Act to apply to Warehouses in which Goods are deposited under this Act.

III. And be it enacted, That from and after the passing of this Act the said recited Act and all other Acts now or hereafter to be made relating to the Customs, and all the Powers, Authorities, and Provisions, Privileges and Forfeitures, Penalties, Matters, and Things whatsoever therein contained, except as such Powers, Authorities, Provisions, Privileges, Penalties, Forfeitures, Matters, and Things are repealed or altered by this Act, shall extend and apply, and be construed to extend and apply, to all Warehouses within or near the said Borough of *Manchester*, or within the Distance aforesaid, in which Goods may be deposited under this Act, and to all Goods which shall be removed thereto from any Port, or which shall be at any Time deposited therein, so far as the same are applicable to the warehousing of Goods for Home Consumption only within or near the said Borough or the Distance aforesaid.

Account of Expences incurred by the Customs under this Act to be sent to the Council of the Borough.

IV. And be it enacted, That the Commissioners of Her Majesty's Customs shall cause an Account to be kept of all the Expences incurred by them in the Management and Collection of the Customs and other Duties payable in respect of the Goods deposited in such Warehouses or Places within or near the said Borough or Distances aforesaid, and of the Maintenance of the Establishment of Officers

and Clerks necessary for such Management and Collection, and that on the First Day of *January* in every Year the said Commissioners shall cause a Copy of the said Account to be furnished to the Council of the said Borough, and the said Council shall forthwith order the same to be paid to the Commissioners of Her Majesty's Customs out of the Borough Fund of the said Borough of *Manchester;* and in case the Council of the said Borough shall be of opinion that the Amount claimed by the said Account is excessive, or in case any Difference shall arise concerning the said Account, it shall be lawful for the said Council to appeal to the Lords of the Treasury, who thereupon shall make such Order concerning the same as to them shall seem just, which Order shall be conclusive and binding on all Parties: Provided also, that every such Appeal shall be made by the said Council within Three Calendar Months next after any such Account shall have been furnished to the Council as aforesaid.

Commissioners of Customs may distrain if Expences of Collection, &c. not paid within certain Times.

V. And be it enacted, That in case the said Council shall, for the Space of Three Months next after any Account hereby required to be rendered to the said Council shall have been delivered to the said Council, or to the Treasurer of the Borough, neglect or refuse to make an Order for or cause Payment of such Account to be made, in case there shall be no Difference or Dispute about the same, or shall neglect or refuse for the Space of One Calendar Month next after any Order or Minute made by the Lords of the Treasury, or any Three or more of them, upon any Appeal made to them upon any such disputed Account, shall have been delivered to the said Council or to the Treasurer of the Borough, to cause Payment to be made of all or any such Sum or Sums as may be directed to be paid by any such Order or Minute, then and in such Case, and immediately after the Expiration of the said Calendar Month, it shall and may be lawful for the said Commissioners of Her Majesty's Customs, or any Two or more of them, by Warrant under their Hands and Seals, to cause all or any of the Borough Funds or other Monies and Effects to be distrained upon, and to make Sale of any such Effects, and to apply the Proceeds of such Distraint and Seizure in discharge and full Payment of all such Accounts, and all Expences incurred in recovering and proceeding for the same, rendering the Overplus, if any, to the Treasurer of the said Borough.

Treasury may suspend warehousing of Goods unless Expences paid.

VI. And be it enacted, That in case of any Failure in the Payment of the Expences incurred or to be incurred by the Crown in the Collection and Management of the Duties of Customs under the Provisions of this Act, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them, to direct that no further Goods shall be warehoused without Payment of Duty in any Warehouse approved under the Provisions of this Act, until such Expence shall be paid and satisfied; and after the issuing of any such Directions no Goods shall be deposited therein under the Provisions of this Act.

Council empowered to charge on each Package.

VII. And be it enacted, That, for and in consideration of the Charges and Expences to which the Council of the said Borough will be put in carrying into effect the Provisions of this Act, it shall and may

may be lawful to and for the Council of the said Borough, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to ask, demand, receive, recover, take, levy, and raise, for and in respect of all such Goods, Merchandize, and Commodities whatsoever as shall be lodged or warehoused under the Provisions of this Act, or which shall pay or be liable to pay the Customs Duty thereon at, in, or near the said Borough of *Manchester*, although the same shall not have been actually lodged or warehoused, or which shall come in any way under the Control or Charge of the Officers of Customs at *Manchester*, such Rate and Duty, Rates and Duties, as the said Council shall from Time to Time fix and determine: Provided always, that it shall be lawful for the Collector or other proper Officer of the Customs, under the Authority of the Commissioners of Customs, and by their Direction, to refuse to permit any Goods warehoused under this Act to be delivered from the Warehouse until a Certificate or other Proof that the Rates and Duties payable to the Borough in respect of such Goods have been paid or satisfied shall have been produced to him.

Power to Council to levy a Warehouse Rate.

VIII. And be it enacted, That it shall and may be lawful for the Council of the said Borough, and they are hereby authorized and required, from Time to Time when and so often as they shall think it necessary, to ask, demand, receive, recover, take, levy, and raise of and from the Occupier or Occupiers of each and every Warehouse or Place of Security which the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs by their Order, from Time to Time shall appoint to be Warehouses or Places of Security under and by virtue of this Act, such Warehouse Rate as the said Council shall from Time to Time, at a Meeting of the Council duly called for that Purpose, fix and determine for and in respect of such Warehouse or Place of Security; and the Money or Monies to be so rated or assessed on the said Occupiers shall be paid in advance by them respectively to the Collector or Collectors or other Person or Persons appointed by the said Council to collect the same; and in case any Occupier or Occupiers of any such Warehouse or Place, or the Owner of any such Goods, shall neglect or refuse to pay his, her, or their Proportion or Proportions of the said Rates or Assessments respectively to the said Collector or Collectors or other Person or Persons for the Space of Five Days after personal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of such Occupier or Occupiers, then and in every such Case it shall be lawful for the said Council, by Warrant from any One or more Justice or Justices of the Peace, to levy the Amount thereof by Distress and Sale of his, her, or their Goods and Chattels; and the Surplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, together with any Property which may remain unsold, after deducting all Charges attending such Distress and Sale: Provided always, that it shall be lawful for the said Council to recover any Rate or Assessment due and payable by virtue of this Act by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster* or Court of Common Pleas at *Lancaster*: Provided also, that no Goods warehoused under this

this Act shall be removed from any such Warehouse by virtue of any such Distress or Sale unless the full Duties of Customs due thereon shall have been fully paid and satisfied.

Rates where Warehouses are let to several Tenants.

IX. And be it enacted, That any Person, being either a Landlord or Tenant, who shall let any Warehouse in separate Apartments to several Tenants, or for any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Council to appoint Officers.

X. And be it enacted, That the Council of the said Borough shall appoint One or more Collector or Collectors, or such other Officer or Officers as they shall think necessary, to enable them to carry into execution the Powers and Duties vested in them by virtue of this Act, not being for the Collection or Management of any Duty, Matter, or Thing relating to the Customs, and shall from Time to Time, at their Pleasure, discontinue the Appointment of any such Officers, and shall take such Security for the due Execution of his Office by any such Officer as the said Council shall think proper.

Council empowered to include in the Borough Rate the Expences of carrying this Act into execution.

XI. And be it enacted, That the Council of the said Borough shall be and are hereby authorized and empowered from Time to Time to include the Amount of the Monies required, or which it may be determined will be required, for the Purposes of this Act, in the next Estimate for the Borough Rate to be made within the said Borough; and they are hereby authorized and empowered to order such additional Amount of Money to be included in the next Borough Rate so to be made and levied within the said Borough.

Power to Council to purchase Property.

XII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough, by the said Council, to contract for the absolute Purchase of any Lands situate within or near the said Borough, or within the aforesaid limited Distance from any Part of the Town Hall thereof, from any Person willing to sell the same; and on Payment of the Purchase Money for any such Lands to the Parties respectively entitled, or otherwise pursuant to the Provisions of this Act, the Person entitled to or capacitated to convey such Lands shall convey and assure the same to the said Mayor, Aldermen, and Burgesses, to be by them held and enjoyed for the Purposes of this Act; and all or any of such Lands, including any Warehouses and other Buildings which may be erected thereon, may be subsequently sold, or otherwise alienated, demised, or leased, in the like Manner, for the like Purposes, and subject to the like Conditions as are and shall for the Time being be by Law applicable to other Lands of the said Mayor, Aldermen, and Burgesses; but the said last preceding Provision shall be without Prejudice to the Power of mortgaging hereby vested in the said Mayor, Aldermen, and Burgesses for the Purposes and in manner herein-after expressed.

Conveyance.

Parties under Disability to sell and convey.

XIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and dispose, and convey or release the same unto the said Mayor, Aldermen, and

Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial, qualified, or definite Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled or who may become entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or otherwise not ascertained or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees and Executors and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been ascertained and under no Disability.

Consideration to be in a gross Sum.

XIV. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or of any Estate or Interest therein, or of any Rent or Rent-charge affecting the same, shall be in a gross Sum.

Acceptance of Compensation for Price of Lands.

XV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Estate or Interest therein to which such Party shall be entitled.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall, upon the Application of the Council for that Purpose, nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

XVII. And

Purchase of Lands on Chief Rents.

XVII. And be it enacted, That if any Person seised in Fee of or entitled absolutely for his own Benefit to any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns, or to such other Person as he or they shall direct.

Payment of such Rents to be charged on the Borough Fund.

XVIII. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Borough Fund of the said Borough, and shall be paid by the Treasurer of such Borough as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses.

Forms of Conveyances.

XIX. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may respectively be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, with such Variations as the Circumstances of the Case may reasonably require; and all Conveyances under this Act, whether the same shall or shall not be in such Form respectively, shall be effectual to vest the Lands comprised therein in the Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed, and, without Inrolment or any further Act, to bar and destroy all Estates Tail, and all other Estates, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised therein; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyances.

XX. And be it enacted, That the Costs of investigating the Title to any Lands which may be purchased by the Mayor, Aldermen, and Burgesses, under the Authority of this Act, and of the Conveyance thereof respectively, or of any Estate or Interest therein respectively, and such other Costs as are usually paid by the Purchaser on the Purchase of any Lands, or of any Estate or Interest therein, shall be borne and paid by the Mayor, Aldermen, and Burgesses.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be

XXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant

deposited in the Bank of England.

Tenant for Life, or any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to or interested in, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Manchester*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Moneys, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or to the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings purchased under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order of Application.

XXII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may upon the like Order be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time

be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or vested in Trustees.

XXIII. And with respect to any such Purchase Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hand of the Town Clerk; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Parties.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions.

XXV. Provided always, and be it enacted, That where any Purchase Money paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

XXVI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Money shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of

such Lands being purchased shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XXVII. And with respect to Costs in Cases of Money deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Council not to sell, &c. without the Approbation of the Treasury.

XXVIII. And be it enacted, That nothing in this Act contained shall enable the said Council to alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Power to borrow Money on Rates and Warehouses.

XXIX. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, by the said Council, and pursuant to the Resolutions of a Special Meeting of such Council, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, but to such Amount only that the whole Principal Debt due at any one Time upon such Mortgages shall not exceed the Sum of Fifty thousand Pounds, and that either upon the Credit of the Rates in respect of or upon Goods and Warehouses respectively hereby authorized to be made, or either of such Rates, or upon the Security of any Lands which may be purchased under the Provisions of this Act, or upon the Credit of the Borough Fund of the said Borough, or by any of such Means, and to mortgage, demise, grant, or assign the said Rates or Assessments, or any or either of them, or any Parts thereof, and the Lands aforesaid respectively, to the Persons who shall advance or lend such Money, as a Security for the same together with the Interest thereof, and that by any Writing

Mortgage.

under

under the Seal of the said Mayor, Aldermen, and Burgesses, which Writings may respectively be in the Words or to the Effect set forth in the Schedules (C.) and (D.) to this Act annexed, with such Variation, and with such Powers, Covenants, and Provisoes, as the Circumstances of the Case may reasonably require, or the Parties shall agree; and no Person advancing any Sum or Sums upon the Credit of any such Security shall be bound to see to or be responsible for the Application of such Money.

Mortgages may be either concurrent or with Priority, as agreed on.

XXX. And be it enacted, That if Two or more Mortgages, either of the aforesaid Rates or either of them, or of the said Lands or any Part thereof, shall be made to Two or more Persons, their respective Securities may, according to the actual Agreement in that Behalf, to be expressed in such Mortgages, be either concurrent and to take effect *pari passu*, or with such Priority as may be so agreed upon, and in default of and subject to any such Agreement the Priority of the same Mortgages shall be determined by the Order of the respective Executions thereof: Provided always, that no Mortgagee of such Rates or either of them shall be entitled to interfere with the ordering or assessing of the same Rates, or the Amount or Collection thereof, but the same shall be from Time to Time made, assessed, and collected in manner herein directed, and the said Mayor, Aldermen, and Burgesses, acting by their Council, shall be Trustees for the Application thereof in the Order and for the Purposes hereinafter expressed.

Application of Monies raised or received under Act.

XXXI. And be it enacted, That it shall be the Duty of the Collector or other Officer by whom any Monies received or raised under this Act shall be received, and he is hereby required, forthwith upon the Receipt thereof, to deposit with the Treasurer of the said Borough every Sum of Money which shall come to his Hands, and whether the same shall arise from any Rate or any Loan hereby authorized to be raised, or from the Rents and Profits of such Lands; and upon such Monies being so deposited it shall be the Duty of the said Treasurer, and he is hereby required, to pay and dispose of all such Monies in such Manner as he may be required by any of the Laws, Bye Laws, or Regulations then in force in relation thereto, or, so far as they may not apply, as required by any Law, Bye Law, or Regulation then in force in relation to the Monies forming the Borough Fund; and from Time to Time it shall be lawful for the Council of the said Borough to direct by Order the Issue or Payment thereof or of any Part thereof for the Purpose of being applied according to the Provisions of this Act, which Order shall be subject to the Laws, Bye Laws, and Regulations then in force in relation to such Monies, or, so far as they may not apply, then to any Law, Bye Law, or Regulation then in force in relation to the Monies forming the said Borough Fund.

Application of Monies borrowed or produced by Sale of Lands.

XXXII. And be it enacted, with regard to the Monies to be from Time to Time borrowed under the Provisions of this Act, or to arise from any Sale of Lands previously purchased or acquired hereunder, That it shall be lawful for the said Council and they are hereby authorized to apply such Monies as follows:

First,

First,—To defray the Expences attendant upon the Application for and the obtaining of this Act; and,

Secondly,—To purchase or build One or more Warehouses or Bonding Places for the Purposes of this Act, or to alter and render suitable for such Warehouses any Messuages or Buildings which the said Council shall purchase by virtue of this Act, and from Time to Time to enlarge, improve, alter, repair, or rebuild such Warehouses and Places, or any of them:

And with regard to all other Monies to be received by or to become subject to the Control of the said Council under the Authority of this Act, including the net Rents and Profits of the Lands so to be purchased, and any Buildings for the Time being, after all reasonable Deductions and Allowances for Lessees Repairs, Expence of Insurance, and proper or reasonable Outgoings, it shall be lawful for the said Council and they are hereby authorized and required to apply such Monies as follows:

First,—Towards the Payment of the Expence which may be necessarily incurred from Time to Time in carrying into effect the Provisions of this Act, and which are not herein-before provided for:

Secondly,—Towards the Payment from Time to Time of the Interest of any Money which shall be raised by way of Mortgage according to the Power hereby given, or of so much thereof as shall remain unredeemed:

Thirdly,—Towards the Payment of the Amount of any Sum of Money which the said Council shall from Time to Time pay to the Commissioners of Customs by virtue of this Act:

And with regard to the Monies to be so borrowed, and as to all other Monies so to be received, that if the said Monies shall be more than sufficient for the Purposes aforesaid, then it shall be lawful for the said Council to apply the Surplus thereof either in Payment of the Money borrowed by the said Council under the Provisions of this Act, or of so much thereof as they shall from Time to Time deem it expedient to redeem, or in Improvements within the said Borough, or otherwise as to the said Council shall seem fit for the public Benefit of the Inhabitants thereof.

Council to make Bye Laws.

XXXIII. And be it enacted, That it shall be lawful for the said Council, at a Meeting thereof at which Two Thirds at least of their Number shall be present, and they are hereby empowered, to make such Bye Laws as to them shall seem meet with regard to the Warehouses to be appointed by virtue of this Act, so far as relates to the Management and Regulation thereof for the Purposes of this Act, and also with regard to the Duties or Rates authorized to be raised by this Act, so far as relates to the Collection thereof, and also with regard to the Owners of Warehouses and Owners of Goods lodged therein, and all other Persons employed by such Owners, or otherwise engaged about such Warehouses and Goods lodged therein and removed therefrom, and to impose therein such Fines for the Non-observance of such Bye Laws, not exceeding Ten Pounds, as to them shall seem meet.

XXXIV. Pro-

Bye Laws not to take effect until submitted to Treasury and published.

XXXIV. Provided nevertheless, and be it enacted, That no such Bye Law shall be of any Force until after the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, sealed with the Seal of the said Borough, to the Lords of Her Majesty's Treasury, and after a Copy thereof shall have been affixed on or near the outer Door of the Town Hall, or in some other public Place within such Borough, for the like Space of Forty Days; and if at any Time within the said Period of Forty Days the Lords of the Treasury shall disallow such Bye Law or any Part thereof, such Bye Law, or the Part thereof so disallowed, shall not come into operation: Provided also, that it shall be lawful for the Lords of the Treasury, if they shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Extending Provisions of Municipal Corporations Acts to this Act in certain respects.

XXXV. And be it enacted, That the several Provisions, Powers, and Enactments in the 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, and the Acts for the Amendment, Alteration, or Interpretation thereof, shall, so far as the same respectively relate to the several Matters and Things hereinafter referred to, extend to such Matters and Things as are hereinafter mentioned in connection therewith; (that is to say,)

The Provisions for ordering the Borough Rate, and in respect of Appeals therefrom, and for obtaining Returns of rateable Property and Assessments, shall apply to the respective Rates authorized to be made hereunder, and to the Returns and Assessments requisite or proper for the Purposes thereof, and the respective Provisions for the Removal and Re-appointment of Officers, and in relation to the Securities for the due Execution of their respective Offices, and for the Delivery and Enforcement of their Accounts, and as to their Receipts, Payments, and Duties, and to the Remedies and Proceedings for enforcing or consequent upon any Breach thereof, or in reference to their Conduct and Behaviour in any respect to the Officers, Clerks, and Servants to be appointed hereunder, and to the like Securities, Remedies, Matters, and Things with reference to such Officers, Clerks, and Servants:

And the same Act and Acts, so far as relates to the Application of Penalties; and

So far as relates to the Prosecution of Offences punishable upon summary Convictions; and

So far as relates to the summoning of Witnesses, and the Penalties for Disobedience of such Summons; and

So far as relates to the Payment of Penalties, the levying thereof by Distress, and the Imprisonment of Offenders; and

So far as relates to the Form of Conviction; and

So far as relates to Appeals against Convictions under that Act; and

So far as relates to the Informality of Proceedings, and the Removal of Proceedings into Her Majesty's Court of Record at *Westminster*, and to the Recovery of Satisfaction by Persons aggrieved by informal Proceedings; and

So far as relates to the Protection of Persons acting in the Execution of that Act in relation to Actions and Proceedings against them for any thing done in pursuance of that Act,

Shall apply to the like Matters under this Act, and in every such Case as if such Parts of the same Act or Acts were re-enacted herein with the requisite Variations.

Interpretation of Act.

XXXVI. And for the Interpretation of this Act, be it enacted, That in this Act the following Words and Expressions 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean a Calendar Month:

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster*:

The Word "Council" shall mean the Council of the Borough of *Manchester*:

The Word "Borough" shall mean the Borough of *Manchester* as comprised in Her Majesty's Charter of Incorporation:

The Word "Justice" shall mean any one of Her Majesty's Justices of the Peace acting in and for the said Borough of *Manchester* or the said County of *Lancaster*:

The Word "Goods" shall mean all Goods, Commodities, and Merchandize whatsoever which now or for the Time being may by Law be warehoused or lodged according to the Provisions of the said Warehousing Act:

The Word "Warehouses" shall include all Places of Security or Premises appointed in pursuance of this Act for the warehousing or lodging of Goods, and to the Buildings, Walls, Yards, and other Places appurtenant thereto or connected therewith, including Yards for bonding Timber, whether the same Warehouses be situate within or near the Borough of *Manchester*:

The Word "Owners," used in connection with or with reference to Goods, shall include reputed or ostensible Owners, and all Persons in whose Names any Goods shall have been warehoused under this Act, or shall for the Time being stand in the Books kept by the Officers of Customs having the Charge of the Warehouse in which the same shall be lodged, or shall have been lodged at the Time of the Payment of the Duties of Customs thereon, and also all Persons who in respect of such Goods shall be liable to the Payment of such Duties:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:
The Term "Lords of the Treasury" shall mean also and include the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasury for the Time being, as the Case may be:
The Word "Commissioners" shall mean and include the Commissioners of Her Majesty's Customs for the Time being.

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

Act may be amended, &c. this Session. XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of to me [*or, as the Case may be,*] into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the Borough of Manchester," [*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describe the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender, to hold the Premises to the Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender,

to

to hold the said Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon,*] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Mortgage upon the Security of Lands purchased.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt indorsed on these Presents, do by these Presents demise and assign to the said his Executors, Administrators, and Assigns, all that [*here describe the Premises*], and all the Estate, Right, Title, and Interest of the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the same, to have and to hold the said [*shortly specifying the Premises*], hereby demised, and all Benefit and Advantage thereunto belonging, unto the said his Executors, Administrators, and Assigns, until the Expiration of the Term of One thousand Years [*or for a shorter Period, according to the Nature of the Property, or the Extent of any Term therein*], or until the said Sum, with Interest thereon at the Rate of for every One hundred Pounds by the Year, shall have been paid or satisfied, which shall first happen. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (D.)

Form of Mortgage where the Loan is made on Security of Rates.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of the Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt indorsed on these Presents, do by these Presents assign unto the said his Executors, Administrators, and

Assigns, all the Rates and Duties arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Mayor, Aldermen, and Burgesses therein, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with all Interest for the same at the Rate of for every One hundred Pounds by the Year, shall be paid and satisfied. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and .

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