



CHAPTER clxix.

An Act to enable the Trustees of the River Weaver Navigation to construct two opening bridges across their navigation at or near Northwich in the county of Chester and in connexion therewith to make certain new roads and to divert existing lines of water pipes and gas pipes and to lay down other lines of pipes in substitution for or in addition thereto to apply to those purposes the moneys they are authorised to borrow by former Acts and for other purposes. A.D. 1893.

[27th July 1893.]

WHEREAS by the River Weaver Navigation Act 1866 (in this Act called "the Act of 1866") the Trustees of the River Weaver Navigation (in this Act called "the Trustees") were authorised (section 6) from time to time to borrow at interest the sum of two hundred thousand pounds upon mortgage of the rates duties and tolls which by the various Acts relating to the navigation the Trustees are entitled to levy and by the ninth section of the same Act it is provided that the moneys raised by the Trustees by mortgage under the powers of the same Act should be employed only in widening deepening and otherwise improving the navigation of the River Weaver (in this Act called "the navigation") and in executing the works necessarily incident thereto and in making docks basins locks weirs and other conveniences for the accommodation of vessels and for the loading unloading and protection of goods and in fulfilling the other purposes of the Act: 29 Vict.
c. xciii. s. 6.

And whereas by the Weaver Navigation Act 1872 (in this Act called "the Act of 1872") the Trustees were authorised to make a communication at Anderton between their navigation and the Trent and Mersey Canal and were authorised to apply the moneys borrowed under the Act of 1866 not only for the purposes of that Act but for the purposes of the Act of 1872 and were also authorised to borrow any additional sum of money for the purposes of the Act of 1866 and the Act of 1872 not exceeding in the whole fifty thousand pounds: 35 & 36 Vict.
c. xcvi.

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40 Vict.

c. xvi.

s. 4.

s. 7.

And whereas by the Weaver Navigation Act 1877 (in this Act called "the Act of 1877") the Trustees were authorised (section 4) to borrow any additional sum or sums of money for the purposes of the Acts of 1866 1872 and 1877 not exceeding in the whole the sum of one hundred and fifty thousand pounds and by the seventh section of the same Act it was provided that not less than one half of the above-mentioned sum of one hundred and fifty thousand pounds should be expended by the Trustees in new or enlarged locks and other works for the improvement of the navigation between Northwich Bridge and Winsford Bridge :

And whereas under the powers of the said several Acts the Trustees have borrowed by means of terminable annuities sums amounting to two hundred and eighty thousand pounds and have since the passing of the Act of 1866 expended the whole of such sums and in addition thereto large sums exceeding in the whole four hundred and seventy thousand pounds out of the revenue arising from their rates and tolls in widening deepening and otherwise improving their navigation and in the construction of new and larger locks in the place of the former locks and in the construction of new docks and other permanent works :

And whereas since the passing of the Act of 1877 and in fulfilment of the obligation contained in section 7 of that Act the sum of one hundred and ten thousand pounds part of the above-mentioned sums has been expended by the Trustees in constructing new or enlarged locks and other works for the improvement of the navigation between Northwich Bridge and Winsford Bridge and in consequence of such improvement of the navigation large vessels are now better able to navigate the river between Northwich and Winsford :

And whereas on an average of the last ten years nearly two thirds of the whole revenue of the Trustees has been derived from the tolls on salt manufactured at Winsford and carried over that part of the navigation which lies between Winsford and Northwich and under the said Northwich Bridge And it is of great importance to the owners of salt works at Winsford that proper facilities should continue to be afforded to them for the carriage of their salt along the navigation and it is also of great importance to the Trustees that the revenues from the carriage of salt from Winsford should be maintained in order that the Trustees may have sufficient funds to pay the interest on their borrowed money and to maintain and preserve the navigation and the works connected therewith :

And whereas by reason of the pumping of brine whereby the underlying rock salt is removed the surface of the land on both sides of the river adjacent to Northwich Bridge is continually subsiding and by reason thereof the headway under that bridge is continually

diminishing so that there is not now sufficient headway for vessels when light to pass thereunder and it has become necessary for such vessels to take in ballast or a part of their cargo to enable them so to pass and great delay and expense are caused thereby to the traders on the navigation :

And whereas by reason of such continued subsidence any raising of Northwich Bridge would only be a temporary remedy for such inconvenience to the traders using the navigation and it is expedient to substitute an opening bridge over the river at Northwich on the site and in lieu of the said existing bridge :

And whereas in order to interfere as little as possible with the road traffic across the river at Northwich it is expedient to erect a second opening bridge over the said river at Northwich in the position shown on the deposited plans and to make new roads in connexion with such bridge on each side of the river :

And whereas the water mains of the local board for the district of Northwich (in this Act called "the local board") and the gas main of the Northwich Gas Company are carried over the river by Northwich Bridge and it is expedient that the Trustees be authorised to divert the said mains so as to pass under the bed of the said river and to construct the duplicate mains by this Act authorised :

And whereas it is expedient that the Trustees be authorised to apply their existing funds and the moneys they are so as aforesaid authorised to borrow to and for the purposes of this Act as well as to and for the purposes of the recited Acts :

And whereas it is expedient that the other provisions in this Act contained should be enacted :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas plans and sections showing the lines and levels of the proposed works and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of the works hereby authorised have been deposited with the clerk of the peace for the county of Chester and the said plans sections and books of reference are herein-after referred to as the deposited plans sections and books of reference :

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 :—

1. This Act may be cited as the Weaver Navigation Act 1893.

Short title.

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Incorporation of Acts.
Interpretation.

2. The Lands Clauses Acts are incorporated with and form part of this Act.

3. In this Act unless the context otherwise requires—

“The Trustees” means the Trustees of the River Weaver;

“The navigation” means the River Weaver and the Weston Canal and all docks basins works and navigable and other cuts and branches belonging thereto;

“The bridges” means the bridges by this Act authorised to be constructed.

Power to make works.

4. Subject to the provisions of this Act the Trustees may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the bridges roads lines of pipes and works shown on the deposited plans and sections among which are the principal works herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

The principal works herein-before referred to and authorised by this Act are the following (that is to say):—

Work No. 1.—An opening bridge wholly in the township of Northwich in the parish of Great Budworth to carry the public road leading from Northwich to Chester over the River Weaver at Northwich such bridge to be in substitution for and in the same situation as the present fixed bridge carrying the said road over the said river the intended bridge will commence at a point in the said road about 45 feet measured along that road in a westerly direction from the abutment of the existing bridge on the left bank of the said river and will terminate at a point on the right bank of the said river about 95 feet east of the said abutment;

Work No. 2.—A new road wholly in the township of Castle Northwich in the said parish of Great Budworth commencing at the junction of Navigation Road with the part of the Northwich and Chester Road known as Castle Street and terminating at or near the left bank of the River Weaver at a point about $5\frac{1}{2}$ chains from the commencement of the said intended new road;

Work No. 3.—An opening bridge in the said township of Castle Northwich and in the township of Leftwich in the parish of Davenham to carry a road over the River Weaver to connect the said Work No. 2 and Work No. 4 herein-after described and commencing at the termination of Work No. 2 in the said township of Castle Northwich and terminating on the right

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bank of the River Weaver in the township of Leftwich at a point about $1\frac{3}{4}$ chains from the commencement of that bridge;

Work No. 4.—A new road wholly in the said township of Leftwich commencing at the termination of Work No. 3 on the right bank of the River Weaver and terminating at a point in the road leading from Northwich to Davenham about 1 chain from the north-west corner of Saint Paul's Graveyard;

Work No. 5.—A line of water pipes commencing in the said township of Castle Northwich by a junction with the water main of the local board at or near the junction of Waterloo Road with that part of the said Northwich and Chester Road known as Castle Street and terminating in the township of Witton-cum-Twambrooks in the said parish of Great Budworth by a junction with the water main of the local board at or near the junction of Timber Lane with Witton Street;

Work No. 6.—A line of gas pipes commencing by a junction with the gas main of the Northwich Gas Company at or near the junction of Castle Street aforesaid with Navigation Road and terminating in the premises of the Northwich Gas Company in Timber Lane aforesaid;

Work No. 7.—A line of water pipes wholly in the said township of Northwich commencing at or near the said commencement of Work No. 1 and terminating at or near the said termination of that work;

Work No. 8.—A line of gas pipes wholly in the said township of Northwich commencing at or near the commencement of the said Work No. 1 and terminating at or near the termination of that work.

5. Subject to the provisions of this Act the Trustees may construct make and place all such approaches piling staging dams walls embankments piers buttresses pontoons machinery valves appliances and conveniences as may be deemed necessary or expedient for the construction of the said works doing as little damage as possible and making compensation to all persons injuriously affected by the exercise of the powers of this section.

Power to make subsidiary works.

6. The Trustees may within the limits of deviation shown on the deposited plans cross open or break up cut through divert stop up or otherwise interfere temporarily with streets roads highways foot-paths watercourses drains culverts sewers gas and water mains and pipes telegraphic telephonic electric and other wires and apparatus and other works and may alter the levels of streets roads and footways communicating with the works authorised by this Act or any of them for the making convenient junctions or accesses therewith and thereto and may so far as may be necessary for the construction

Power to cross and stop up streets &c.

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Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply :

Provided also that the Trustees shall not under the powers of this Act interfere with any telegraphic wires or apparatus and works belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878 or of any agreement made with the Postmaster General so far as the same agreement is applicable.

Restriction on taking houses of labouring class.

7. The Trustees shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to deviate.

8. The Trustees may in constructing the works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans in reference thereto respectively and may deviate from the levels of such works as shown on the deposited sections to any extent not exceeding—

In the case of the bridge (Work No. 1) three feet upwards and three feet downwards ;

In the case of the bridge (Work No. 3) ten feet upwards ;

In the case of Works No. 7 and No. 8 five feet downwards ; and

In the case of all the other works five feet upwards and five feet downwards.

Compensation in certain cases.

9. The Trustees shall make compensation to all persons who shall be injuriously affected—

By the alteration of the levels of any street road or footway communicating with the works by this Act authorised or any of

them or for the making convenient junctions therewith or accesses thereto ;

By any deviation from the levels of the said works or any of them under the powers in that behalf by this Act given :

The Trustees shall also make compensation to any owners and occupiers of property abutting on any highway which may be temporarily wholly or partially stopped up or diverted under the powers of this Act who shall be injuriously affected during the construction of the works by any depreciation in value of such property or by any loss of trade by such temporary stopping up or diversion of such highway :

But no trader or freighter on the river shall be entitled to compensation for loss arising from any temporary closing of the navigation for the purpose of executing any of the works by this Act authorised :

The amount of compensation payable under this section shall in case of difference from time to time be ascertained and determined by arbitration under and according to the provisions of the Arbitration Act 1889 :

Nothing in this section shall be deemed to take away any right to compensation to which any owner or occupier may be entitled under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any matter for which he shall not be entitled to compensation under the provisions of this section.

10. If the works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Trustees for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

11. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without

Owners may be required to sell parts only of certain lands and buildings.

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material detriment thereto be required to sell and convey to the Trustees the portions only of the premises so required without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof the Trustees paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Trustees that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Trustees may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Trustees allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

Provided always that if in the opinion of such tribunal any such portion or portions cannot be severed from the remainder of such property without material detriment thereto the Trustees may withdraw their notice to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of and other person interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

Provided also that if in the opinion of such tribunal any such portion or portions notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :

The provisions of this section shall be stated in every notice given thereunder by the Trustees to sell and convey any premises.

Trustees empowered or may be required to underpin or otherwise strengthen houses near works.

12. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Trustees at their own costs and charges may and if required by the owners and lessees of any such house

or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;
- (2) Every such notice if given by the Trustees shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Trustees ;
- (3) If any owner lessee or occupier of any such house or building or the Trustees as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade ;
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Trustees may and shall proceed forthwith so to underpin or strengthen the said house or building ;
- (5) The cost of the reference shall be in the discretion of the referee ;
- (6) The Trustees shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment ;
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Trustees such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Trustees then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Trustees shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for

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compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof;

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Trustees from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act;

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts;

(10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

Period for compulsory purchase of lands.

13. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Correction of errors in deposited plans and books of reference.

14. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Trustees after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Chester for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and a duplicate thereof shall be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Trustees may purchase and take the lands and execute the works in accordance with such certificate.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Trustees any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and

apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1893.

16. The Trustees shall at their own cost maintain the bridges and open and close the same in accordance with byelaws to be made and enforced under and according to the provisions of this Act with respect to byelaws. Provided that the bridges shall be kept closed at all times except when required to be open for the passage of vessels or for necessary repairs and shall at such times be kept open only so long as shall be reasonably necessary for such passage or for such repairs. Provisions
as to opening
bridges.

17. For the protection of the county council of the county of Chester (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Trustees be observed and have effect (that is to say) :— For the
protection of
the Cheshire
County
Council.

- (1) The Trustees shall not commence the new bridge (Work No. 1) by this Act authorised or stop or interfere with the traffic over the existing bridge at the site thereof or the approaches thereto until they have completed in accordance with the provisions of this Act and opened for public traffic the new roads and bridge (Works Nos. 2 3 and 4) by this Act authorised ;
- (2) Each such new bridge and the works connected therewith shall be constructed according to plans sections specifications and elevations to be approved by the county surveyor and such plans sections specifications and elevations shall be submitted to and approved by the said surveyor before the commencement of such bridge and works ;
- (3) Each such bridge and the works connected therewith shall be constructed to the reasonable satisfaction of the council and with a roadway 19 feet 6 inches in width between the girders and on each side thereof a convenient footway of 4 feet 6 inches in width ;
- (4) The parapets or sides of each bridge shall for a height of not less than 5 feet above the level of the footways be constructed of closed work and not open or latticed work ;
- (5) Each such bridge shall be a swing or opening bridge worked by hydraulic or other power so as to be capable of being opened or closed in one minute and a half and the Trustees shall at all times keep a proper and sufficient staff to work and shall work the said bridge in accordance with the provisions of this Act ;
- (6) The approaches to the bridge (Work No. 1) shall be constructed with gradients not steeper than 1 in 15 for a distance of not less than 2 chains on each side of the platform of the bridge ;

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- (7) Each such bridge shall be constructed of sufficient strength to carry safely a distributed or moving load of not less than forty tons ;
- (8) The Trustees shall provide erect maintain and work in such positions as the council shall direct and to their satisfaction semaphore signals for indicating to passengers on the roads which of the said bridges is available for road traffic and such signals shall be fitted with red and green gas lamps for the like purpose which shall be kept alight by and at the expense of the Trustees during every night from dusk to daylight ;
- (9)—(a) It shall not be lawful to close both of the said bridges to road traffic at the same time and two minutes notice at least shall be given by means of the signals before the closing of either bridge to road traffic ;
- (b) Neither of the said bridges shall be closed for road traffic at any one time for a longer period than ten minutes ;
- (c) Both of the said bridges shall be kept continuously open for road traffic between the hours of half-past five and half-past six and half-past eight and half-past nine in the morning and between the hours of twelve noon and half-past one and half-past five and half-past six in the afternoon of every day ;
- (d) In the event of any breach of any of the provisions of this sub-section the Trustees shall be liable to a penalty of not exceeding five pounds ;
- (e) Any penalty incurred by the Trustees under this sub-section shall be recoverable by any person aggrieved by the breach in respect of which the penalty was incurred in any court of summary jurisdiction ;
- (10) All byelaws or regulations for regulating the opening and closing of the said bridges and for regulating the passage of vessels through the same respectively shall be submitted to the council at least twenty-one days before they are submitted to the Board of Trade for confirmation and the council shall be entitled to be heard before the Board of Trade to oppose the confirmation of any byelaw to which they may object ;
- (11) The Trustees shall at all times maintain and keep all the bridges and works in this section mentioned or referred to in good and sufficient repair and condition to the satisfaction of the county surveyor ;
- (12) If any difference arises between the Trustees and the council in relation to the construction of any works under this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties by the President for the time being of the Institution of Civil Engineers ;

(13) The Trustees and the council may agree for any variation or alteration in the provisions of this section or in the works in this section provided for or in the manner in which the same shall be executed. A.D. 1893.

18. For the protection of the Northwich Local Board (in this section called "the board") the following provisions shall have effect unless otherwise agreed on in writing between the board and the Trustees (that is to say):— For the protection of the Northwich Local Board.

In this section the expression "waterworks" means and includes the water mains meters sluice valves air valves hydrants and apparatus and the subsidiary works connected therewith and the expression "syphons" means the lengths of pipes between the respective meters for detecting waste and the pipes under the River Weaver and the expression "street" has the same meaning as that assigned to it by the Public Health Act 1875;

(1) The Trustees shall at all times maintain the portion of the waterworks forming the syphons under the River Weaver and the pipe across the River Dane in good repair and condition free from leakage and they shall also to the reasonable satisfaction of the board provide maintain and renew meters at each end of the two syphons to be laid under the River Weaver similar to those now in use by the board for detecting loss of water by subsidence or such other apparatus as shall in the opinion of the engineer of the board and the engineer to the Trustees be reasonably necessary to ascertain such loss. Provided always that in case it may at any time hereafter become necessary in consequence of subsidence or any other cause to take up and remove the two syphons to be laid under the River Weaver (or either of them) the Trustees shall at their own expense and to the satisfaction and under the direction of and in such manner as shall be reasonably required by the engineer of the board provide renew and maintain under the River Weaver syphons or such other works as may be agreed upon by the engineer to the board and the engineer to the Trustees to be necessary for the due and proper supply of water to the town;

(2) Twenty-eight days before the Trustees commence under the provisions of this Act to execute any works which will interfere with the water apparatus of the board or which are intended to convey water supplied by the board they shall leave at the office of the board for their reasonable approval plans sections and specifications of the intended works and the Trustees shall not commence any of such works until the board have signified in

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writing to the Trustees their approval disapproval or requirements in relation thereto Provided that unless the board so signify their disapproval or requirements within fourteen days after such submission of the said plans sections and specifications they shall be deemed to have approved thereof;

- (3) The Trustees shall not execute any waterworks contrary to the regulations of any Act of Parliament relating to the board but subject as aforesaid all such works shall be executed in accordance with the plans sections and specifications so submitted to the board and approved by them or in case of difference by an arbitrator to be appointed as herein-after provided;
- (4) If the board elect to themselves execute any portions of the waterworks (except the portion forming the syphons under the River Weaver and the portion carried over the River Dane all of which shall be executed by the Trustees) and of such their election give to the Trustees not less than seven days notice in writing by leaving the same at the office of the engineer of the Trustees the board may execute such portions of the waterworks in accordance with the plans sections and specifications so approved as aforesaid and the reasonable expense of and incident to such execution shall be paid by the Trustees to the board;
- (5) In addition to the waterworks forming the syphons under the River Weaver and the pipe across the River Dane the Trustees shall to the reasonable satisfaction of the board maintain in good repair and condition free from leakage the remainder of the waterworks for the period of six months after they shall have been completed and from and after the expiration of that period the same shall be vested in and be maintained by the board but inasmuch as the cost of the maintenance and repair of such waterworks will by reason of their additional length exceed the cost of the existing waterworks for which they are to be substituted or to which they will be supplementary the Trustees shall at the expiration of the said six months pay to the board by way of compensation for such excess of cost a sum of five hundred pounds and such payment shall free the Trustees from all future liability for such maintenance or repair except as regards the syphons under the River Weaver and the pipe across the River Dane;
- (6) If at any time during a period of twelve years from the completion of the works by this Act authorised it is found impossible in consequence of the subsidence of the land or from any other cause to maintain the two syphons to be laid under the River Weaver or either of them or the mains in connexion

with Work No. 5 the Trustees shall at their own expense in lieu of and in substitution for the said syphons or either of them and to the reasonable satisfaction of the board lay a line of water pipes through the subway or culvert now existing under the said river near the site of the old Hartford Lock ;

- (7) The Trustees shall at their own expense and to the reasonable satisfaction of the board at all times maintain the subway or culvert and the water-main to be laid through the same or any pipe syphon or other waterworks which may be laid and constructed in lieu of and in substitution for the said subway or culvert and in addition thereto the Trustees shall bear and pay one half the cost of providing laying and connecting the then existing water-mains in Chester Road and London Road on the east and west sides of the River Weaver with the water-mains which may have been laid under the river in pursuance of this sub-section and the completion of such works to the reasonable satisfaction of the engineer to the board shall free the Trustees from all future liability in respect to the maintenance and repair of such works except as regards the subway pipe or syphon which may be laid under the River Weaver in pursuance of this sub-section and except as regards the meters for detecting waste of water which are to be fixed and maintained at each end of the syphons if so fixed ;
- (8) The waterworks shall be of such dimensions as will allow for the future reasonable increase in the quantity of water of the board to be consumed but in no case less than nine inches nor greater than twelve inches internal diameter and the Trustees shall not be called upon to increase these dimensions but if additional syphons are required at any future time the Trustees shall pay the cost of laying such syphons under the River Weaver the pipes and meters being provided by the board ;
- (9) It shall be lawful for the board and their engineers and workmen and other persons in their employment at all times when it may be necessary to enter upon the River Weaver or the lands works or premises of the Trustees for the purpose of examining the two syphons to be laid under the river by the Trustees under the provisions of this Act or any additional syphons which may hereafter be laid under the river under sub-section 6 of this section or the water pipe over the River Dane and also for the purpose of laying altering extending maintaining repairing or replacing and to lay alter extend maintain repair or replace under or over the lands works and premises of the Trustees or any part thereof the waterworks forming Work No. 5 (except the syphons under the River Weaver and the

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water pipe over the River Dane) and to do all such works as may be necessary incidental thereto Provided always that in so doing the board shall not interrupt the traffic passing on or the user of the said river in any manner for any longer period than can reasonably be avoided ;

- (10) If there shall be at any time a total interruption in the supply of water by the board through both syphons at the same time or through the pipe across the River Dane the Trustees shall forfeit and pay to the board for such total interruption for the use and benefit of the board the sum of ten pounds for every hour during which such interruption shall continue after notice of such interruption has been given to the engineer to the Trustees or left at his office and in case any loss of water shall arise by leakage along any of the waterworks repairable by the Trustees they shall pay to the board the value of the water so lost at the same rate as the price for the time being charged for water to their customers for trade purposes and the board may provide maintain and renew at the cost of the Trustees meters similar to those now in use by the board for detecting loss of water by subsidence or such other apparatus as shall in the opinion of the engineer to the Trustees be reasonably necessary to ascertain such loss ;
- (11) When the Trustees for any of the purposes of this Act take any of the waterworks belonging to and now used by the board for supplying water they shall pay to the board the value of such waterworks and the same shall thereupon become the property of the Trustees and the Trustees shall also pay to the board their reasonable charges of altering or removing any of the mains or apparatus in immediate communication therewith which the works of the Trustees shall render useless or which shall require to be altered or removed in consequence of the works by this Act authorised ;
- (12) Notwithstanding anything in this Act contained the Trustees shall until such time as the works are certified as complete and afterwards for so much as is maintainable by the Trustees be responsible for and make good to the board all costs losses damages and expenses which may be occasioned to the board or to any of their apparatus or property by reason of the execution or failure of any of the works maintainable by the Trustees under this section whether caused by subsidence of the ground on which such works are subsisting or by reason of any act or omission of the Trustees or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others or by any

vessel using the said navigation or the person or persons in charge thereof and the Trustees will effectually indemnify and hold harmless the board from all claims and demands upon or against them by reason of such execution or failure caused as aforesaid; A.D. 1893.

- (13) If during the construction of the works by this Act authorised it should appear to the board that the works authorised by this Act would endanger any of their water apparatus or interfere with or impede the supply of water they may give notice to the Trustees to alter or divert the position of such water apparatus or to support the same or to substitute temporarily or otherwise other water apparatus in such manner as may be considered necessary. Provided always that in case of any diversion of the water apparatus of the board the diverted apparatus shall be completed to the satisfaction of the board or their engineer before the existing water apparatus is in any way interfered with. All such works shall be done and executed by and at the expense of the Trustees but to the satisfaction and under the direction of and in such manner as shall be reasonably required by the engineer of the board. And if the board give notice in writing to the Trustees within fourteen days after the receipt by them of notice of the intended commencement by the Trustees of any such works so required the board may on the expiration of the said notice by their own engineer or workmen do or execute the protection works agreed or decided to be necessary and the Trustees shall on the completion thereof pay to the board the reasonable expenses incurred by them in the execution thereof;
- (14) The Trustees shall not under the powers of this Act break up any street or interfere with any sewer drain or watercourse or any water main pipe or apparatus of the board until they shall have given to the board seven clear days notice in writing of their intention to commence the intended works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Trustees so far as they affect the streets sewers drains watercourses water mains pipes and apparatus proposed to be interfered with and have obtained in writing the consent of the board to the proposed works;
- (15) Except for the purposes of this Act the Trustees shall not without the consent of the board alter the level of any street;
- (16) The Trustees shall not break up or disturb any street under the control of the board other than those authorised by this Act unless at least seven days previous notice in writing

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of their intention so to do specifying the street intended to be broken up or disturbed be given to the board and when the Trustees shall break up or disturb any such street they shall so soon as the works affecting it are completed restore the same to as good a condition as it was when it was broken up and disturbed to the reasonable satisfaction of the board and the Trustees shall keep the same in repair for six months thereafter and if the Trustees fail to restore the street the board may do so and recover the cost of such restoration from the Trustees ;

(17) If by the certificate of the surveyor of the board it appears that any of the public highways repairable by the inhabitants at large have been injured or any expense has been incurred by the board for repair of such highways by reason of the extraordinary traffic in the carrying out of the works authorised by this Act then the Trustees shall pay on demand to the board such costs charges and expenses as may be certified by the surveyor to the board ;

(18) Before the Trustees obstruct any street or road except the streets or roads forming the approaches to Work No. 1 in the exercise of their powers under this Act they shall to the reasonable satisfaction of the board provide and thenceforward until such obstruction be removed maintain proper accommodation for the traffic along such street and they shall cause such obstruction to be properly fenced and lighted ;

(19) All new roads and streets required to be made by the Trustees under this Act and the carriageway footway or any other part of such roads and streets shall be constructed formed sewered levelled paved metalled flagged channelled and made good and all streets or roads the surface of which shall be disturbed by them shall be restored to the reasonable satisfaction of the board and such new roads and streets shall when made be maintained and kept in repair by the Trustees for a period of six months ;

(20) Where any of the works to be done under or by virtue of the powers of this Act shall or may pass over or under or by the side of or so as to interfere with any sewer drain water main or water pipe hydrant or other work vested in or under the jurisdiction or control of the board or shall or may in any way prejudicially affect the sewerage or drainage of their district the Trustees shall not commence such works until they shall have given to the board fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the offices for the time being of the board with a plan and

section showing the course and inclination thereof and other necessary particulars relating thereto and until the board shall have signified their approval of the same unless the board do not signify their approval or disapproval within fourteen days after delivery or service of the said plan section and particulars as aforesaid and the Trustees shall comply with and conform to all reasonable directions and regulations of the board in the execution of the said works and shall provide by new altered or substituted works for the proper protection of and for preventing injury or impediment to the sewers drains and works of the board herein-before referred to by or by reason of the said works of the Trustees or any part thereof and shall save harmless and keep indemnified the board against all and every the expenses to be occasioned thereby and all such works shall be executed by the Trustees under the superintendence and to the reasonable satisfaction of the board ;

- (21) The Trustees shall be liable to pay and shall pay to the board any damages penalties costs charges or expenses which the board may be legally liable to pay or shall have so paid in respect of any loss or damage consequent upon or arising from the execution by the Trustees of any works under the authority of this Act whether such injury or loss occurs during or after the construction or in the maintenance alteration or repairing of such works or in or by the enjoyment or use thereof and all moneys to be paid by the board on account of any such damages penalties costs charges or expenses shall be repaid to the board by the Trustees on demand ;
- (22) The Trustees shall bear and pay the reasonable expenses (not exceeding fifty pounds) of and incident to the superintendence and watching by the board or their engineer or officer of all or any of the works by this Act authorised by which any water-works of the board may be interfered with during the progress and until the completion of such works ;
- (23) All moneys payable by the Trustees to the board shall be paid on demand or in default thereof may be recovered by the board in any court of competent jurisdiction ;
- (24) Any difference which may arise between the board and the Trustees as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by arbitration under and according to the provisions of the Arbitration Act 1889.

19. For the protection of the Northwich Gas Company (in this section called "the company") the following provisions shall have

For the
protection
of the

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Northwich
Gas Com-
pany.

effect unless otherwise agreed on in writing between the company and the Trustees (that is to say):—

- (1) In this section the expression “the gasworks” means and includes the gas mains pipes syphons and apparatus and the subsidiary works connected therewith by this Act authorised;
- (2) Twenty-eight days before the Trustees commence under the powers of this Act to execute any works which will interfere with the gas apparatus of the company or which are intended to convey gas supplied by the company they shall leave at the office of the company for their reasonable approval plans sections and specifications of the intended works and the Trustees shall not commence any of such works until the company have signified in writing to the Trustees their approval disapproval or requirements in relation thereto Provided that unless the company so signify their disapproval or requirements within fourteen days after such submission of the said plans sections and specifications they shall be deemed to have approved thereof;
- (3) The Trustees shall not execute any gasworks contrary to the regulations of any Act of Parliament relating to the company but subject as aforesaid all such works shall be executed in accordance with the plans sections and specifications so submitted to the company and approved by them or in case of difference by an arbitrator to be appointed as herein-after provided;
- (4) If the company elect to themselves execute any portions of the gasworks (except the portion forming the syphons under the River Weaver and the portion carried by the bridge over the River Dane all of which shall be executed by the Trustees) and of such their election give to the Trustees not less than seven days notice in writing by leaving the same at the office of the engineer of the Trustees the company may execute such portions of the gasworks in accordance with the plans sections and specifications so approved as aforesaid and the reasonable expense of and incident to such execution shall be paid by the Trustees to the company on demand;
- (5) The Trustees shall at all times maintain the portion of the gasworks forming Work No. 8 and the syphon under the River Weaver and the pipe across the River Dane forming part of Work No. 6 in good repair and condition free from leakage and they shall, also to the reasonable satisfaction of the company maintain in good repair and condition free from leakage the remainder of the gasworks for the period of six months after they shall have been completed and from and after the expiration of that period the same shall be vested in and be maintained

by the company but inasmuch as the cost of maintenance and repair of the gasworks will by reason of their additional length exceed the cost of the existing gasworks for which they are to be substituted or to which they will be supplementary the Trustees shall at the expiration of the said six months pay to the company by way of compensation for such excess of cost a sum of three hundred and fifty pounds and such payment shall free the Trustees from all future liability for such maintenance or repair except as regards the syphons under the River Weaver and the pipe across the River Dane ;

(6) The gasworks shall be of such dimensions as will allow for the future reasonable increase in the quantity of gas of the company to be consumed namely Work No. 8 shall be nine inches internal diameter so much of Work No. 6 as crosses the Rivers Dane and Weaver shall be twelve inches internal diameter and the remainder eight inches and the Trustees shall not be called upon to increase these dimensions but if additional syphons are required at any future time the Trustees shall pay the cost of laying such syphons under the River Weaver the material being provided by the company ;

(7) It shall be lawful for the company and their engineers and workmen and other persons in their employment; at all times when it may be necessary to enter upon the River Weaver or the lands works and premises of the Trustees for the purpose of examining the two syphons to be laid under the river by the Trustees under the provisions of this Act or any additional syphons which may hereafter be laid under the river under subsection 6 of this section or the gas pipe over the River Dane and also for the purpose of laying altering extending maintaining repairing or replacing and to lay alter extend maintain repair or replace under or over the lands works and premises of the Trustees or any part thereof the gasworks forming Work No. 6 (except the syphon under the River Weaver and the gas pipe over the River Dane) and to do all such works as may be necessary or incidental thereto Provided always that in so doing the company shall not interrupt the traffic passing on or the user of the said river in any manner for any longer period than can reasonably be avoided ;

(8) If there shall be at any time a total interruption in the supply of gas by the company through both the syphons at the same time the Trustees shall forfeit and pay to the company for such total interruption for the use and benefit of the company the sum of three pounds for every hour during which such

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interruption shall continue after notice of such interruption has been given to the engineer to the Trustees or left at his office and in case any loss of gas shall arise by leakage along any of the gasworks repairable by the Trustees they shall pay to the company the value of the gas so lost at the same rate as the price for the time being charged for gas to their gas consumers and the company may provide maintain and renew at the cost of the Trustees not exceeding fifteen pounds in first outlay meters similar to those now in use by the company for detecting loss of gas by subsidence or such other apparatus as shall in the opinion of the engineer of the company and of the engineer to the Trustees be reasonably necessary to ascertain such loss ;

(9) When the Trustees for any of the purposes of this Act take any of the gasworks belonging to and now used by the company for supplying gas they shall pay to the company the value of such gasworks and the same shall thereupon become the property of the Trustees and the Trustees shall also pay to the company their reasonable charges of altering or removing any of the mains or apparatus in immediate communication therewith which the works of the Trustees shall render useless or which shall require to be altered or removed in consequence of the works by this Act authorised ;

(10) Notwithstanding anything in this Act contained the Trustees shall until such time as the gasworks are certified as complete and afterwards for so much as is maintainable by the Trustees be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the company or to any of their apparatus or property by reason of the execution or failure of any of the works maintainable by the Trustees under this section whether caused by subsidence of the ground on which such works are subsisting or by reason of any act or omission of the Trustees or of any of their contractors agents workmen or servants or of any of the persons in their employ or in the employ of their contractors or others or by any vessel using the said navigation or the person or persons in charge thereof and the Trustees will effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure caused as aforesaid ;

(11) The company may if they think fit employ a watchman or inspector to watch and inspect the works of the Trustees by the construction repair or renewal whereof any gasworks of the

company will be interfered with or affected and the reasonable wages of such watchman or inspector shall be paid by the Trustees ;

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(12) All moneys payable by the Trustees to the company shall be paid on demand and in default thereof may be recovered by the company in any court of competent jurisdiction ;

(13) Any difference arising between the Trustees and the company respecting any of the matters referred to in this enactment shall be settled by arbitration under and according to the provisions of the Arbitration Act 1889.

20. The Trustees shall not in the execution of the works hereby authorised close the River Weaver for the purposes of traffic for more than three successive days (inclusive of Sunday) and seven clear days previous notice of such intended closing shall be given to the traders.

For the protection of traders on the River Weaver.

21. Subject to the provisions of this Act the new roads hereby authorised to be made and herein-before described as Work No. 2 and Work No. 4 and the subsidiary works connected therewith respectively shall when the same are made and completed vest in and be from time to time maintained by the local board or other road authority liable for the time being to maintain the other public streets and highways in the district of the local board and the line of water pipes hereby authorised to be laid and herein-before described as Work No. 5 (except such part thereof as shall form the syphon passing under the River Weaver) and the subsidiary works connected therewith shall after the expiration of six months from the time when the same shall be so laid and completed vest in and be from time to time maintained by the local board or other authority liable for the time being to maintain the other water pipes in the said district and become for all purposes part of their water undertaking and the line of gas pipes hereby authorised to be laid and herein-before described as Work No. 6 (except such part thereof as shall form the syphon passing under the River Weaver and the pipe across the River Dane) and the subsidiary works connected therewith shall after the expiration of six months from the time when the same shall be so laid and completed vest in and be from time to time maintained by the Northwich Gas Company (in this section called "the gas company") or other persons or authority for the time being liable to maintain the other gas pipes in the said district and become for all purposes part of their gas undertaking and the lines of pipes Nos. 7 and 8 when so laid and completed shall respectively vest in the local board and the gas company but shall be maintained by the Trustees

Maintenance of roads and lines of pipes &c.

A.D. 1893.

and the Trustees may enter into any contracts or agreements with the local board and the gas company respectively for or in relation to the construction and maintenance of the said Works No. 2 No. 4 No. 5 and No. 6 respectively (except as aforesaid) and the subsidiary works connected therewith respectively and the vesting of the said works or any of them in the local board and the gas company respectively or for any other purpose or object in relation to the matters aforesaid. The gas company may apply their funds in carrying out any such contracts or agreements or for any purposes in connexion therewith. Any such contract or agreement between the local board and the Trustees shall be deemed to be purposes of the public Acts under which the local board have jurisdiction and any expenses incurred in relation to such contracts and agreements shall be deemed to be expenses incurred for the purposes of those Acts.

If any question shall arise between the Trustees on the one hand and the local board or the gas company or other persons or authority liable to maintain the other gas pipes in the said district on the other hand as to the due completion of the works so to be maintained by the local board or the gas company or such persons or authority such question shall be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to those parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such works shall be conclusive evidence of the fact so certified.

Extension
of borrowing
powers.

22. The powers of borrowing moneys granted to the Trustees by the Act of 1866 the Act of 1872 and the Act of 1877 respectively may be exercised by them not only for the purposes of the said Acts but also for the purposes of this Act.

Power
to make
byelaws.

23. In addition to the powers of making byelaws contained in any other Acts relating to the navigation enabling the Trustees to make byelaws or regulations they may from time to time make byelaws and regulations for regulating the opening and closing of the bridges and for regulating the passage of vessels through the same respectively.

The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the byelaws to be made by the undertakers shall extend and apply to all byelaws and regulations which do not solely relate to the Trustees or their officers or servants but no such byelaws or regulations nor any byelaws made by the Trustees under that Act shall have any force or effect unless and until the same be confirmed by the Board of Trade.

The penalties imposed by any such byelaws for any breach thereof shall be in addition to any damages recoverable by the Trustees or by any person or company for any loss or injury to them or him or to their or his property consequent on such breach. A.D. 1893.

24. Notice of any byelaws or regulations proposed to be submitted shall be advertised for three successive weeks in some local newspaper circulating in Northwich and Winsford and any trader or property owner shall be entitled to be heard himself or by some one representative in his employ before the Board of Trade before such byelaws or regulations shall be confirmed. Notice to traders of proposed byelaws.

25. Not later than in the session of Parliament to be holden in the year one thousand eight hundred and ninety-five the Trustees shall promote a Bill to consolidate and amend the provisions of the Acts relating to the River Weaver navigation so far as regards the constitution and management of the trust. As to constitution of the trust.

26. All the costs charges and expenses of and incidental to the applying for and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of any moneys for the time being in their hands. Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

DESCRIBING BUILDINGS &c. OF WHICH ONLY PARTS MAY BE TAKEN.

Parish.	Township.	No. of Work.	No. on deposited Plans.
Great Budworth -	Northwich -	(Work No. 1) -	3.
		(Work No. 7) -	6.
Great Budworth -	Castle-Northwich	(Work No. 2) -	4, 13, 15, 19, 21.
		(Work No. 5) -	2, 4, 8, 10.
		(Work No. 6) -	2, 4, 8, 10.
Davenham -	Leftwich -	(Work No. 4) -	1, 11.
		(Work No. 5) -	14.
		(Work No. 6) -	14.

NOTE.—The properties respectively represented on the deposited plans by the said numbers 2, 4, 8, 10 and 14 in relation to Work No. 6 are respectively numbered in the deposited books of reference 1, 3, 7, 9 and 13 in relation to that work.

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