



CHAPTER iii.

An Act to confer further powers upon the Manchester Ship Canal Company. A.D. 1893.
[28th March 1893.]

WHEREAS by the Manchester Ship Canal Act 1885 (in this Act called "the Act of 1885") the Manchester Ship Canal Company (in this Act called "the Company") were incorporated and authorised to purchase the undertakings known as "the Mersey and Irwell Navigation" "the Duke of Bridgewater's Canals" and "the Runcorn and Weston Canal" and to construct—

48 & 49 Vict.
c. clxxxviii.

Three new navigable cuts or channels in the said Act described as Work number 1 Work number 2 and Work number 3 and constituting together one continuous canal from the River Mersey at Eastham to Manchester with docks at Manchester Salford and Warrington;

Three deviation railways (in the said Act respectively described as Work number 17 Work number 18 and Work number 19 and called Deviation Railway number 1 Deviation Railway number 2 and Deviation Railway number 3) in order to deviate the London and North Western Railway the Birkenhead Lancashire and Cheshire Junction Railway and the Warrington and Stockport Railway; also

Three branch railways (in the said Act respectively described as Work number 14 Work number 15 and Work number 16 and called Branch Railway number 1 Branch Railway number 2 and Branch Railway number 3) to connect the said canal with a branch railway of the London and North Western Railway Company and with the Manchester Sheffield and Lincolnshire Railway; and

Various subsidiary works:

And whereas the powers of the Company have been altered and extended by subsequent Acts and among others by the Manchester Ship Canal (Alteration of Works) Act 1888 (in this Act called "the Act of 1888") whereby (among other things) the line of a portion

51 & 52 Vict.
c. clxi.

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of the said canal was varied and the said canal as so authorised and varied is in this Act referred to as "the canal":

And whereas among the works authorised by the Act of 1885 was a lock or basin in that Act described as Work number 1 G (a) which it was provided by section 31 of that Act should form (unless otherwise agreed) the sole entrance and exit to and from the then existing docks basins and navigation of the trustees of the River Weaver (in this Act called "the Weaver Trustees") at Weston Point and it was provided by the said section 31 that the said work should be constructed contemporaneously with the canal and it is expedient that the obligation to construct the said work contemporaneously with the canal should be repealed:

And whereas it was provided by sub-section 6 of section 71 of the Act of 1885 that the works by that Act authorised between a place called "No Man's Land" and a point "A" on the plan in that section referred to should be completed within the period of two years after their commencement and it is expedient that that provision be repealed:

And whereas by the Act of 1888 the Company were authorised to make an opening bridge across the River Irwell in the township of Salford at the south-eastern end of Fairbrother Street (being Work D by that Act authorised) and it is expedient that in lieu of that bridge another bridge should be constructed in continuation of Everard Street and that upon their obtaining any necessary powers in that behalf the Company should be authorised to abandon the construction of that work:

And whereas by the Act of 1885 the Company were authorised to make a dam across the bed of the River Mersey (with a lock therein) in the townships of Warrington and Walton Inferior (being Work number 12 by that Act authorised) and it is expedient that the Company be authorised to abandon the construction of that work and in lieu thereof to make the dam (with a lock and sluices therein) in this Act described:

And whereas by sub-section 6 of section 88 of the Act of 1885 it was provided that the Company should complete the Warrington Dock (being Dock number 4 Work number 13 by that Act authorised) within the period of three years after the completion of the canal between Eastham and Latchford:

54 & 55 Vict.
c. clxxxi.

And whereas the period limited by the Act of 1885 for the completion of the works by that Act authorised was seven years from the passing of that Act which period was by the Manchester Ship Canal Act 1891 extended until the thirty-first day of December one thousand eight hundred and ninety-three and it is expedient that the said period limited for the completion of the said dock should

be extended to the period of three years from the completion and opening for traffic of the portion of the canal between Eastham and Latchford: A.D. 1893.

And whereas it is expedient that the Company be authorised to construct the new roads in this Act described:

And whereas it is expedient that the Company be authorised to acquire the additional lands in this Act described:

And whereas it is expedient that the provisions in sections 122 and 124 of the Act of 1885 contained with respect to the opening for passenger traffic of the said Deviation Railways number 1 number 2 and number 3 respectively should be amended:

And whereas by the Upper Mersey Navigation Act 1876 the Upper Mersey Navigation Commissioners are authorised to levy tolls on all vessels entering or leaving the River Mersey within the limits by that Act defined which limits include the entrance channel to the canal as that channel is defined in section 20 of the Manchester Ship Canal (Tidal Openings &c.) Act 1890 (in this Act called "the Act of 1890") and it is expedient that certain of those vessels going to or from the canal by means of that channel should be exempted from the payment of tolls rates or dues to the said commissioners: 39 & 40 Vict.
c. civ.

53 & 54 Vict.
c. lxxiv.

And whereas it is expedient that certain parts of the Act of 1885 and of the Act of 1888 should be repealed and amended and that the other provisions in this Act appearing should be made:

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 works authorised by this Act and also a book 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 or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Lancaster and Chester and are herein-after respectively referred to as the deposited plans sections and book 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 Manchester Ship Canal Act 1893. Short title.

2. The following Acts and parts of Acts (that is to say):—
The Lands Clauses Acts;

Incorporation
of Acts.

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The provisions of the Railways Clauses Consolidation Act 1845 with respect to the crossing of roads or other interference therewith; and

Part II. (extension of time) of the Railways Clauses Act 1863; so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

“The canal” means the Manchester Ship Canal authorised by the Act of 1885 as varied by the Act of 1888;

“Vessels” includes barges flats and boats and every other kind of canal craft;

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction:

In this Act and for the purposes of this Act in enactments incorporated with this Act—

The expressions “court of competent jurisdiction” “superior courts” or any other like expression shall have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute:

For the purposes of this Act in enactments incorporated with this Act—

“The Undertakers” means the Company;

“The undertaking” means the works by this Act authorised;

“The railway” and “the centre of the railway” respectively mean the works by this Act authorised and the centre of those works.

Power to make works &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections and may stop up such roads and footpaths as are shown on the deposited plans of those works as intended to be stopped up or which are included within the limits of the land compulsorily taken under the powers of this Act and in addition to any other lands which they are by this Act authorised to acquire may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes making compensation in

accordance with the Lands Clauses Acts to all parties injuriously affected by the exercise of the powers contained in this section.

The Company may execute the following works and exercise the following powers (that is to say):—

(A) Number 1.—A new road commencing in the township of Woolston-and-Martinscroft in the parish of Warrington in the county of Lancaster in and out of the public road leading from Manchester to Warrington at a point about fifteen chains west (measured along that road) from the point where that road is crossed by the township boundary between the said township of Woolston-and-Martinscroft and the township of Rixton-cum-Glazebrook in the said parish of Warrington and terminating in the township of Lymm in the parish of Lymm in the county of Chester at a point on the south bank of the River Mersey twenty-two chains east (measured along that bank) from the point where that bank is crossed by the parish boundary between the said parish of Lymm and the parish of Runcorn (detached number 3) in the said county of Chester;

(B) Number 2.—A new road commencing in the township of Barton-upon-Irwell in the parish of Eccles in the county of Lancaster in and out of the public road leading from Manchester to Warrington at the junction of that road with the road known as Fairhills Road and terminating in the township of Flixton in the parish of Flixton in the said county of Lancaster at a point on the east bank of the River Irwell about fifteen chains north (measured along that bank) from the point where that bank is crossed by the Liverpool and Manchester Railway of the Cheshire Lines Committee;

So soon as they have completed the said new road number 2 and opened the same to the public they may stop up and extinguish all rights of way in and over the said Fairhills Road for the whole length thereof;

(C) Number 3.—A dam across the bed of the River Mersey in a southerly direction (with a lock and sluices therein) commencing in the township of Warrington in the said parish of Warrington at a point on the north bank of that river about thirty-eight chains east of the northern end of the bridge over that river known as Walton Girder Bridge measured along the north bank of the river and terminating in the township of Walton Inferior in the parish of Runcorn in the county of Chester at a point on the south bank of that river about forty-one chains east of the southern end of the last-mentioned bridge measured along the south bank of the river. The said dam (with a lock and sluices therein) together with the entrance

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authorised by the Act of 1885 to the Warrington Dock from the canal shall be completed and made available for traffic by the time any portion of the canal between Runcorn Bridge and Latchford is opened for traffic.

For the protection of the corporation of Manchester.

5. Whenever in the execution of the powers in this Act contained it shall be necessary to alter or interfere with or disturb any of the water pipes belonging to the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this section called "the corporation") such alteration in the position or otherwise of any such water pipes which may be required for the purposes of any works by this Act authorised shall be carried out by and under the direction of the corporation but at the reasonable expense in all respects of the Company and the cost of any such pipes which shall be rendered useless shall be repaid by the Company to the corporation.

Subsidiary works.

6. The Company may upon any lands for the time being belonging to them from time to time construct and maintain all such approaches gates sluices culverts syphons by-passes arches bridges (fixed or opening) sewers drains telegraphs telephones works and appliances as may be necessary or convenient for or incidental to the user or maintenance of the said works authorised by this Act but nothing in this section shall exonerate the Company from any action indictment or other proceeding in the event of any nuisance being caused by them :

Provided that the Company shall not under the powers of this section commence or construct any works within the jurisdiction of the Commissioners for the Conservancy of the River Mersey or any works which would diminish or interfere with the ebb and flow of the tide in the tidal portion of the canal except with the consent of the said commissioners.

Limits of deviation.

7. Subject to the provisions of this Act in constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards but not so as to increase the rate of inclination of any road or footpath shown on the deposited plans.

Incorporation of certain sections of the Act of 1885.

8. The following sections of the Act of 1885 (that is to say) :—

Section 59 (Power to lease certain lands) ;

Section 60 (Power to retain &c. certain lands) ;

Section 61 (As to reversion of certain lands) ;

shall extend and apply mutatis mutandis to and in relation to the purposes of this Act and are incorporated herewith and form part hereof accordingly. A.D. 1893.

9. Every new or diverted road or footpath constructed under the powers of this Act shall be repaired and maintained by the Company. The certificate of two justices of the due completion of any such new altered or substituted road or footpath shall be conclusive evidence of the fact so certified and such certificate shall be obtained before the existing road or footpath is interfered with except in so far as may be necessary for the construction and completion of such new altered or substituted road or footpath. As to repair &c. of new and substituted roads &c.

10. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of roads and footpaths rendered unnecessary by reason of any diversions thereof by this Act authorised or which are shown on the deposited plans as intended to be stopped up or which are included within the limits of the land shown on the deposited plans as intended to be taken compulsorily and which shall be so taken or which the Company are in any way authorised to stop up and the fee simple and inheritance of such roads and footpaths shall if and so far as the Company are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of their undertaking. As to vesting of site and soil of portions of roads &c. stopped up.

11. The Company may and shall abandon the construction of the said Work number 12 authorised by the Act of 1885. Abandonment of Work No. 12 of Act of 1885.

12. The Company shall within five years from the opening of the canal construct and open for public traffic and at all times thereafter maintain in good order and condition at their own cost a fixed bridge across the River Irwell in continuation of Everard Street in lieu of and in substitution for Work D authorised by the Act of 1888 and the provisions of section 119 of the Act of 1885 relating to the corresponding works and portions of works authorised by that Act for which Work D was substituted shall mutatis mutandis and so far as applicable extend and apply to the bridge in continuation of Everard Street intended to be substituted for Work D as fully and effectually as they would have extended and applied to Work D aforesaid. Company to construct a fixed bridge in lieu of Work D of the Act of 1888.

The Company shall apply to Parliament for powers to construct the said intended bridge and upon the obtaining and passing of an Act

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Compensation for damage to land by entry &c. for purposes of work abandoned.

13. The abandonment by the Company under the authority of this Act of the said works described respectively as Work number 12 in the Act of 1885 and Work D in the Act of 1888 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation from the Company for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or of setting out the line of the said works or any of them and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company for the purposes thereof to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1885 or the Act of 1888.

As to lands already contracted for &c.

14. Notwithstanding the abandonment by the Company of the said works described respectively as Work number 12 and Work D as aforesaid the Company may retain and use for the purposes of the works authorised by this Act all lands already purchased under the provisions of the Act of 1885 or the Act of 1888 or contracted to be purchased by the Company or in respect of which the Company have given any notice to treat or on which the Company have already entered under the provisions of the Act of 1885 or the Act of 1888 for the purposes of the said works respectively.

Power to Company to purchase additional lands.

15. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their works and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited book of reference and they may hold such of the said lands as have already been purchased by or for them and may stop up or divert the roads and footpaths shown on the deposited plans of the said lands as intended to be stopped up or diverted respectively and situate in or upon such of the lands as already belong to or as shall hereafter be acquired by the Company:—

In the county of Chester—

(A.) Land and buildings situate in the townships of Eastham Hooton and Netherpool in the parish of Eastham adjoining the south-westerly boundary of the land belonging or reputed to

belong to the Company so far as the same extends from a point in that boundary about fourteen chains distant (measured in a north-westerly direction) from the most north-westerly pier-head of Eastham Locks to the point where that boundary cuts the township boundary between the townships of Netherpool and Whitby in the parish of Eastham ;

Provided that the Company shall not without the consent of the Shropshire Union Railways and Canal Company acquire any land belonging to the last-mentioned Company nor any of the land to the south-west of the red line AB on the plan signed in duplicate by Edward Leader Williams on behalf of the Company and by George Robert Jebb on behalf of the Shropshire Union Railways and Canal Company :

- (B) Land situate wholly in the said township of Whitby adjoining and on the east side of the wharf on the south bank of the canal belonging or reputed to belong to Hahnemann Stuart and the Diamond Oil Company and also adjoining and on the south side of the canal and measuring about seventy-three yards from east to west and about ninety-three yards from north to south :
- (C) Land buildings and wharves situate wholly in the township of Whitby in the parish of Stoke (detached) lying between the parish boundary between the said parishes of Eastham and Stoke (detached) the Shropshire Union Railways and Canal Company's canal and the northern rail of the Hooton and Helsby branch of the Birkenhead Railway :
- (D) Land situate wholly in the township of Ince in the parish of Ince adjoining the southern boundary of land of or reputed to belong to the Company and extending from the River Gowy for about one hundred and seven chains in an easterly direction :
- (E) Land and parts of the bed of the River Weaver situate in the township of Frodsham in the parish of Frodsham and in the township of Weston in the parish of Runcorn and included between the southern bank of the Weston Canal of the River Weaver Navigation an imaginary straight line drawn from the southern end of the Weston Marsh turnbridge in a south-westerly direction until it strikes the south bank of the River Weaver or of the estuary thereof and the south bank of that river between the termination of the last-described imaginary straight line and a point in the south bank of the said river opposite the township boundary between the townships of Clifton and Weston in the said parish of Runcorn but not

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including any land belonging to the trustees of the River Weaver Navigation :

- (F) Land about seventy yards wide (with buildings thereon) situate in the townships of Runcorn Halton and Norton in the said parish of Runcorn parallel with and adjoining the south side of the canal and extending from a point about fifty-four chains (measured in a westerly direction) from the township boundary between the townships of Runcorn and Halton to a point about twenty-nine chains east of the township boundary between the said townships of Halton and Norton ;

Also land about five chains wide situate in the said townships of Runcorn and Halton parallel with and adjoining the north side of the canal and extending about three chains west and about forty-three chains east of the said boundary between the said townships of Runcorn and Halton :

- (G) Land situate wholly in the township of Moore in the said parish of Runcorn bounded on the north by the Runcorn and Latchford Canal on the east by the township boundary between the townships of Moore and Acton Grange in the said parish of Runcorn and on the south and west by land belonging or reputed to belong to the Company ;

Also land about sixty yards wide situate in the said townships of Moore and Acton Grange adjoining the canal on its south side and extending about twenty-two chains to the west and about forty-eight chains to the east of Moore Lane :

- (H) Land about thirty-three yards wide situate in the said township of Walton Inferior and in the said township of Acton Grange adjoining the south bank of the canal and extending about four chains to the west and about fifty-four chains to the east of the boundary between the said townships ;

Also land situate in the said township of Walton Inferior on the north side of the canal and bounded by a line commencing at the point where the said township boundary cuts the north side of the canal passing along that township boundary to the Birkenhead Lancashire and Cheshire Junction Railway and thence along the south side of that railway to the most westerly point of Morley Common and thence along the boundary of Morley Common in a south-easterly direction to the most southerly point of Morley Common and thence continuing for about fifteen chains parallel with the northern bank of the canal at the distance of about two chains therefrom :

- (I) Land and buildings situate in the township of Appleton in the parish of Great Budworth included within a line drawn from

the eastern corner of Tom Paines Bridge along the Chester Road in a north-easterly direction about three chains thence continuing in a south-easterly direction about twenty-six yards and thence in a north-easterly direction about sixteen chains fifty links and thence returning in a south-westerly direction alongside the land belonging or reputed to belong to the Company to the aforesaid eastern corner of Tom Paines Bridge :

(J) Land situate in the township of Latchford in the parish of Grappenhall and in the said township of Appleton included between the lands belonging or reputed to belong to the Company and an imaginary line drawn parallel to and on the north bank of the canal at a distance of about sixty yards therefrom and extending from Aker's Lane to a point about sixty yards west of the township boundary between the said townships of Latchford and Appleton :

(K) Land situate wholly in the township of Grappenhall in the said parish of Grappenhall lying between the northern boundary of the land on the north side of the canal belonging or reputed to belong to the Company and an imaginary line on the north side of and running parallel with the canal and at a distance therefrom of about eighty yards extending between the Thelwall Road and the road leading down to the Latchford Locks of the canal :

In the county of Lancaster—

(L) Land and part of bed of River Mersey situate in the township of Rixton-cum-Glazebrook in the parish of Warrington being part of Rixton Leys lying between the northern boundary of the land belonging or reputed to belong to the Company and the old bed of the River Mersey ;

Also land about fifty yards wide adjoining the northern side of the canal and parallel therewith and extending from the Rixton and Warburton Road to a point about fifty-three chains to the west thereof ;

Also land about fifty yards wide adjoining the northern side of the canal and parallel therewith and extending about seventeen chains in a south-westerly direction from a point about six chains to the south-west of Hollins Green boathouse ;

Also land between the land of or reputed to belong to the Company and an imaginary line drawn parallel with and on the north side of the canal and distant about one hundred and thirty-three yards therefrom and extending from the boundary between the townships of Rixton-cum-Glazebrook and Barton-upon-Irwell in the parish of Eccles to the road leading from the Manchester and Liverpool Road to Hollins Green boathouse :

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- (M) Land belonging or reputed to belong to Peter Johnson situate wholly within the said township of Barton-upon-Irwell between the north side of the canal and the west side of the railway embankment at or near Cadishead constructed by the Company and bounded on the north-west by other land belonging or reputed to belong to Peter Johnson :
- (N) Land from one to three chains wide with part of the bed of the River Irwell situate wholly in the said township of Barton-upon-Irwell and bounded on the south-east by the boundary between the parishes of Eccles and Flixton and extending from a point in that boundary about six chains south-west of Irlam boathouse to a point in that boundary about twenty-three chains north-east of the said boathouse :
- (O) Land and part of the bed of the River Irwell situate in the township of Flixton in the parish of Flixton and in the said township of Barton-upon-Irwell and abutting on the north bank of the canal so far as the same extends from a point therein about eight chains distant (measured in a south-westerly direction) from the eighth milestone from Manchester on the Manchester and Liverpool Road to a point in that bank about thirty-five chains west of Barton Aqueduct :
- (P) Land houses and buildings situate wholly in the said township of Barton-upon-Irwell and bounded by Barton Lane on the north by the approach to Barton Bridge on the east and by lands belonging or reputed to belong to the Company on the south and west ;

Also land houses and buildings situate wholly in the said township and lying between land belonging or reputed to belong to the Company on the south and west and an imaginary line commencing at a point in the south side of Barton Lane distant about thirty-three yards eastward from Barton Aqueduct and continuing along Barton Lane about sixteen yards in an easterly direction thence in a southerly direction about twenty-three yards thence behind the Kings Head publichouse in an easterly direction for about nine chains thence in a northerly direction to a point in Barton Lane about eleven chains fifty links east of Barton Aqueduct thence along the south side of Barton Lane about twelve chains in an easterly direction thence to the south about three chains fifty links and thence for about twenty-two chains in an easterly direction in a line parallel with the north bank of the canal and distant therefrom about six chains and thence in a southerly direction to the south-east corner of the tennis ground adjoining the west boundary of Irwell Park.

16. 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 Company any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

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Power to take easements &c. by agreement.

17. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

18. The following provisions for the protection of Richard Christopher Naylor his heirs or assigns or other the owner or owners for the time being of the estates known as "The Hooton Overpool and Netherpool Estates" in the parish of Eastham in the county of Chester (and in this section referred to as "the estate") now belonging or reputed to belong to him (all of whom are included under the expression "the owner" when used in this section) shall apply save so far as may be otherwise agreed in writing between the owner and the Company (that is to say):—

For the protection of Richard Christopher Naylor.

- (1.) No land acquired from the owner by the Company under the powers of this Act shall be used for a railway tramway or other line of rails for any purpose whatever without the written consent of the owner ;
- (2.) Any land acquired from the owner by the Company under the powers of this Act shall be used only for the purpose of flattening the slopes on the south side of the canal and for the making and maintaining of a macadam road at least sixteen feet wide parallel with the south bank of the canal and for making and maintaining a drain behind the top of the said slopes for the surface water from such slopes The said road and drain if constructed by the Company shall be maintained and repaired at all times by and at the cost of the Company in a proper and workmanlike manner to the reasonable satisfaction of the owner ;
- (3.) The owner and his tenants agents servants and workmen and all other persons employed or authorised by him or them for his and their own personal use and for estate and agricultural purposes shall have the full and free use of the said road if constructed And the Company their agents servants and workmen and other persons having their authority or employed upon the canal or the works thereof shall have the right to use the said road and railway or tramway (if constructed as aforesaid)

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- for the purposes of repairing maintaining and keeping in order the slopes and banks and other works of the canal and the said drain either in the immediate neighbourhood or elsewhere on the line of the canal and for conveying materials for any of the purposes aforesaid and for any other purposes of the Company ;
- (4.) The Company shall at their own expense be entitled to a diversion of such road and of any railway or tramway if constructed by the Company as aforesaid if and when necessary for the purpose of the exercise by the owner of the privileges conferred by section 62 of the Act of 1885 ;
- (5.) The land belonging to the owner situate on the south side of any land of the owner taken and used by the Company under the powers of this Act shall be considered land abutting on the canal within the meaning of section 62 of the Act of 1885 ;
- (6.) Nothing contained in this Act or shown on the deposited plans to the contrary shall affect or alter the provisions contained in section 63 of the Act of 1885 for the protection of the owner and such provisions shall remain in force and apply as near as circumstances will permit as if any land acquired from the owner by the Company under the powers of this Act had been taken by the Company under powers conferred by the Act of 1885.

For the protection of the Wirral Highway Board.

19. Notwithstanding anything in this Act contained it shall not be lawful for the Company to enter upon take use stop up or otherwise interfere with either temporarily or permanently the footpath numbered on the deposited plans 3 in the township of Whitby in the parish of Stoke (detached) in the county of Chester except with the previous consent in writing of the highway board for the district of the hundred of Wirral in the said county under their common seal.

For the protection of Nicholas Stewart Burnell.

20. For the protection of Nicholas Stewart Burnell and other the owner or owners for the time being of the works and lands in the township of Whitby in the county of Chester described in sub-section (c) of the section of this Act the marginal note whereof is " Power to Company to purchase additional lands " (all which persons are in this section included in the term " the owner ") the following provisions shall have effect unless otherwise agreed in writing between the owner and the Company :—

- (1.) The Company shall inform the owner within twelve months after the passing of this Act whether they elect to take the land coloured yellow on the plan dated the twenty-fifth day of March one thousand eight hundred and ninety-two and signed

by the owner and the engineer of the Company or only a perpetual easement for a bridge over the land coloured red on the said plan ;

- (2.) Notwithstanding anything in this Act contained the Company shall not have power to take and shall not take any land of the owner except the said land coloured yellow and subject to the condition aforesaid the land coloured red ;
- (3.) If the Company acquire the land coloured yellow they shall make provision for the passage of the liquid wastes from the works of the owner into the public watercourse into which the same are now discharged and that either by means of the pipes which now pass from the said works of the owner under the said land coloured yellow or by such other means as shall be sufficient for the purpose ;
- (4.) The Company shall not alter or interfere with the public or private roads leading to and from the owner's said works.

21. Notwithstanding anything in this Act contained the Company shall not without the previous consent of the London and North Western Railway Company and of the Great Western Railway Company under their respective common seals take use or interfere with any lands or property of those companies.

For the protection of the London and North Western and Great Western Railway Companies.

22. For the protection of Edmund Waldegrave Park Yates his heirs and assigns or other the owner or owners for the time being of the estates known as the Ince Hall Estate and the Thornton in the Moors Estate in the townships and parishes of Ince and Thornton (and in this section referred to as "the said estates") now belonging or reputed to belong to him (all of whom are included under the expression "the owner" when used in this section) the following provisions shall (unless otherwise agreed in writing between the owner and the Company) have effect (that is to say) :—

For the protection of Edmund Waldegrave Park Yates his heirs and assigns.

- (1.) The provisions of section 69 of the Act of 1885 (the marginal note of which is "For the protection of Edmund Waldegrave Park Yates his heirs or assigns") shall extend and apply mutatis mutandis so far as they may affect any land of the owner which may be taken and acquired by the Company under the powers of this Act ;
- (2.) For the purpose of separating the owner's land between the River Gowy and the site of the old lighthouse from the land acquired and to be acquired under this Act by the Company the Company immediately after they take possession of any land of the owner under this Act shall to the reasonable satisfaction of the owner erect and the Company their successors and assigns

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- shall for ever afterwards maintain a sufficient unclimbable iron fence having suitable gates therein ;
- (3.) The Company their successors or assigns shall not without the written consent for that purpose previously obtained of the owner erect or permit to be erected any erection or building or lay or permit to be laid any railway or tramway on or use or permit to be used for manufacturing or other similar purposes any portion of the land of the owner which may be taken and acquired by the Company under the powers of this Act ;
- (4.) Section 59 (the marginal note of which is "Power to lease certain lands") and section 60 (the marginal note of which is "Power to retain &c. certain lands") of the Act of 1885 shall not extend or apply to any land of the owner which may be acquired by the Company under the powers of this Act ;
- (5.) Nothing in this section contained shall prejudice abridge or defeat the right of the owner or his tenants to compensation for land acquired from or injury occasioned to him or them under the powers of this Act or be taken into account in determining the amount of such compensation.

For the protection of Kirkman's Trustees the Highfield Tanning Company Limited and Messieurs Charles Parbury and Samuel Herbert Cox.

23. For the protection of the Trustees for Mrs. Eliza Ann Kirkman the Highfield Tanning Company Limited and Messieurs Charles Parbury and Samuel Herbert Cox respectively owners of land adjoining the south bank of the canal in the township and parish of Runcorn the following provisions shall apply :—

- (1.) The Company shall not except by consent of the owner or owners for the time being thereof take or use for the purposes of this Act or of the undertaking of the Company or otherwise any land belonging to William Wright Kirkman and Lionel Bury Wells Trustees for Mrs. Eliza Ann Kirkman as tenant for life or any land belonging to the Highfield Tanning Company Limited or any land at present belonging to or vested in Charles Parbury and Samuel Herbert Cox except such land as shall be actually required and as shall actually be made use of for the purpose of flattening the slope of the south bank of the canal and for the purpose of the necessary drain ;
- (2.) All land to be taken or used by the Company for the excepted purposes aforesaid shall be actually made use of for those purposes only ;
- (3.) If and so far as the land already acquired or to be acquired for the excepted purposes aforesaid by the Company shall not be sufficient for the purpose of the road in this sub-section after referred to the Company may acquire compulsorily the easement of a right of way alongside of and behind the edge of the slope of the canal over and along the lands of the respective

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parties mentioned in sub-section (1) of this section lying behind the land already belonging to the Company such way to be a footway and cartway and to be used by the Company their agents servants and workmen and other persons having their authority for the purposes of repairing maintaining and keeping in order the slope and bank of the canal and the said drain either in the immediate neighbourhood or elsewhere along the line of the canal and for conveying materials therefor but to be used for those purposes only and the Company shall be entitled to a diversion of such way without further expense to them if and when necessary for the purpose of the exercise by the respective parties mentioned in sub-section (1) of this section or their successors in title of privileges conferred by section 62 of the Act of 1885;

- (4.) The land adjoining on the south side of any land to be taken or used by the Company for the excepted purposes mentioned in sub-section (1) hereof shall be considered land abutting on the canal within the meaning of section 62 of the Act of 1885;
- (5.) The powers for the compulsory purchase of land to be taken or used for the excepted purposes aforesaid shall cease after the expiration of two years from the passing of this Act.

24. The following provisions for the protection of Sir Gilbert Greenall Baronet or other the owner or owners for the being of the Walton Hall Estates all of whom are included in the name of Sir Gilbert Greenall when used in this section shall apply unless otherwise agreed on in writing between Sir Gilbert Greenall and the Company (that is to say) :—

For the protection of Sir Gilbert Greenall Baronet and the Walton Hall Estates.

- (1.) The Company shall not except by the consent of Sir Gilbert Greenall take or use for the purposes of this Act or the undertaking of the Company or otherwise any land in the townships of Moore and Acton Grange or in the township of Walton Inferior belonging to Sir Gilbert Greenall except such land as shall be actually required and made use of for the purposes of flattening the slope of the south bank of the canal and for the purposes of the necessary drain behind the top of that slope and in the township of Walton Inferior for the purpose also of flattening the slope on the north bank of the canal and for the purposes of the necessary drain behind the top of that slope;
- (2.) The Company may acquire compulsorily within two years after the date of the passing of this Act the easement of a right of way alongside of and behind the top of the slope on the north side of the canal over and along the said lands in the

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township of Walton Inferior belonging to Sir Gilbert Greenall extending from the road on the west side of Walton Mill Stream in a westerly direction to the boundary between the townships of Walton Inferior and Acton Grange such way to be made and maintained by the Company of the width of not less than 20 feet or more than 30 feet and to be for a footway and cartway and to be used by Sir Gilbert Greenall and others by his authority and also to be used by the Company their agents servants and workmen and other persons having their authority for the purpose of repairing maintaining and keeping in order the north slope and bank of the canal and the said drain in the immediate neighbourhood or elsewhere on the line of the canal and for conveying materials therefor to be used for those purposes and for other purposes of the Company and the Company shall be entitled to a diversion of such way without further expense to them if and when necessary for the purpose of the exercise by Sir Gilbert Greenall of the privileges conferred by section 62 of the Act of 1885 ;

- (3.) The land belonging to Sir Gilbert Greenall adjoining on the south side of any land of Sir Gilbert Greenall in the townships of Moóre and Acton Grange or in the township of Walton Inferior taken by the Company under this Act for the excepted purposes mentioned in sub-section (1) hereof shall be considered land abutting on the canal within the meaning of section 62 of the Act of 1885.

For the protection of Greenall Whitley and Company Limited.

25. The following provisions shall apply for the protection of Greenall Whitley and Company Limited (herein-after referred to as "the Brewery Company") and their property unless otherwise agreed on in writing between the Brewery Company and the Company (that is to say) :—

- (1.) The Company shall not except by consent of the owner or owners for the time being thereof take or use for the purposes of this Act or the undertaking of the Company or otherwise any land in the township of Runcorn belonging to the Brewery Company except such land as shall actually be made use of for the purpose of flattening the slope of the south bank of the canal and for the purposes of the necessary drain behind the top of the slope ;
- (2.) The Company may acquire compulsorily within two years after the date of the passing of this Act the easement of a right of way alongside of and behind the top of the slope on the south side of the canal over and along the said lands in the said township of Runcorn belonging to the Brewery Company

such way to be made and maintained by the Company of the width of not less than twenty feet or more than thirty feet and to be for a footway and cartway and to be used by the Brewery Company and others by their authority and also to be used by the Company their agents servants and workmen and other persons having their authority for the purposes of repairing maintaining and keeping in order the south slope and bank and other works of the canal and the said drain either in the immediate neighbourhood or elsewhere on the line of the canal and for conveying materials therefor to be used for those purposes and the Company shall be entitled to a diversion of such way without further expense to them if and when necessary for the purpose of the exercise by the Brewery Company of the privileges conferred by section 62 and sub-section 4 of section 87 of the Act of 1885 or either of them ;

- (3.) The Company shall not except by consent of the owner or owners for the time being thereof take or use for the purposes of this Act or the undertaking of the Company or otherwise any land in the townships of Appleton and Latchford belonging to the Brewery Company except such land as shall actually be made use of for the purpose of flattening the slopes of the north bank of the canal and for the purpose of the necessary drain behind the top of the slope ;
- (4.) The Company may acquire compulsorily within two years after the date of the passing of this Act the easement of a right of way alongside of and behind the top of the slope on the north bank of the canal over the said lands in the townships of Appleton and Latchford belonging to the Brewery Company such way to be made and maintained by the Company of the width of thirty feet for a footway and cart road and to be used by the Brewery Company and others by their authority and also to be used by the Company their agents servants and workmen and other persons by their authority for the purposes of repairing maintaining and keeping in order the slope and bank and other works of the canal and the said drain either in the immediate neighbourhood or elsewhere on the line of the canal and for conveying materials therefor to be used for those purposes and the Company shall be entitled to a diversion of such way without further expense to them if and when necessary for the purpose of the exercise by the Brewery Company of the privileges conferred by section 62 and sub-section 4 of section 87 of the Act of 1885 or either of them ;
- (5.) The land belonging to the Brewery Company adjoining on the south side of any land of the Brewery Company in the

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township of Runcorn to be taken or used by the Company for the excepted purposes mentioned in sub-section (1) hereof and the land belonging to the Brewery Company adjoining on the north side of any land of the Brewery Company in the townships of Appleton and Latchford taken or used by the Company for the excepted purposes mentioned in sub-section (3) hereof shall be considered land abutting on the canal within the meaning of section 62 of the Act of 1885 and land adjoining or fronting the canal within the meaning of sub-section 4 of section 87 of the Act of 1885.

For the protection of the trustees of Mary Jepson.

26. The following provisions for the protection of John Heelis and James Heelis the trustees of an indenture of settlement dated the twenty-second day of August one thousand eight hundred and seventy-four for and on behalf of Mary Jepson and others and the survivor of them and the heirs and assigns of such survivor or other the trustees for the time being of the said indenture of settlement (all of whom are referred to and included under the expression "the trustees" where used in this section) shall apply unless otherwise agreed in writing by the trustees and the Company:—

- (1.) Notwithstanding anything shown on the deposited plans and sections to the contrary the Company shall not enter upon take or use more than one hundred feet in width of the land belonging to the trustees abutting on the canal and situate in the township of Rixton-cum-Glazebrook and the parish of Warrington in the county of Lancaster;
- (2.) The trustees and their tenants may from time to time construct such drains as they may reasonably require through the land already acquired or to be acquired by the Company from the trustees under the powers of this Act for the purpose of providing for the free passage and escape of the flood water and the surface drainage from their adjoining lands into the canal but such drains shall be constructed and maintained by the trustees to the reasonable satisfaction of the engineer of the Company and so as not to injure the works or the land of the Company;
- (3.) The trustees may also at any time hereafter construct on the said land at such point on the frontage of such land to the canal as the trustees may think fit one entrance not exceeding thirty feet in width of sufficient depth to accommodate vessels drawing fifteen feet of water so as to provide an access between and to connect the canal with any basin or basins which may hereafter be built on the land of the trustees and the Company shall afford the trustees all reasonable facilities for the purpose of constructing and maintaining such drains and

the said entrance free of any charge for any easement or easements over or through the said land for all or any of the purposes aforesaid. The trustees and their tenants servants and workmen may load and unload vessels in any basin or basins which may at any time be constructed by the trustees on their own land and may pass to and from any such basin or basins from or to the canal free of all wharfage rates to the Company ;

- (4.) If the Company require to construct any bridge or bridges over the said entrance the same shall be constructed at the expense of the Company and shall not be less than thirty feet in width of opening and fifteen feet above water level so that vessels may at all times during the day and night pass to and from the canal by the said entrance from and to the basin or basins to be constructed on the land belonging to the trustees ;
- (5.) Any such entrance constructed and maintained by the trustees across the property of the Company as aforesaid and any such basin or basins constructed and maintained by the trustees on their own land shall be constructed maintained and used in the manner provided and subject to the conditions contained in section 62 of the Act of 1885 and the by-laws of the Company ;
- (6.) The trustees and their tenants may (subject to the by-laws of the Company and on the conditions that a landing-place or lay-bye may be used by an owner or occupier under section 62 of the Act of 1885) from time to time load and unload a barge moored at the side of the canal adjoining the land of the trustees at a point to be arranged with the engineer of the Company free of wharfage rates to the Company ;
- (7.) Nothing in this section contained shall prejudice abridge or defeat the rights of the trustees or their tenants to compensation for land acquired from or injury occasioned to them or any of them by for or in consequence of the works of the Company ;
- (8.) If any difference shall arise between the Company and the trustees as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder not being a difference affecting the price of the land taken by the Company such difference shall be settled by an engineer to be appointed (unless otherwise agreed) on the application of any of the parties in difference by the President for the time being of the Institution of Civil Engineers whose decision shall be final and the costs of the arbitration shall be borne as he shall direct.

27. Notwithstanding anything in this Act contained to the contrary the following provisions shall apply and have effect for the protection of Sir Humphrey Francis de Trafford Baronet and his

For the protection of Sir Humphrey

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 Francis de
 Trafford
 and the
 de Trafford
 Estates.

assigns and successors in title (who are herein-after referred to as "the owner") and of his estate in the township of Barton-upon-Irwell in the county of Lancaster (that is to say):—

- (1.) The Company shall not under the powers of this Act except by consent of the owner take or use for the purposes of this Act or of the undertaking of the Company or otherwise any land belonging to the owner except the land shown as coloured red upon the plan marked T signed in duplicate by John Bowden on behalf of the owner and Edward Leader Williams on behalf of the Company;
- (2.) The land coloured red on the said plan shall be used for the purpose of flattening or otherwise improving the slopes of the north bank of the canal or for the purpose of completing the works of the Company already authorised by Act of Parliament or for the purpose of a road or railway or both to be used for the general purposes of the Company's undertaking but such land shall not without the consent in writing of the owner be used for any other purpose;
- (3.) The land of the owner adjoining on the north side to the land coloured red on the said plan wherever such land coloured red now abuts upon or adjoins or fronts to the canal shall notwithstanding anything in this Act contained be considered land adjoining or fronting to the canal within the meaning of sub-section 7 of section 126 of the Act of 1885 and nothing in this Act contained shall prejudice or affect the rights of the owner his agents tenants servants and workmen under sub-sections 7 8 and 12 of section 126 of the Act of 1885;
- (4.) If any question arise under this section between the owner and the Company such question shall be settled by an engineer to be appointed on the application of any one of the parties in difference by the President of the Institution of Civil Engineers and the costs of the arbitration shall be borne as the arbitrator shall direct.

For the pro-
 tection of
 the corpora-
 tion of
 Salford.

28. For the protection of the mayor aldermen and burgesses of the county borough of Salford (in this section called "the corporation") the following provisions unless otherwise agreed on in writing between the Company and the corporation shall have effect (that is to say):—

- (1.) Words to which meanings are assigned in section 119 (For the protection of the corporation of Salford) of the Act of 1885 shall have the same respective meaning where used in this section unless the context otherwise requires:

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- (2.) The provisions of the said section 119 of the Act of 1885 if and so far as the same are applicable for the purpose shall extend and apply to the works by this Act authorised ;
- (3.) If the Company shall make the new road Work number 2 and shall acquire any land which shall lie between the south side of the said new road and land belonging to the corporation the Company shall convey such land to the corporation at the cost of the corporation for such sum as it shall have cost the Company to acquire the same and the corporation and their assigns shall have all the rights and privileges as to user of the said intended new road as attach at the present time to the user of Fairhills Road ;
- (4.) So soon as the opening bridge to carry Trafford Road over the canal and forming part of Work E authorised by the Act of 1888 is completed and the canal is open for traffic the Company shall not at any one time keep open the said bridge for canal traffic for a longer period than fifteen minutes and the said bridge shall remain closed for the succeeding fifteen minutes The semaphores to be erected for the convenience of the public in accordance with sub-section 4 of section 32 (For the protection of the corporation of Salford) of the Act of 1888 shall indicate at least ten minutes prior to each occasion on which the said bridge is opened that such bridge is about to be opened.

29. The following provisions for the protection of Sir Richard Marcus Brooke Baronet or other the owner or owners for the time being of the Norton Priory Estates all of whom are included under the name of Sir Richard Marcus Brooke when used in this section shall apply unless otherwise agreed in writing by Sir Richard Marcus Brooke and the Company :—

For the protection of Sir Richard Marcus Brooke Bart. and the Norton Priory Estates.

- (1.) The Company shall not except by consent of Sir Richard Marcus Brooke take or use for the purpose of this Act or the undertaking of the Company or otherwise any land belonging to Sir Richard Marcus Brooke except such land in the townships of Runcorn Halton and Norton and not being lands numbered in the township of Norton from 27 to 38 inclusive as shall be actually required and made use of for the purpose of constructing the road provided by sub-section 8 of section 81 of the Act of 1885 (and which road shall be constructed by the Company in accordance with that sub-section as soon as practicable and not later than the thirty-first day of December one thousand eight hundred and ninety-three) and for the

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purposes of flattening the slope of the banks of the canal and of laying and maintaining the necessary drains behind the tops of the slopes into which drains the said Sir Richard Marcus Brooke shall be entitled to turn all intersected brooks and drains and all other surface water flowing in the direction of the canal ;

(2.) The Company may acquire compulsorily within two years after the date of the passing of this Act the easement of a right of way fifteen feet wide alongside of and behind the top of the slope on the south side of the canal over and along the lands of Sir Richard Marcus Brooke in the townships of Runcorn Halton and Norton but not including the lands numbered 27 to 38 inclusive in the township of Norton and shall within six months after acquiring the said easement fence the site thereof with an unclimbable fence of a pattern to be approved by Sir Richard Marcus Brooke and provide all convenient gates and at all times maintain such fence and gates and the Company shall within one year after acquiring the said easement make and afterwards maintain on the site of such right of way a road fifteen feet wide to be used (together with all continuations thereof the use of which the Company may from time to time be empowered to grant) for all purposes by Sir Richard Marcus Brooke and all persons having his authority and also to be used by the Company their agents servants and workmen and other persons having their authority for a foot or horse or cart way for the purposes of examining repairing maintaining and keeping in order the banks of the canal and the said drain either in the immediate neighbourhood or elsewhere on the line of the canal and for conveying materials to be used for such last mentioned purposes and by the Company their officers servants and workmen for passing for such purposes from one part of the canal bank to another and the Company shall be entitled to a diversion of such road easement without further expense to them if and when necessary for the purpose of the exercise by Sir Richard Marcus Brooke of the privileges conferred by section 62 of the Act of 1885 ;

(3.) The land belonging to Sir Richard Marcus Brooke adjoining any land of Sir Richard Marcus Brooke taken or used by the Company under this Act shall be considered land abutting on the canal within the meaning of section 62 of the Act of 1885 ;

(4.) The provisions of section 81 of the Act of 1885 shall extend and apply *mutatis mutandis* so far as they may affect any part

of the Norton Priory Estates or any easement thereover taken and acquired by the Company under the powers of this Act.

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30. The Company may from time to time for the purposes of their undertaking acquire by agreement (in addition to lands which they are already authorised to hold under the powers of the former Acts of the Company or to take by compulsion under the powers of this Act) any lands or foreshore not exceeding in the whole one hundred acres but the Company shall not deal with such lands so as to create a nuisance.

Power to take additional lands by agreement.

31.—(1.) The Company shall not under the powers of this Act without the consent of the Local Government Board take in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

Restriction on taking houses of labouring class.

(2.) For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

32. So much of section 31 (Lock entrances to certain navigations to be under control of the Company) of the Act of 1885 as requires the Company to construct contemporaneously with the canal the said Weston Mersey Lock (Work 1G (a)) by that Act authorised is hereby repealed.

Repeal of part of section 31 of Act of 1885.

33. So much of sub-section 6 of section 71 (For the protection of the trustees of the River Weaver Navigation) of the Act of 1885 as provides that the Company shall complete the said works between "No Man's Land" and the point "A" in the plan in that section referred to including the Weston Mersey Lock (Work 1G (a)) within two years after the commencement of those works is hereby repealed. The said Weston Mersey Lock shall be completed by the first day of January one thousand eight hundred and ninety-five and the time for the completion thereof is hereby extended to that day accordingly.

Repeal of part of sub-section 6 of section 71 of Act of 1885.

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Extending
time for
completion
of Warring-
ton Dock.

34. Notwithstanding anything contained in—

Section 39 (Period for completion of works); and

Section 88 (For the protection of corporation and traders &c. of Warrington)

of the Act of 1885; and

Section 12 (Extension of time for completion of works) of the Act of 1891 the time for the completion of the Warrington Dock is hereby extended to the period of three years from the completion and opening for traffic of the portion of the canal between Eastham and Latchford within which period that dock shall be completed and from and after the expiration of that period the power to construct that dock shall cease.

Vessels
entering or
leaving canal
by the
entrance
channel at
Eastham
exempted
from tolls &c.
to Upper
Mersey
Navigation
Commis-
sioners.

35. From and after the first day of January one thousand eight hundred and ninety-four the limits prescribed by the Upper Mersey Navigation Act 1876 within which the Upper Mersey Navigation Commissioners may levy tolls on vessels is hereby altered so as to exclude therefrom the entrance channel to the canal as defined in section 20 (For protection of the accesses to the canal) of the Act of 1890 and all vessels going to or from the canal by means of that channel are hereby exempted from the payment of all tolls rates or dues to the Upper Mersey Navigation Commissioners except all vessels proceeding to from or through Ellesmere Port the Weston Marsh Lock the Weston Point Docks or Locks or the Runcorn Docks or along the River Weaver Navigation or along the Bridgewater Canals or along the Shropshire Union Canal and if the revenue from tolls rates or dues received by the commissioners shall in any year ending on the thirty-first day of December be less than two thousand eight hundred pounds the Company shall pay to the commissioners such a sum as will make the said revenue for that year amount to the said sum of two thousand eight hundred pounds:

Provided that on any default by the Company in payment of such sum for twenty-eight days after delivery to them of a written demand for payment thereof the commissioners shall have the same power to levy tolls rates and dues in respect of vessels hereby exempted from the payment of the same as the commissioners would have had if this Act had not been passed but such power shall only be exercisable during such time as any moneys due from the Company to the commissioners under this section with interest thereon at the rate of five per centum per annum from the day the same became due shall remain unpaid.

Shropshire
Union
Company not
to be liable
to larger
proportion of

36. Nothing in this Act contained shall render the Shropshire Union Railways and Canal Company liable to the payment of a

larger proportion of the Upper Mersey dues than that to which they are now liable.

Upper
Mersey dues.

37. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised.

Company
may apply
capital to
purposes of
Act.

38. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights
of the Crown
in the
foreshore.

39. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving
rights of
Crown under
Crown Lands
Act.

40. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy.

Saving
rights of the
Duchy of
Lancaster.

41. Nothing in this Act contained shall exempt the canal or docks or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties authorised to be charged by the Company.

Provision
for Merchant
Shipping
Acts and
general
Acts.

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Provision as
to general
Railway
Acts.

42. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1885.

Costs of Act.

43. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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