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7 EDWARD VII.—SESSION 1907.

THE MANCHESTER SHIP CANAL (VARIOUS POWERS) ACT 1907.

ARRANGEMENT OF SECTIONS.

Preamble.

PART I.—INTRODUCTORY.

Short Title	Section
Act divided into Parts	1
Incorporation of Acts	2
Interpretation	3
	4

PART II.—LANDS.

Power to Company to purchase lands	5
Power to take easements &c. by Agreement	6
Period for compulsory purchase of lands	7
Power to acquire further lands by Agreement	8
Power to lease &c. certain lands	9
For protection of the Corporation of Warrington	10
For protection of William Windle Pilkington and others	11

PART III.—PUMPING.

Power to pump and use water for certain purposes	12
Power to erect and use pumps &c.	13
For the protection of Corporation and Traders of Warrington	14
For protection of Corporation of Warrington and certain Traders	15

[4]

A



ii · *The Manchester Ship Canal (Various Powers) Act 1907.*

PART IV.—MISCELLANEOUS.

	SECTION
Power to apply funds to purposes of Act	16
For protection of the Mersey Commissioners	17
Crown rights	18
Saving rights of the Duchy of Lancaster	19
Provisions for Merchant Shipping Act and General Acts	20
Costs of Act	21

AN ACT

To empower the MANCHESTER SHIP CANAL COMPANY to acquire Lands and to confer upon that Company further Powers in relation to the supply of water in their Canal ; and for other purposes.

[ROYAL ASSENT, 4TH JULY, 1907.]

WHEREAS by "The Manchester Ship Canal Act 1885" (in this Act referred to as "the Act of 1885") the Manchester Ship Canal Company (in this Act referred to as "the Company") were incorporated and authorised (inter alia) to construct a Canal 5 navigable for ocean steamers and ships of large burthen from the River Mersey at Eastham to Manchester and various subsidiary Works:

Preamble.

And whereas the said Canal (in this Act referred to as "the Canal") has been constructed and made under the Act 10 of 1885 as varied by subsequent Acts relating to the Company in the lines and situations and according to the levels by such Acts authorised and has been open for traffic for a considerable period:

And whereas it is expedient that the Company should be

[4]

B

2 *The Manchester Ship Canal (Various Powers) Act 1907.*

empowered to acquire for the purposes of their Undertaking the lands in this Act described :

And whereas the Company were by the Act of 1885 and subsequent Acts empowered to divert into and impound in the Canal the waters of the estuary of the River Mersey and the waters 5 of the Rivers Mersey and Irwell and of certain other rivers streams navigations and cuts in the manner described in those Acts :

And whereas Section 88 of the Act of 1885 contains certain provisions for the protection of the Corporation of Warrington and of traders manufacturers and others carrying on business at 10 or near Warrington and it is by sub-Section 12 of that Section provided that the Company shall not within any twenty-four hours abstract or divert from the River Mersey nor allow to flow therefrom into the Canal such a quantity of water as will diminish the downward flow of the river past Howley Quay within the 15 same period by greater quantities than those set forth in the second column of the Table in the said sub-Section :

And whereas the traffic on the Canal has largely increased in recent years and is still increasing and vessels of greater size and deeper draught than heretofore are navigating and using the 20 Canal :

And whereas owing to the aforesaid and other circumstances there is at times an insufficiency of water in the Canal (particularly during periods of dry weather) for purposes of navigation and of working the traffic on the Canal and otherwise 25 and in order to make good or provide against any such insufficiency it is expedient that such powers in reference to the said matters as are by this Act conferred upon the Company should be granted :

And whereas Plans of the lands which may be taken by the 30 Company under the powers of this Act and also a Book of Reference to such Plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the Clerk of the Peace for the County of Lancaster and are hereinafter respectively 35 referred to as the deposited Plans and Book of Reference :

The Manchester Ship Canal (Various Powers) Act 1907. 3

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

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be ENACTED AND BE IT ENACTED by the
5 KING'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:—

PART I.—INTRODUCTORY.

10 1. This Act may be cited as "The Manchester Ship Canal Short Title.
" (Various Powers) Act 1907."

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

PART I.—INTRODUCTORY.

PART II.—LANDS.

15 PART III.—PUMPING.

PART IV.—MISCELLANEOUS.

3. The Lands Clauses Acts 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. Incorporation
of Acts.

20 4. (1) For the purposes of this Act in the Lands Clauses
Acts as incorporated with this Act terms to which meanings are
assigned by the Act of 1885 and other Acts relating to the
Company shall have the same meanings unless the context
otherwise requires. Interpretation

25 (2) In and for the purposes of this Act—

"The Mersey Commissioners" means the Commissioners for
the Conservancy of the River Mersey;

"The Estuary Length" means the length of the Canal
extending from Eastham Locks to Latchford Locks;

30 "The Upper Canal" means so much of the Canal as is east-
ward of the Estuary Length.

[4]

PART II.—LANDS.

Power to Com-
pany to purchase
lands.

5. Subject to the provisions of this Act the Company may enter upon and take compulsorily or by agreement and may hold for the general purposes of their undertaking the lands in the County of Lancaster hereinafter described which are delineated on the deposited Plans and described in the deposited Book of Reference (that is to say) :— 5

(A) Lands in the Parish and County Borough of Warrington bounded on the north-east by the fence forming the south-westerly boundary of the Works of the Saint Helens Cable and Rubber Company Limited and by the siding or Branch Railway leading from the London and North Western Railway to those Works on the east by the fence which forms the westerly boundary of the Grand Junction Railway of the London and North Western Railway Company and on the west by the River Mersey; 15

(B) Lands in the said Parish and County Borough of Warrington bounded on the west by the public footpath running along the eastern side of the Arpley Branch of the London and North Western Railway and leading from Warrington to Walton Inferior on the north by an imaginary straight line drawn in an easterly direction from a point in the aforesaid footpath 12 chains or thereabouts measured in a northerly direction from the northern abutment of the bridge carrying the said Arpley Branch over the River Mersey to the River Mersey (as diverted under the powers of the Act of 1885) and on the south-east and south-west by the said River. 20 25

Power to take
easements &c. by
Agreement.

6. 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 right or privilege of water in which persons other than the grantors have an interest) 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 rent-charges so far as the same are applicable in this behalf shall 30 35

The Manchester Ship Canal (Various Powers) Act 1907. 5

extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

7. The powers for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the 5 passing of this Act. Period for compulsory purchase of lands.

8. The Company may for the purposes of their Undertaking (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of 10 exchange or otherwise any land not exceeding in the whole fifty acres and any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but nothing in this Act shall exempt the Company from 15 any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands so taken. Power to acquire further lands by Agreement.

9. The following Sections of the Act of 1885 (that is to say):— Power to lease &c. certain lands.

- 20 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 lands acquired by the Company under the powers of this Act 25 and the Company may on any portion of such lands which they may not require for other purposes of their Undertaking erect workmen's dwellings and sell let or lease the same or any of them.

10. (1) Notwithstanding anything contained in sub- 30 Section (11) of Section 88 of the Act of 1885 the Company upon the lands described in the Section of this Act the marginal note of which is "Power to Company to purchase lands" may deposit spoil so that any spoil bank formed thereon may be of such height as the Company may determine whether greater or less 35 than eight feet provided that the same shall not at any point be For protection of the Corporation of Warrington.

6 *The Manchester Ship Canal (Various Powers) Act 1907.*

higher than the formation level of the Grand Junction Railway of the London and North Western Railway Company at the bridge carrying the said Railway over the branch Railway leading from the London and North Western Railway to the Works of the St. Helens Cable and Rubber Company Limited. 5

(2) The Company shall before depositing any spoil upon the lands aforesaid form and thereafter maintain a footpath of at least six feet in width at the western side of the piece of land (A) described in the said Section of this Act and shall not stop up or permanently interfere with the existing footpath until the footpath to be formed 10 as aforesaid has been completed and dedicated to the public use.

(3) The formation of any spoil bank on the piece of land (B) described in the said Section shall be subject to reasonable facilities being given by the Company to the Mayor Aldermen and Burgesses of the Borough of Warrington (in this Section 15 referred to as "the Corporation") for enabling the Corporation at their own expense to continue across the said piece of land in a southerly direction the intended road leading to the new bridge to be constructed by the Corporation across the river diversion near Stag Swing Bridge. 20

(4) If any difference shall arise between the Company and the Corporation as to the true intent and meaning of this Section or as to anything to be done or not to be done thereunder such difference shall be determined by an Engineer to be appointed (unless otherwise agreed on) on the application of the Company 25 or the Corporation by the President of the Institution of Civil Engineers and subject to the foregoing provisions of this sub-Section "The Arbitration Act 1889" shall apply to any such determination.

For protection
of William
Windle
Pilkington and
others.

11. For the protection of William Windle Pilkington and 30 Joseph Beecham or other the owners for the time being of the lands in this Section referred to (in this Section called "the owners") the following provisions shall unless otherwise agreed apply and have effect:—

(1) The Company shall not under the powers of this Act 35 without the consent of the owners take any land of the owners after the expiration of a period of two years from the passing of this Act;

The Manchester Ship Canal (Various Powers) Act 1907. 7

(2) If within one month after the service of a notice to treat upon the owners pursuant to the powers conferred by this Act the owners serve upon the Company a counter notice requiring the Company to take any other lands now belonging to the owners forming part of the lands described in the Section of this Act whereof the marginal note is "Power to Company to
5 "purchase lands" or adjoining any part of such lands (other than the lands held in lease by the St. Helens Cable and Rubber Company Limited and David Tinnion or their or his
10 assigns respectively) the Company shall take the lands of the owners described in such counter notice on terms to be settled under the Lands Clauses Acts in the same manner as if the lands described in the counter notice had been included in the notice to treat.

15 PART III.—PUMPING.

12. (1) In addition and without prejudice to any existing powers of the Company the Company may from time to time exercise the following powers or any of them and to the extent of such quantity or quantities of water as they may from time
20 to time judge proper or expedient for maintaining the Canal and for the full use and enjoyment thereof and for supplying the same with water (that is to say):—

Power to pump and use water for certain purposes.

(a) They may pump water from the Estuary Length into the length of the Upper Canal which extends from Latchford
25 Locks to Irlam Locks (in this Section referred to as "the "Latchford Length");

(b) They may pump water from any length of the Upper Canal into any other length of the Upper Canal;

(c) They may pump water from the estuary of the River
30 Mersey at Eastham into the Estuary Length.

(2) The quantities of water set forth in the second column of the Table under sub-Section (12) of Section 88 (For the protection of Corporation and Traders &c. of Warrington) of the Act of 1885 shall be deemed to be and be treated as being
35 increased by such quantities of water as the Company may pump from the Estuary Length into the Latchford Length in any

8 *The Manchester Ship Canal (Various Powers) Act 1907.*

such period of twenty-four hours as is referred to in the said sub-Section.

Provided that nothing in this sub-Section shall prejudice or interfere with the operation of the Section of this Act of which the marginal note is "For the protection of Corporation and 5
"Traders of Warrington."

Power to erect
and use pumps &c.

13. The Company may from time to time upon any lands for the time being belonging to them construct erect maintain work and use all such engines pumps machinery apparatus and appliances and do all such acts and things as they may judge 10
proper or convenient for the purposes of this Act and for carrying the same into effect.

For the pro-
tection of
Corporation and
Traders of
Warrington.

14. For the protection of the Corporation of Warrington (hereinafter in this Section called "the Corporation") and of traders manufacturers and others carrying on business at or near 15
Warrington (in this Section called "the Traders") the following provisions shall have effect (that is to say):—

(1) Nothing in this Act shall affect the operation of sub-Section (12) of Section 88 of the Act of 1885 or be deemed to authorise the abstraction or diversion from the River Mersey or 20
the allowing to flow therefrom into the Canal of any greater quantity of water than is specified in such sub-Section but neither this sub-Section nor the said sub-Section (12) shall be construed as preventing the Company from using for lockage purposes at Latchford Locks (over and above the quantity which 25
they are entitled under the provisions of the Act of 1885 so to use) such quantities of water as may previously and within the same day have been pumped from the Estuary Length into the Latchford Length of the Canal after deducting therefrom such quantities of water as the Company may during 30
the same day have pumped from the Latchford Length of the Canal into the length of the Canal between Irlam Locks and Barton Locks;

(2) The Company shall not pump from the Latchford Length of the Canal into the length of the Canal between Irlam Locks 35
and Barton Locks any quantity of water exceeding the quantity which they shall previously and in the same day have pumped

The Manchester Ship Canal (Various Powers) Act 1907. 9

from the Estuary Length into the Latchford Length after deducting therefrom such quantities as they may have used at Latchford Locks over and above the quantity which they are entitled under the provisions of the Act of 1885 so to use ;

- 5 (3) The Corporation may from time to time appoint such persons as they may think proper and necessary for the purpose of ascertaining the quantities of water abstracted or diverted from the River Mersey or allowed to flow therefrom into the Canal and the quantities pumped at Latchford Locks and Irlam Locks respectively and the Company shall give to such persons
10 all reasonable means and facilities for such purposes ;

- (4) Records shall be kept by the Company from which all quantities of water used for lockage purposes at Latchford Locks and pumped at Latchford Locks and at Irlam Locks
15 shall be computed and copies of such records shall if required be supplied to the Corporation within one week after the end of each month.

15. For the protection of the Corporation of Warrington Joseph Crosfield and Sons Limited James Fairclough and Sons
20 Limited Monks Hall and Company Limited Pearson and Knowles Coal and Iron Company Limited Rylands Brothers Limited and the Whitecross Company Limited (in this Section referred to as " the Petitioners ") the following provisions shall have effect :—

For protection of Corporation of Warrington and certain Traders.

- Any of the Petitioners who at the date of the passing of this
25 Act are entitled to draw water from the River Mersey for any purposes of their Works shall be entitled to recover compensation from the Company if it be shown that any substantial increase in salinity in the water flowing over Woolston Weir and used for such purposes has caused material damage to the
30 Petitioners' Works and has been caused by the pumping at Latchford Locks under the powers of this Act.

10 *The Manchester Ship Canal (Various Powers) Act 1907.*

PART IV.—MISCELLANEOUS.

Power to
apply funds to
purposes of Act.

16. The Company may apply to the purposes of this Act to which Capital is properly applicable any Capital moneys which they now have in their hands or which they have power to raise and which they do not require for the purposes for which such 5 moneys were authorised to be raised.

For protection
of the Mersey
Commissioners.

17. Notwithstanding any other provision of this Act the following enactments for the protection of the Conservancy of the River Mersey shall have effect and be observed (that is to say):—

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(1) Plans and Sections of the raising of the level of any lands acquired by the Company under the Sections of this Act the marginal notes of which are respectively "Power to Company to purchase lands" and "Power to acquire further lands by Agreement" and of all works required for the 15 benefit or protection of any body or person shall be submitted by and at the expense of the Company to the Acting Conservator appointed by the Mersey Commissioners under "The Mersey Conservancy Act 1842" (in this Section referred to as "the Acting Conservator") for his approval and no such 20 raising of level or work shall be executed save in accordance with Plans and Sections approved by him and three copies of all Plans and Sections so approved shall be furnished by the Company to the Acting Conservator;

(2) Water shall not be pumped under the powers of this Act 25 from the estuary of the River Mersey into the Estuary Length during ebb tide except with the consent of the Acting Conservator and then only in such quantities at such point or points and at such time or times of the ebb tide as shall be approved by the Acting Conservator;

30

During such times as the Acting Conservator may have given his consent to pumping on the ebb as aforesaid he may from time to time give such directions as he may think fit with regard to the times of pumping during the ebb tide and all such directions shall be observed by the Company;

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- 5 (3) All such records and returns concerning the exercise of the powers of this Act to pump from the estuary of the River Mersey into the Estuary Length as may be required by the Acting Conservator shall be kept by the Company and from time to time furnished to him or as he may direct by and at the expense of the Company and the Mersey Commissioners may appoint a fit person to watch the execution of the provisions of this Act and the reasonable salary of such person shall be paid by the Company;
- 10 (4) The provisions of the following Sections of the Act of 1885 (that is to say):—
- Section 36 (Provisions for the Mersey Commissioners);
- Section 37 (Works not to be altered &c. without consent of Mersey Commissioners);
- 15 Section 50 (Survey of Works by Board of Trade or Mersey Commissioners);
- shall so far as applicable extend and apply to the raising of level and works mentioned in sub-Section (1) of this Section and also to the exercise of the power to pump from the estuary of the River Mersey into the Estuary Length authorised by
- 20 this Act (which shall respectively for the purposes of the said Sections be deemed to be works) as if such raising of level and works had been authorised and such power conferred by the Act of 1885.
- 25 18. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land
- 30 hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on
- 35 behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Crown rights.

5 (3) All such records and returns concerning the exercise of the powers of this Act to pump from the estuary of the River Mersey into the Estuary Length as may be required by the Acting Conservator shall be kept by the Company and from time to time furnished to him or as he may direct by and at the expense of the Company and the Mersey Commissioners may appoint a fit person to watch the execution of the provisions of this Act and the reasonable salary of such person shall be paid by the Company;

10 (4) The provisions of the following Sections of the Act of 1885 (that is to say):—

Section 36 (Provisions for the Mersey Commissioners);

Section 37 (Works not to be altered &c. without consent of Mersey Commissioners);

15 Section 50 (Survey of Works by Board of Trade or Mersey Commissioners);

20 shall so far as applicable extend and apply to the raising of level and works mentioned in sub-Section (1) of this Section and also to the exercise of the power to pump from the estuary of the River Mersey into the Estuary Length authorised by this Act (which shall respectively for the purposes of the said Sections be deemed to be works) as if such raising of level and works had been authorised and such power conferred by the Act of 1885.

25 18. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land
30 hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on
35 behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

12 *The Manchester Ship Canal (Various Powers) Act 1907.*

Saving rights
of the Duchy of
Lancaster.

19. 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 of whatsoever description belonging to His Majesty in right of his 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 His Majesty his heirs or successors in right of his said Duchy. 5 10

Provisions for
Merchant Ship-
ping Act and
General Acts.

20. Nothing in this Act contained shall exempt the Canal or the Docks of the Company from the provisions of "The Merchant Shipping Act 1894" 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 Dook rates or dues authorised to be charged by the Company. 15

Costs of Act.

21. . 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.

THE MANCHESTER SHIP CANAL
(VARIOUS POWERS) ACT 1907.

A N A C T

To empower the MANCHESTER SHIP
CANAL COMPANY to acquire Lands
and to confer upon that Company
further Powers in relation to the
supply of water in their Canal; and
for other purposes.

[ROYAL ASSENT, 4TH JULY, 1907.]

7 EDWARD VII.—SESSION 1907.

GRUNDY, KERSHAW, SAMSON AND CO.,

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