

56 VICT.—SESSION 1893.

THE MANCHESTER SHIP CANAL ACT 1893.

Arrangement of Sections.

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A C T

To confer further powers upon the Manchester
Ship Canal Company.

[ROYAL ASSENT 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 authorized to purchase the Undertakings known as "the
5 "Mersey and Irwell Navigation" "the Duke of Bridgewater's Canals" and "the Runcorn and Weston Canal" and to construct

Preamble.

48 & 49 Vict. cap
cxxxviii.

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
10 Warrington:

The Manchester Ship Canal Act 1893.

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 5
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 10
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 :

51 & 52 Vict. cap.
cxi.

And whereas the powers of the Company have been altered 15
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 of the said Canal was varied and the said Canal
as so authorized and varied is in this Act referred to as "the Canal": 20

And whereas among the works authorized 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 25
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 : 30

And whereas it was provided by Sub-Section 6 of Section 71
of the Act of 1885 that the works by that Act authorized 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 35
provision be repealed :

And whereas by the Act of 1888 the Company were authorized 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 authorized) and it is expedient that in
5 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 authorized to abandon the construction of that Work :

And whereas by the Act of 1885 the Company were authorized
10 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 authorized) and it is expedient that the Company be authorized to abandon the construction of that Work and in lieu thereof to make the dam (with a lock and
15 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 authorized) within the period of three years after the
20 completion of the Canal between Eastham and Latchford :

And whereas the period limited by the Act of 1885 for the completion of the works by that Act authorized 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
25 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 :

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

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

And whereas it is expedient that the provisions in Sections 122
35 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 :

33 & 40 Vict. cap.
civ.

53 & 54 Vict. cap.
lxxiv.

And whereas by "The Upper Mersey Navigation Act, 1876" the Upper Mersey Navigation Commissioners are authorized 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 5
"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 :

10

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 :

15

And whereas plans and sections showing the lines and levels of the works authorized 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 20
were duly deposited with the respective Clerks of the Peace for the Counties of Lancaster and Chester and are hereinafter respectively referred to as the deposited Plans Sections and Book of Reference :

MAY IT THEREFORE PLEASE YOUR MAJESTY 25

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 :—

Short title.

1.—This Act may be cited as "The Manchester Ship Canal 30
"Act 1893."

Incorporation of
Acts.

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

The Manchester Ship Canal Act 1893.

5

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

5 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.

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

"The Canal" means the Manchester Ship Canal authorized
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; *see s. 2(2)/60
amended by Act 1 1960 s. 2 (2)*

15 Terms to which meanings are assigned in enactments incor-
porated 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.

20 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
25 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;

30 "The Undertaking" means the works by this Act
authorized;

"The Railway" and "the centre of the Railway" respectively
mean the works by this Act authorized 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 hereinafter described and may exercise the powers hereinafter 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 authorized 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. 5 10 15

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

20

(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 ; 25 30

(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 35

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;

- 10 (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
15 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-
20 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 authorised by the Act of 1885 to the Warrington Dock from the Canal shall be completed and made available for traffic by
25 the time any portion of the Canal between Runcorn Bridge and Latchford is opened for traffic.

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
30 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 authorized 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
35 of any such pipes which shall be rendered useless shall be repaid by the Company to the Corporation.

For the protection
of the Corporation
of Manchester.

6.—The Company may upon any lands for the time being
belonging to them from time to time construct and maintain all

Subsidiary works.

The Manchester Ship Canal Act 1893.

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 authorized 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. 5

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. 10

Limits of deviation.

7.—Subject to the provisions of this Act in constructing the works by this Act authorized 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 shewn on the deposited plans. 20

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);

25

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. 30

As to repair &c. of new and substituted roads &c.

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.

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 authorized 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 authorized 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.

20 11.—The Company may and shall abandon the construction of the said Work Number 12 authorized by the Act of 1885.

Abandonment of Work No. 12 of the 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 authorized 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 authorized 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

never built

35 The Company shall apply to Parliament for powers to construct the said intended bridge and upon the obtaining and passing of an Act conferring such powers the Company may and shall abandon the construction of the said Work D authorized by the Act of 1888.

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 authorized 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 addi-
tional lands.

15.—Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorized 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 hereinafter 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
5 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
10 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
15 the land to the south-west of the red line A B 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
20 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
25 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 ;
30

(D) Land situate wholly in the Township of Ince in the Parish of Ince adjoining the southern boundary of land of
35 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 5 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 10 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 15 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 ; 20.

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 ; 25.

(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 30 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 ; 35.

(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 ;

5 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
10 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 ;

15 (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
20 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 ;

25 (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
30 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
35 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; 5

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; 10

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 boat-house; 15

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 boat-house; 20

(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; 25

(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 boat-house; 30

(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 35

5 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 ;

10 (F) 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 ;

15 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 King's Head public-house 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 20 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.

30 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 35 their Undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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.

Power to take easements &c. by agreement.

Period for compulsory purchase of lands.

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.

For the protection of Richard Christopher Naylor.

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):—

(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) 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 ;

5 (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 ;

10 (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 ;

15 (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.

20 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
25 for the district of the Hundred of Wirral in the said County under their Common Seal.

For the protection of
the Wirral Highway
Board.

30 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 :—

For the protection of
Nicholas Stewart
Burnell.

35 (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 ;

5

(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 water-course 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.

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

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
Edmund Waldegrave
Park Yates his heirs
and assigns.

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):

(1.) The provisions of Section 69 of the Act of 1885 (the marginal note of which is "For the protection of 35

"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 ;

5 (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
10 the owner under this Act shall to the reasonable satisfaction of the owner erect and the Company their successors and assigns 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
15 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 ;

20 (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
25 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
30 determining the amount of such compensation.

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
35 and Parish of Runcorn the following provisions shall apply :

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

(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 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 ;