

Zc. 197

51 & 52 VICT.—SESSION 1888.

THE MANCHESTER SHIP CANAL (ADDITIONAL LANDS) ACT 1888.

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AN

ACT

To enable the Manchester Ship Canal Company to acquire additional Lands; and for other Purposes.

[ROYAL ASSENT 24th July 1888.]

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 with powers to purchase the Undertakings known as
5 "the Mersey and Irwell Navigation" "the Duke of Bridgewater's
"Canals" and "the Runcorn and Weston Canal" and to construct a Canal navigable for ocean steamers and ships of large burthen from the River Mersey at Eastham to Manchester with docks at Manchester Salford and Warrington:

Preamble,
48 & 49 Vict. cap.
cxxxviii.

10 And whereas the Company have purchased the said Undertakings and have commenced the works for the construction of the said Canal and it is expedient that the Company be authorized to acquire the lands hereinafter mentioned for the purposes thereof:

And whereas plans of the said lands and books of reference to
15 such plans containing the names of the owners and lessees or reputed

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owners and lessees and of the occupiers of the said lands have been deposited with the Clerk of the Peace for the County Palatine of Chester and those plans and books of reference are in this Act referred to as the deposited plans and books of reference respectively :

And whereas the objects of this Act cannot be attained without 5
the authority of Parliament :

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 10
assembled and by the authority of the same as follows :—

Short title.

1.—This Act may be cited as “ The Manchester Ship Canal
“ (Additional Lands) Act 1888.”

Incorporation of
Lands Clauses Acts.

2.—“ The Lands Clauses Consolidation Acts 1845 1860 and
“ 1869 ” as amended by “ The Lands Clauses (Umpire) Act 1883 ” 15
are excepting where the same are expressly varied by this Act
incorporated with and form part of this Act and are in this Act referred
to as “ the Lands Clauses Acts.”

Interpretation.

3.—In this Act the several words and expressions to which
meanings are assigned by the Lands Clauses Acts have the same 20
respective meanings unless there be something in the subject or context
repugnant to such construction and for the purposes of this Act the
expression “ Superior Courts ” or “ Court of competent jurisdiction ”
or any other like expression in this Act or in the Lands Clauses Acts
shall be read and have effect as if the debt or demand with respect to 25
which the expression is used were a common simple contract debt and
not a debt or demand created by statute.

Power to Company to
purchase additional
lands.

4.—Subject to the provisions of this Act the Company may
enter upon take hold and use for the purposes of their Undertaking
the lands partly in the township of Frodsham and partly in the 30
township of Frodsham Lordship both in the parish of Frodsham in the
County Palatine of Chester delineated upon the deposited plans and

described in the deposited books of reference and thereon and therein respectively distinguished by the numbers specified in Part I. of the Schedule to this Act.

5.—If at any time before the second day of March one thousand eight hundred and ninety and the Most Honourable George Henry Hugh Marquess of Cholmondeley (in this section referred to as "the Vendor") shall so long as the Company shall require to purchase any of the lands in the aid townships and parish which are delineated on the deposited plans and described in the deposited books of reference and which are thereon and therein respectively distinguished by the numbers specified in Part II. of the said Schedule the Vendor (if and so far as he may as tenant for life selling under the provisions of "The Settled Land Acts 1882 and 1884" sell the same) will and shall sell to the Company all or any part of the said lands at the price of one hundred pounds per acre subject to the rights of tenants and subject also to the same being used only for the deposit of spoil to a height not exceeding without the consent of the Vendor fifteen feet above the present level of the said land or for agricultural purposes and in the event of any such lands being purchased by the Company and becoming superfluous lands the Vendor shall have the right of pre-emption of the said superfluous lands at such price as shall be settled in case of difference by arbitration in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation. Provided that if the Vendor shall not exercise such right of pre-emption within three months after being requested in writing by the Company so to do the Company may thereafter use and deal with the said lands so purchased in such manner as they think fit so that they are not used for any purpose prejudicial to the user or enjoyment of the remaining estates of the Vendor.

As to lands in Frodsham and Frodsham Lordship of the Most Honourable the Marquess of Cholmondeley.

30 6.—Persons empowered by "The Lands Clauses Consolidation Act 1845" to sell and convey or release lands may if they think fit subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act 1860" 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 rent charges as far as the

Power to take easements &c. by agreement.

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same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Period for compulsory
purchase of lands.

7.—The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

5

Corrections of errors
omissions &c.

8.—If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or books of reference the Company may apply to two Justices of the Peace for the County of Chester for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to such Justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the Clerk of the Peace for the said County and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Company may enter on take hold and use those lands accordingly.

As to taking houses
of labouring class.

9.—The Company shall not except with the previous consent in writing of the Local Government Board under the powers of this Act purchase or acquire in any City Borough or other 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. For the purposes of this section the expression "labouring class" includes mechanics artificers 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.

The Manchester Ship Canal (Additional Lands) Act 1888. 5

10.—The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise. Power to apply funds to purposes of Act.

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

[SCHEDULE.

THE SCHEDULE
REFERRED TO IN THE FOREGOING ACT.

PART I.

LANDS WHICH MAY BE TAKEN COMPULSORILY.

Township.	Numbers on deposited Plans and in deposited Books of Reference all numbers being inclusive.
Frodsham . . .	6, 7, 11 to 14 and 19.
Frodsham Lordship	31 (part of) 34, 36 to 39, 46, 47, 48, 50 and 53.

PART II.

LANDS THE COMPANY ARE AUTHORIZED TO PURCHASE BY AGREEMENT.

Township.	Numbers on deposited Plans and in deposited Books of Reference all numbers being inclusive.
Frodsham . . .	2 to 5, 8, 9, 10, 15 to 18, 20 to 23.
Frodsham Lordship	24 to 33, 35, 40 to 45, 48, 49, 51, 52 and 54.

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