# CHAPTER ccxxvii.

An Act to confer further powers upon the Manchester Ship Canal Company and for other purposes. A.D. 1890.

[14th August 1890.]

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 within two years after the passing of that Act to purchase the undertakings known as "the Mersey and Irwell Navigation" "the Duke of Bridgewater's Canals" and "the Runcorn and Weston Canal" for the sum of one million seven hundred and ten thousand pounds and to construct 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 navigable for ocean steamers and ships of large burthen from the River Mersey at Eastham to Manchester with docks at Manchester Salford and Warrington and various subsidiary works and to raise a share capital of eight million pounds in eight hundred thousand shares of ten pounds each and to borrow on mortgage two million pounds: 48 & 49 Vict. c. clxxviii.

And whereas the Company have purchased the said undertakings and are proceeding with the construction of the said works at various points and the whole of the works are contracted to be completed by the first day of January one thousand eight hundred and ninety-two:

And whereas by the Manchester Ship Canal (Alteration of Works) Act 1888 the Company were authorised to vary and enlarge a portion of the said authorised work Number 3 and to extend it so as to constitute an independent access to the said dock to be constructed at Manchester and to vary extend and enlarge the said dock to be constructed at Salford: 51 & 52 Vict. c. clxi.

And whereas among the works which constitute the canal undertaking as so authorised are the works specified in the Act of 1885 by the following numbers (that is to say):—

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Number 35.—An opening bridge in the township of Rixton-cum-Glazebrook to carry the Rixton and Warburton Road over the canal;

Number 36.—An opening bridge in the township of Latchford to carry the road leading from Knutsford to Warrington over the canal;

Number 37.—An opening bridge in the township of Latchford to carry the road leading from Hunt's Land to Latchford Station over the canal; and

Number 39.—An opening bridge in the township of Appleton to carry the road leading from Warrington to Stretton and Northwich over the canal:

And whereas it is expedient that the Company be authorised to abandon the construction of the said works numbered respectively 35 36 37 and 39 and to make and maintain the substituted and other works by this Act authorised:

And whereas it is expedient that the Company be authorised to make and maintain the new cut in the Bridgewater Canal and the new branch canal hereinafter described:

26 & 27 Vict. c. lxiii. 30 & 31 Vict. c. xxxviii.

And whereas the Rixton and Warburton Bridge Company (in this Act called "the Bridge Company") incorporated by the Rixton and Warburton Bridge Act 1863 under the powers of that Act and the Rixton and Warburton Bridge Amendment Act 1867 raised a capital in shares of seven thousand pounds and borrowed and now owe on mortgage the sum of one thousand five hundred pounds and constructed a road with an iron bridge across the River Mersey and levy tolls for the use thereof which road was by the Act of 1885 authorised to be carried over the canal by the said opening bridge Number 35 and it is expedient that the Company be authorised to divert the said road and to carry the same over the canal by a fixed bridge in lieu of the said bridge Number 35:

And whereas the Bridge Company for some time past have not paid any interest on their mortgage debt:

And whereas it is expedient that the agreement between the Company and the Bridge Company for the transfer of the said road and bridge undertaking to the Company set forth in the schedule to this Act be confirmed:

And whereas it is expedient that the Company should be authorised to levy tolls rates and charges for the use of any railways or tramways they may lay on their quays:

49 & 50 Vict. c. cxi.

And whereas by the Manchester Ship Canal Act 1886 (in this Act referred to as "the Act of 1886") the Company were authorised out of the said capital to pay interest to the share-

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holders in the Company on the amount from time to time paid up on the shares allotted to or held by them respectively from the respective times of such payments at such rate (not exceeding four pounds per centum per annum) and for such time (not exceeding the time limited by the Act of 1885 for the completion of the works thereby authorised) as the directors may determine and subject to certain other conditions by the said Act prescribed:

And whereas the directors determined in accordance with the provisions in that behalf of the Act of 1886 that the said interest should be payable after the rate of four pounds per centum per annum during the construction of the said works but not exceeding the period limited in that behalf by the Act of 1885:

50 & 51 Vict. c. cix.

And whereas by the Manchester Ship Canal Act 1887 the Company were authorised to issue a moiety of their said share capital in preference shares entitled to a dividend of five pounds per centum per annum from and after the time limited for the completion of the said works or their actual completion whichever shall first happen:

And whereas it is expedient that the Company be authorised to raise additional capital for the construction of railways on their quays (to be connected with the systems of certain of the great railway companies) and for the construction of graving docks warehouses and other appliances in connection with their undertaking:

And whereas it is expedient that the Company be authorised to raise such additional capital by mortgage or by the creation and issue of debenture stock and persons holding upwards of three-fourths in value of the existing preference shares of the Company have consented in writing to the Bill for this Act:

And whereas the Company have not created or issued any debenture stock:

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

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 hereinafter respectively referred to as the deposited plans sections and book of reference:

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And whereas since the deposit of the said plans and sections arrangements have been made with the County Council for the county of Chester the Daresbury Highway Board and the London and North Western Railway Company by reason whereof it is expedient that the Company in lieu of the new footpath and high-level footbridge shown on sheet 1 of those plans and sections and of the new road shown on that sheet and marked with the letters "O P" be authorised to construct the high-level bridge for vehicles and the new roads shown on the supplemental plans and sections hereinafter referred to and to abandon the construction of the opening bridge to carry Ackers Lane over the canal and authorised by the Act of 1885 as work Number 38:

And whereas it is expedient to authorise the Company to construct in the parish of Great Budworth the new road shown on the said supplemental plans and sections:

And whereas it is expedient to authorise the Company to construct in the township and parish of Flixton a new footbridge to carry Parsonage Road over the Manchester and Liverpool Railway of the Cheshire Lines Committee and the deviation railway Number 5 authorised by the Act of 1885 in lieu of the existing bridge carrying that road over the said Manchester and Liverpool Railway and of the intended bridge for carrying that road over the said deviation railway and referred to in sub-section 7 of section 106 of the said Act:

And whereas supplemental plans and sections (in this Act referred to as "the supplemental plans and sections") showing the altered and additional works and a supplemental book of reference (in this Act called "the supplemental 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 of those works were on or before the twentieth day of May one thousand eight hundred and ninety deposited at the offices of the respective clerks of the peace for the counties of Lancaster and Chester;

And whereas the objects of this Act 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 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 (Various Powers) Act 1890.

Incorporation of Acts.

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

The Lands Clauses Acts;

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

Part V. (Amalgamation) 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.

Extending certain provisions of the Companies Clauses Acts.

**3.** Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part III. of the Companies Clauses Act 1863 relating to debenture stock:

shall be applicable to the moneys hereby authorised to be raised by mortgage or debenture stock and to the proprietors thereof.

Interpretation.

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

"The plans of 1885" means the plans deposited in the month of November 1884 and in the month of July 1885 with the respective clerks of the peace for the counties of Lancaster and Chester for the purposes of the Bill for the Act of 1885;

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

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 common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

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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.

As to supplemental plans &c.

**5.** The supplemental plans sections and book of reference deposited with the respective clerks of the peace for the counties of Lancaster and Chester as hereinbefore mentioned shall be kept by them as documents deposited under the standing orders of Parliament for the purposes of this Act and shall for the purposes of this Act and for all other purposes be deemed to form part of the deposited plans sections and book of reference.

Power to make works &c.

**6.** 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 and supplemental 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 and supplemental plans and sections and may stop up such roads and footpaths as are shown on the deposited and supplemental 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 and supplemental plans and described in the deposited and supplemental books 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 in the following places (that is to say):—

IN THE COUNTY OF LANCASTER:

At Irlam in the township of Barton-upon-Irwell in the parish of Eccles:—

(A.) They may divert a portion of the road leading from Warrington to Manchester such diversion commencing by a junction with and out of that road at a point therein about five chains south of the southern approach to Irlam Railway

Station and terminating by a junction with and in that road at a point therein about four chains south of the junction therewith of Astley Road; and

(B.) So soon as they have completed the said diversion and opened the same to the public the Company may stop up and extinguish all rights of way in and over so much of the said road leading from Warrington to Manchester as lies between the said southern approach and a point in that road about eight chains north thereof:

At Flixton in the township and parish of Flixton:—

They may construct a new footbridge commencing in Parsonage Road at the face of the northern abutment of the existing bridge carrying that road over the Manchester and Liverpool Railway of the Cheshire Lines Committee crossing that railway and the deviation railway Number 5 authorised by the Act of 1885 as work Number 21 and terminating in the said road at a point about eighty-five feet from the commencement of the said new footbridge the said new footbridge to be in lieu of the said existing bridge carrying Parsonage Road over the said Manchester and Liverpool Railway and also of the bridge for carrying that road over the said deviation railway Number 5 referred to in section 106 of the Act of 1885:

In the township of Rixton-cum-Glazebrook in the parish of Warrington:—

(A.) They may divert so much of the public road known as the Rixton and Warburton Road authorised by the Rixton and Warburton Bridge Act 1863 as lies between its junction with the said Warrington and Manchester Road and the iron bridge which carries the first-mentioned road over the River Mersey;

(B.) So soon as they have completed the said diversion and opened the same to the public the Company may extinguish all public rights of way over that road between the said commencement and termination of the said diversion; and

(C.) They may abandon the construction of the opening bridge authorised by the Act of 1885 as work Number 35:

At Arpley meadows in the township and parish of Warrington:—

(A.) They may stop up and extinguish all rights of way in and over the towing-path on the right bank of that portion of the River Mersey which lies between a point about seventeen chains below the bridge over that river known as "Warrington Bridge" and a point about five chains above the bridge over that river known as "Walton Girder Bridge" and which portion

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of river the Company were authorised to divert by the Act of 1885 as work Number 11;

(B.) They may divert the public footpath leading from Warrington to and over the said Walton Girder Bridge and lying on the easterly side of the branch railway of the London and North Western Railway Company which connects the Warrington and Stockport Railway of that Company with the Birkenhead Lancashire and Cheshire Junction Railway such diversion commencing at a point in the said footpath about twelve chains measured along the eastern boundary of the said branch railway in a northerly direction from the right bank of the River Mersey and terminating at a point about eight chains from its point of commencement measured in a southerly direction along the said eastern boundary; and

(C.) So soon as they have completed the said diversion and opened the same to the public the Company may stop up and extinguish all rights of way in and over the said public footpath between the commencement and termination of the said diversion.

In the County of Chester:

At Runcorn in the township and parish of Runcorn:—

They may stop up and extinguish all rights of way in and over so much of the public footpath leading from Castle Rock to the Waterloo Road as lies between the westerly side of the bridge over the River Mersey and the junction of the said footpath with that road:

At Walton Inferior in the townships of Walton Inferior and Acton Grange in the said parish of Runcorn:—

They may stop up and extinguish all rights of way (if any) over so much of the road numbered on sheet 13 of the plans of 1885 69 in the said township of Walton Inferior as lies between Morley Common and the Runcorn and Latchford Canal;

In the township of Appleton and parish of Great Budworth:—

(A.) They may divert the public road leading from Stretton and Northwich to Warrington such diversion commencing at a point in the said road about eleven yards measured along that road in a northerly direction from the north-east corner of Saint Thomas's churchyard and terminating in that road about fifteen chains north of the said point of commencement; and

(B.) So soon as they have completed the said diversion and opened the same to the public the Company may abandon the

construction of the opening bridge for carrying the said road over the canal which bridge was authorised by the Act of 1885 as work Number 39; and

(c.) They may stop up and extinguish all rights of way in and over so much of the said road as lies between the commencement of the said diversion and a point in the said road about seven chains north of the said commencement:

In the said township of Appleton and in the township of Latchford in the parish of Grappenhall:—

They may construct a new road on the southern side of and adjoining the southern fence of the canal commencing in the said township of Latchford in and out of Ackers Lane where it is crossed by the canal and terminating in the said township of Appleton in the road leading from Northwich to Warrington where it is crossed by the canal:

In the townships of Latchford and Grappenhall in the parish of Grappenhall:—

(A.) They may construct a new road thirty-six feet wide (including on either side thereof a footway six feet wide) commencing in and out of Ackers Lane at a point therein about ten chains (measured in a south-westerly direction) from the junction therewith of Common Lane crossing the canal and the Warrington and Stockport Railway of the London and North Western Railway Company by a high-level bridge and viaduct having a clear width between the parapets of not less than twenty-five feet including on either side thereof a convenient footway and terminating in Wash Lane at a point about seven chains north of the point where it is crossed by that railway and the Company shall alter the bridge over Wash Lane to the said width of thirty-six feet;

In connection with that work they may alter the level of Wash Lane between the said point where it is crossed by the said railway and a point about three chains to the north thereof;

(B.) They may construct a new road thirty feet wide including on either side thereof a convenient footway commencing in and out of Ackers Lane at or about its junction with Common Lane and terminating by a junction with the said new road lettered (A) at a point therein about seven chains from the commencement thereof;

(C.) They may construct a new road commencing in and out of the new road lettered (A) at a point therein about twelve

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chains from its termination (measured in a straight line in a south-easterly direction) and terminating in the Knutsford Road at a point about four chains north-west of the point where it is crossed by the said railway The said new road shall be constructed thirty feet wide (including a footway on one side thereof six feet wide) from its commencement up to Grappenhall Road;

(D.) They may construct a new road thirty feet wide (including a footway on one side thereof six feet wide) to connect new road lettered (A) with new road lettered (C) commencing at a point near the northern fence of the said railway and about eleven chains east of Wash Lane measured therefrom in an easterly direction along the said fence proceeding in a north-easterly direction to and terminating in the new road lettered (C) at a point about two chains from its said point of commencement;

(E.) They may construct a new road thirty-six feet wide (including on either side thereof a convenient footway) commencing in and out of Hunt's Lane at a point about eleven chains west of the point of junction of Hunt's Lane with the said Knutsford Road and terminating in that road at a point about nine chains (measured therealong in a north-westerly direction) from the point where the said Warrington and Stockport Railway crosses that road;

(F.) They may construct a new road commencing in and out of Hunt's Lane at a point about nine chains west of the commencement of the last-mentioned work proceeding thence in a north-easterly direction and terminating by a junction with that work at a point therein about eight chains from the commencement thereof;

(G.) They may widen on the north side thereof so much of Hunt's Lane as lies between Knutsford Road and the commencement of the said work lettered (E) so as to make the said portion of that lane (including a convenient footway on either side thereof) of a width not less than that of the said work lettered (E);

So soon as they have completed the said works lettered respectively (A) (B) (C) (D) (E) (F) and (G) and opened the same to the public they may abandon—

(H.) The construction of the opening bridge for carrying the Knutsford Road over the canal which bridge was authorised by the Act of 1885 as work Number 36;]

(I.) The construction of the opening bridge for carrying the said Grappenhall Road over the canal which bridge was authorised by the Act of 1885 as work Number 37; and

(J.) The construction of the opening bridge for carrying Ackers Lane over the canal which bridge was authorised by the Act of 1885 as work Number 38; and

They may stop up and extinguish all rights of way in and over—

(K.) So much of the said Knutsford Road as lies between a point in that road about nine chains (measured along that road in a north-westerly direction) from its junction with Hunt's Lane and the termination in Knutsford Road of the work lettered (E);

(L.) So much of the said Grappenhall Road as lies between a point in that road about eight chains (measured along that road in a northerly direction) from its junction with Hunt's Lane and a point in Grappenhall Road about two chains (measured along that road in a northerly direction) from the point where the said Warrington and Stockport Railway crosses that road; and

(M.) So much of Ackers Lane as lies between the northern and southern fences of the canal:

At Partington in the township of Partington in the parish of Bowdon:—

(A.) They may divert the public footpath leading from Partington to Ashton-on-Mersey such diversion commencing at a point in the said footpath about five chains south of its crossing over the railway of the Cheshire Lines Committee from Glazebrook to Stockport and terminating at a point in the same footpath eleven yards north of the said crossing; and

(B.) So soon as they have completed the said diversion and opened the same to the public they may stop up and extinguish all rights of way in and over the said public footpath between the commencement and termination of the said diversion:

In the said parish of Runcorn:—

(A.) They may make a new cut wholly in the said township of Runcorn to commence at a point in the Bridgewater Canal about 1·50 chains east of the eastern side of Ellesmere Street and terminating at a point in the same canal about 2·50 chains north-east of the north-eastern side of Sutherland Street and when they have completed the said new cut and opened the same for public traffic;

(B.) They may stop up and extinguish all rights of way over the towing-path on the north bank of the Bridgewater Canal

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between the commencement and termination of the said new cut; and

(c.) They may close for all purposes of navigation the portion of the bend of the said canal situate between the said termination of the said new cut and a point in the said canal situate about eight chains from the said termination measured along the said canal in a southerly direction;

(d.) They may make a branch canal to be formed by the narrowing and deepening partly in the said township of Runcorn and partly in the township of Halton of the piece of water known as "the Big Pool" adjoining the Bridgewater Canal at the bend thereof situate between the hereinbefore described points of commencement and termination of the said new cut and communicating therewith and by the enlarging of the entrance to the Big Pool Such narrowing to commence on the western branch of the said Big Pool at a point on the western bank thereof about twelve chains (measured along that bank) south of its junction with the said canal and on the eastern branch thereof at a point on the eastern bank thereof about eighteen chains (measured along that bank) south of its junction with the said canal and to terminate by a junction with the said canal at a point in the said bend about eight chains south from the said point of termination of the said new cut measured along the said canal in a southerly direction;

(e.) They may divert into and impound in the said intended new cut and branch canal the waters of the said Bridgewater Canal and all other waters under the control of the Company or to which they have any right.

Subsidiary works.

**7.** The Company may upon any lands for the time being belonging to them from time to time construct and maintain all such railways tramways junctions sidings turntables signals roads approaches quays jetties wharves warehouses buildings sheds engines pumps machinery hydraulic and other lifts and cranes drops staithes tips graving docks slipways lay-byes gates sluices culverts syphons by-passes arches bridges (fixed or opening) ferries sewers drains towing-paths cuts channels locks weirs dams basins reservoirs ponds trenches telegraphs telephones dolphins moorings buoys beacons lights 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 or by the Act of 1885 or by the Act of 1888 or the undertakings vested in the Company under the powers of the Act of 1885 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.

New cut &c. to be part of Bridgewater Canal.

**8.** The said new cut and branch canal shall for all purposes (including the levying of tolls rates and charges) constitute part of the Bridgewater Canal.

Diversion of Rixton &c. Road to be part of the Rixton &c. undertaking.

**9.** The said diversion of the Rixton and Warburton Road shall for all purposes (including the levying of tolls rates and charges) be substituted for the portion of the existing road so diverted.

Limits of deviation.

**10.** 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.

Power to acquire additional land compulsorily.

**11.** Subject to the provisions of this Act the Company may in addition to the other lands they are authorised to acquire under the provisions of this Act enter upon take and use compulsorily for the purposes of their undertaking the lands hereinafter described which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands in the township of Frodsham or Frodsham Lordship in the parish of Frodsham in the county of Chester forming the most north-easterly part of Frodsham Score and included between the flood bank on Frodsham Score the line of high water mean tide on the left bank of the River Weaver and the canal and several fields adjoining part of the said flood bank and numbered 6 7 10 14 21 and 22 in the said township of Frodsham on the $\frac{1}{2500}$ Ordnance Sheets XXIV. 11 and 15 of the said parish of Frodsham;

Certain lands at Higher Irlam in the said township of Barton-upon-Irwell in the said parish of Eccles included between the

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road leading from Warrington to Manchester Boat Lane and the River Mersey.

Period for compulsory purchase of lands.

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

Restrictions on displacing persons of labouring class.

**13.**—(1.) The Company shall not 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 unless and until—

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme

or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section such scheme shall for all purposes be deemed to be an undertaking of the Company and the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

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Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not be deemed to apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

Incorporation of certain sections of the Act of 1885.

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

Section 33 (as to opening bridges);

Section 57 (power to take easements &c. by agreement);

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.

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

**15.** Every new or diverted road or footpath constructed under the powers of this Act shall be repaired and maintained by the body or persons who repair and maintain the highways of the township or district in which such new road will be situate and every substituted road or footpath constructed under the powers of this Act shall vest in and be repaired and maintained by the same body or persons as are now liable to repair and maintain the existing road or footpath for which it is substituted Provided that unless otherwise agreed the structure of every bridge and the immediate approaches thereto and all other necessary works connected therewith shall be repaired and maintained by the Company The Company and any such body or person may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of all or any of such new diverted substituted or existing roads or footpaths Any such agreements shall be deemed to be purposes of the Public Acts under which such body or persons have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts 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 vesting of site and soil of portions of roads &c. stopped up.

**16.** 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.

Compensation for damage to

**17.** The abandonment by the Company under the authority of this Act of the said works numbered respectively 35 36 37 38

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and 39 in the Act of 1885 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.

land by entry &c. for purposes of works abandoned.

**18.** Notwithstanding the abandonment by the Company of the said works numbered 35 36 37 38 and 39 as aforesaid the Company may retain and use for the purposes of the works authorised by this Act or for the general purposes of their undertaking all lands already purchased under the provisions of the Act of 1885 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 for the purposes of the said works respectively.

As to lands already contracted for &c.

**19.** The provisions of section 198 (additional byelaws) of the Act of 1885 shall extend and apply mutatis mutandis to and in relation to the Bridgewater undertaking as defined by that Act and to such parts of the Mersey and Irwell undertaking as also thereby defined as shall not be discontinued under the powers of that Act.

Byelaws for Bridgewater and Mersey and Irwell undertakings.

**20.** The Company may take for the use of the railways and tramways on their quays such reasonable tolls rates and charges as they may from time to time appoint.

Rates for use of railways of Company.

**21.** The following provisions of the Act of 1885 are hereby repealed (that is to say):—

Repeal of portions of Act of 1885.

Sub-section 10 of section 75 (for the protection of the port and town of Runcorn and the improvement commissioners thereof &c.) so far as relates to the said public footpath leading from Castle Rock to the Waterloo Road;

Sub-section 5 and 7 of section 83 (for the protection of the highway board for the Daresbury Division of the hundred of Bucklow);

Sub-section 1 of section 88 (for the protection of Corporation and traders &c. of Warrington) so far as it relates to the opening bridge in the township of Latchford to carry Ackers Lane over the canal;

Sub-section 1 of section 92 (for the protection of the Warrington Highway Board) so far as the same relates to the stopping up of the portion of the towing path on the right bank of the River Mersey at Arpley Meadows and the portion of the public footpath leading from Warrington to and over the Walton Girder Bridge by this Act authorised to be stopped up but not further or otherwise;

Sub-section 7 of section 106 (for the protection of the Flixton &c. Highway Board);

Sub-section 3 of section 111 (for the protection of the surveyors of highways for Lower Irlam).

For the protection of the Corporation of Warrington.

**22.** For the protection of the mayor aldermen and burgesses of the borough of Warrington (in this section called "the Corporation") the following provisions unless otherwise agreed on between the Corporation and the Company shall have effect (that is to say):—

(1.) The swing bridges to be constructed by the Company to carry over the canal the said public road leading from Stretton and Northwich to Warrington and the said public road leading from Knutsford to Warrington shall be made of the clear width between the parapets of not less than 36 feet including on either side thereof a convenient footway and shall be sufficient in all respects for the passing of carts carriages and other vehicles and the provisions of sub-section 1 of section 88 (for the protection of Corporation and traders &c. of Warrington) of the Act of 1885 shall extend and apply mutatis mutandis to and in relation to the said bridges;

(2.) Sub-sections 8 10 20 and 22 of the said section 88 shall extend and apply mutatis mutandis to and in relation to such of the works by this Act authorised as affect the Corporation;

(3.) So soon as the roads to be constructed under the powers of this Act within the limits of the borough of Warrington as for the time being existing are completed to the reasonable satisfaction of the surveyor of the said borough the said roads shall vest in and thenceforward be repaired by the Corporation;

(4.) Save as in this Act expressly provided nothing in this Act shall extend to prejudice diminish alter or take away any rights powers or authorities vested in the Corporation.

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For the protection of the Warrington Waterworks Company.

**23.** For the protection of the Warrington Waterworks Company sub-sections 12 13 14 and 15 of section 94 (for the protection of the Warrington Waterworks Company) of the Act of 1885 shall extend and apply mutatis mutandis to and in relation to the works by this Act authorised so far as they affect the works or property of that Company.

For the protection of the London and North Western Railway Company.

**24.** The following provisions shall apply and have effect for the protection of the London and North Western Railway Company (in this section referred to as "the North Western Company"):—

1. Notwithstanding anything in this Act contained the Company shall not for the purpose of diverting the public footpath lettered (B) in the township and parish of Warrington in the county of Lancaster leading from Warrington to and over the Walton Girder Bridge authorised by the section of this Act the marginal note whereof is "Power to make works &c." or in constructing the new roads and the alteration of levels of Wash Lane in the townships of Latchford and Grappenhall in the parish of Grappenhall lettered respectively (A) (C) (D) and (E) authorised by that section enter upon take use or interfere with any more lands or property belonging to the North Western Company than shall be necessary for constructing the said diverted footpath or the new roads or alteration of levels respectively in the position shown on the deposited plans and sections with reference thereto;
2. If by reason of the construction of the said works it shall become necessary to add to or alter the signals upon the Warrington and Stockport Railway of the North Western Company the same shall be so added to or altered by that Company and the reasonable expense thereof shall be repaid to them by the Company;
3. All the works prescribed provided for or referred to in this section and all other works necessary and incident to the construction of the works by this Act authorised or executed under the authority or in pursuance of any of the provisions of this Act so far as they are connected with or affect the said Warrington and Stockport Railway or the deviation railway Number 3 authorised by the Act of 1885 or the works connected therewith respectively (all which works are hereinafter called "the said works") shall be constructed in accordance with the provisions of this section and according to such plans sections and specifications as shall be previously submitted to and reasonably approved in writing by Francis

Stevenson or other the principal engineer for the time being of the North Western Company (hereinafter called "the principal engineer") and the Company shall not commence the construction of the said works until such plans sections and specifications have been so submitted and approved Provided always that if the principal engineer shall for the period of two months neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said works shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed by the Board of Trade at the request of either the Company or the North Western Company;

4. The said works shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the principal engineer and the Company shall pay the reasonable costs and charges incurred by the North Western Company in or about such superintendence or in or about the inspection or approval of plans sections or specifications as aforesaid and otherwise incidental thereto;

5. The said works shall be constructed and executed so as not to obstruct impede or interfere with the free and uninterrupted and safe use of the said Warrington and Stockport Railway;

6. During the construction of the said works the Company shall bear and on demand pay to the North Western Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that Company for watching their railways and other works with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

7. The Company shall at all times maintain all such of the said works as shall be carried over or under the railways works or property of the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer and if and whenever the Company fail so to do the North Western Company may

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make or do as well in and upon the lands of the Company or the lands acquired by them for the purposes of this Act as their own lands all such works and things as the principal engineer may reasonably think requisite in that behalf and the sum from time to time certified by the principal engineer to be the reasonable amount of such their expenditure shall be repaid to the North Western Company by the Company and in default of payment may be recovered in any court of competent jurisdiction;

8. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs damages and expenses which may be occasioned to that Company or to the said Warrington and Stockport Railway or to the traffic thereon by reason of the execution or failure of any of the Company's works or of any act operation or omission of the Company or of any of the persons in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission;

(9.) Any difference which may arise between the Company and the North Western Company under this section or with reference thereto shall (unless the settlement thereof is otherwise provided for) be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration and for the purposes of any such arbitration the Company shall be deemed to be a railway company;

10. The Company and the North Western Company may agree for any variation or alteration in the provisions of this section or in the works in this section provided for or in the manner in which the same shall be executed.

For the protection of the Cheshire Lines Committee.

**25.** For the protection of the Cheshire Lines Committee (hereinafter called "the Committee") the following provisions shall have effect unless otherwise agreed on in writing between the Company and the Committee (that is to say):—

Sub-section 5 sub-section 6 (except the provision as to payment of the costs incurred by the Committee) and sub-sections 7 8 9 and 10 of section 125 (for the protection of the Cheshire Lines Committee) of the Act of 1885 shall respectively extend and apply mutatis mutandis to and in relation to the works at

Irlam in the township of Barton-upon-Irwell in the parish of Eccles and to the works at Flixton in the township of Flixton and to the works at Partington in the township of Partington in the parish of Bolton by this Act authorised so far as such works affect the railways works or property of the Committee except that the period allowed for the approval of plans sections and specifications of the works referred to in this section submitted by the Company for the approval of the principal engineer of the Committee shall be one month instead of two months as prescribed by the said sub-section 5 and that no alteration in the line or level of the said works at Irlam shall be required by the Committee which would prevent the fulfilment of the section of this Act the marginal note whereof is "For the protection of the county council of Lancashire."

For the protection of the Daresbury Highway Board.

**26.** For the protection of the highway board for the Daresbury Division of the hundred of Bucklow in the county of Chester (in this section called "the highway board") the following provisions shall have effect unless otherwise agreed in writing between the highway board and the Company (that is to say) :—

1. The intended work lettered (A) in the township of Appleton shall be carried across the canal and the Runcorn and Latchford Canal near Twenty Steps Bridge by means of an opening or swing-bridge of a width of thirty-six feet and the Company shall establish and at all times maintain and work upon the south bank of the canal between the said intended work lettered (A) and the new road the construction of which was authorised by the Act of 1885 as work Number 23 in such position as shall be reasonably approved by the highway board a signal to indicate when the swing or opening bridges carrying the said intended work lettered (A) and the said work numbered 23 across the canal are open for the passage of vessels along the canal;

(2.) Except as hereinafter provided when and so soon as the new roads to be constructed by the Company under the powers of this Act within the district of the highway board shall be completed by the Company and certified as satisfactory by the surveyor of the highway board the Company shall pay to the highway board such a capital sum of money as may be agreed upon or be settled by the chairman of quarter sessions for the county of Chester on the application of either the Company or the highway board as sufficient to produce when invested in Government or

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other securities upon which highway boards are entitled to invest money received by them in respect of the maintenance of roads taken over by them under the Highway Acts an income sufficient to provide for the increased expenses which will be incurred by the highway board in maintaining such roads as compared with the expense of maintaining the present roads and in ascertaining the sum to be paid by the Company as aforesaid account shall be taken for maintaining the roadways and approaches thereto through any under-bridges beneath the said deviation railways and the Company shall also pay the reasonable costs and expenses of the highway board and their surveyor in connection with the superintendence and approval of the works of the Company under this Act and the reasonable costs of the highway board consequent upon the application to the chairman of quarter sessions for the county of Chester under this section shall be paid by the Company if so directed by the chairman of quarter sessions;

Provided that the provisions of this sub-section shall not apply to the new roads lettered (A) (B) (C) and (D) and described on the supplemental plans sheet Number 1 as proposed new roads work Number 1 work Number 2 work Number 3 and work Number 4 authorised by this Act to be constructed by the Company in the townships of Latchford and Grappenhall in the parish of Grappenhall without the consent in writing of the highway board.

For the protection of the county council of Lancashire.

**27.** Whereas the county council of Lancashire (herein called "the council") have jurisdiction over and are entrusted with powers and duties for the maintenance of main roads within the said county Therefore the following provisions are hereby made for the protection of the said council and shall notwithstanding anything in this Act contained or shown on the deposited plans and sections to the contrary have effect (that is to say) :—

1. The Company shall alter the respective approaches to the proposed diversion of the main road leading from Warrington to Manchester as shown on the deposited plans to one true curve on either side as is shown in red on the plan signed in duplicate by Edward Leader Williams on behalf of the Company and William Radford on behalf of the council in lieu of the curves shown on the deposited plans such plan to be deposited in the office of the clerk of the peace of the said county;

2. The gradient of the approaches on both sides of the railway bridge under the deviation railway Number 5 authorised by section 28 Number 21 of the Manchester Ship Canal Act 1885 shall not be steeper than one foot in thirty feet and shall give a clear headway of not less than eighteen feet the whole distance of the length of the bridge and of the width of the carriageway which said carriageway shall be of the width of twenty-four feet throughout;

3. The gradient of the approaches on both sides of the railway bridge under the existing railway shall not be steeper than one foot in thirty feet and for that portion immediately under such bridge the road shall be level and give a clear headway of eighteen feet for the whole length of the bridge and the whole width thereof;

4. The Company shall make provide and construct a road (including footways and carriageway) of not less width than thirty-six feet clear measured on the square from either side of the road and shall make sufficient provisions to prevent any land or surface water draining on to the footpaths of the said road;

5. The Company shall construct a substantial fence on both sides of the road for the due protection of the public;

6. The Company shall make good all pipes and watercourses which they may interfere with in the deviation of the existing road or in the construction of the proposed road and shall not alter the direction of the fifteen-inch pipe drain which crosses the proposed new road from Clarendon Road;

7. The Company shall lay a twelve-inch road drain four feet deep on the easterly side of the road with six-inch branch drains as shall be required and shall provide proper outlets for the free discharge of the surface water;

8. The Company shall construct the carriageway of the proposed road twenty-four feet wide and shall form the entire length of the proposed road for the width of twenty-four feet with a good sound foundation of not less than twelve inches thick and shall pave the same with granite setts six inches in depth;

9. The Company shall construct footways six feet wide on each side of the road and the kerb shall be from the Haslingden Quarries and shall measure twelve inches by seven inches the footpaths to be formed with clean sharp gravel;

10. Before proceeding with the construction of the road the Company shall submit the plans sections and specification to

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the county surveyor and shall execute all works to his reasonable satisfaction;

11. The Company shall not stop up the existing roadway nor extinguish any rights of way in and over the same nor interfere with the convenience of the public in any way until the proposed road is completed and paved to the reasonable satisfaction of the surveyor to the county council who shall notify his satisfaction in writing under his hand before the existing road is stopped up;

12. Nothing in this section contained shall in any way interfere with or affect the protection afforded to the surveyors of highways of the hamlet of Lower Irlam by section 111 of the Manchester Ship Canal Act 1885 except that sub-section 3 of such section 111 shall cease to have any further operation or be of effect. Provided that the powers so vested in the said surveyors of highways so far as regards the main road from Manchester to Warrington shall be vested in and be exercised by the surveyor for the time being of the county council.

**For the protection of the Cheshire county council.**

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

1. The roads bridges and other works in the townships of Latchford and Grappenhall in the parish of Grappenhall lettered respectively (E) and (G) and all other works by this Act authorised if and so far as they affect the council shall be executed in the lines shown on the copy of sheet Number 1 of the supplemental plans signed by the engineer of the Company and the county surveyor and shall be carried out to the reasonable satisfaction of the county surveyor;

2. The bridge for carrying the said work lettered (E) over the canal shall be a swing or opening bridge and shall be constructed to the reasonable satisfaction of the council and of a clear width between the parapets of not less than thirty-six feet including on either side thereof a convenient footway and at a level as nearly corresponding with the adjoining roads on each side of the canal as is compatible with the passage of barges with moveable masts or funnels beneath the same and such opening or swing bridge shall be worked by hydraulic power so as to be capable of being opened or closed in three minutes and the Company shall at all times keep a proper

and sufficient staff to work and shall work the said bridge without unnecessary delay to the traffic of the road;

3. When and so soon as the said works lettered respectively (E) and (G) shall be completed by the Company and certified as satisfactory by the said surveyor the Company shall pay to the council such a capital sum of money as may be agreed upon or settled by the chairman of quarter sessions of the county of Chester on the application of the Company or the council as sufficient to produce when invested in Government securities or other securities upon which county councils are entitled to invest money an income sufficient to provide for the increased expenses which will be incurred by the council in maintaining any new or widened road or roads as compared with the expense of maintaining the existing Knutsford Road and the Company shall also pay the reasonable costs and expenses of the council and the county surveyor in connection with the superintendence and approval of the works of the Company under this Act and the reasonable costs of the council consequent upon the application to the chairman of quarter sessions under this section shall be paid by the Company if so directed by the chairman of quarter sessions;

4. The amount to be paid to the council by the Company under the provisions of the last sub-section shall unless otherwise ordered by the council be applied towards general county expenditure for the year in which such amount is received.

For the protection of the Corporation of Manchester.

**29.** 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 purpose 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.

For the protection of the Corporation of Salford.

**30.** If by reason of the execution of any of the powers of this Act the mayor aldermen and burgesses of the county borough of Salford (in this section called "the Corporation") shall necessarily incur any cost in altering any gas main pipe or

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apparatus the Company shall repay to the Corporation such additional cost which shall be a debt due from the Company to the Corporation and be recoverable accordingly and if by reason of the execution of any of the powers of this Act any increased length of gas main or pipe for such purpose shall become necessary the same shall be forthwith constructed and made by the Company upon such plan and in such manner as shall be reasonably approved of by the Corporation.

Amending sub-section (A) of section 29 of the Act of 1885.

**31.** The words "the lower sills of the lock at Eastham" shall be substituted for the words "the lower sill of the dock at Eastham" in sub-section (A) of section 29 of the Act of 1885 and that sub-section shall be read and have effect accordingly.

Closing of transfer books.

**32.** The prescribed period for which the Company may close the register of transfers shall be twenty-one days before each ordinary meeting of the Company and also (so long as they continue to pay interest out of capital) for a period of twenty-one days before the thirty-first day of December and the thirtieth day of June in each year.

Vesting in Company the undertaking of the Rixton and Warburton Bridge Company.

**33.**—(1.) An agreement bearing date the second day of June one thousand eight hundred and ninety and expressed to be made between the Bridge Company of the first part the Reverend George Daniel Wray Colin MacIver and John Parry Jones Parry of the second part and the Company of the third part as set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto From and after the passing of this Act the undertaking of the Bridge Company as in the said agreement defined shall vest in the Company and such vesting shall have all the like consequences and effects as a conveyance and assignment under clause 7 of the said agreement.

(2.) All the unexercised powers of the Bridge Company of raising capital by the creation and issue of shares and of raising money by mortgages and debenture stock shall be and the same are hereby extinguished.

(3.) The vesting shall be deemed to be an amalgamation of the Undertaking of the Bridge Company according to the true intent and meaning of Part V. (Amalgamation) of the Railways Clauses Act 1863 and the provisions of the said Part V. shall extend and apply thereto accordingly so far as the same are not inconsistent with or varied by the provisions in this Act and in the said agreement contained.

Stamp duty.

**34.** The Company shall produce to the Commissioners of Inland Revenue within three months from the passing of this Act a copy

thereof duly stamped with the proper ad valorem stamp duty payable upon a conveyance of the undertaking and if the Company shall not within the said period of three months produce to the said Commissioners such copy duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the time of amalgamation shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Winding up and dissolution of Bridge Company.

**35.** The directors of the Bridge Company may exercise all necessary powers for winding up the affairs of the Bridge Company and as soon as their affairs have been wound up and all their debts and liabilities paid or satisfied the Bridge Company shall be by virtue of this Act dissolved.

Power to borrow on mortgage.

**36.** The Company in addition to the sum they are authorised to borrow under the Act of 1885 may borrow on mortgage of their undertaking any sum or sums not exceeding in the whole six hundred thousand pounds.

Former mortgages &c. to have priority.

**37.** The mortgages granted or to be granted and any debenture stock to be issued by the Company in pursuance of the powers of the Act of 1885 shall during the continuance of such mortgages and debenture stock respectively have priority over any mortgages granted and any debenture stock issued under the powers of this Act and section 14 (debenture stock) of the Act of 1885 shall be varied accordingly.

All mortgages granted and certificates of debenture stock issued under the powers of this Act shall be endorsed with notice of this enactment.

Power to apply corporate funds to purposes of Act.

**38.** The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Debenture stock.

**39.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company under the powers of this Act shall rank pari passu with the interest of all mortgages granted by the Company under the powers of this Act and shall have priority over all principal moneys secured by such mortgages.

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Application of moneys.

**40.** All moneys raised by the Company under this Act whether by debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in each case purposes to which capital is properly applicable.

Receipt in case of persons not sui juris.

**41.** If any money is payable to a mortgagee or debenture stock holder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Saving rights of the Duchy of Lancaster.

**42.** 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.

Interest not to be paid on calls paid up.

**43.** No interest or dividend shall be paid out of any loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

**44.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision for Merchant Shipping Acts and general Acts.

**45.** 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 as to general Railway Acts.

**46.** 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.

**47.** 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.

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# THE SCHEDULE referred to in the foregoing Act.

AGREEMENT made the second day of June one thousand eight hundred and ninety between the RIXTON AND WARBURTON BRIDGE COMPANY (hereinafter called "the Bridge Company") of the first part the REVEREND GEORGE DANIEL WRAY of Halton Vicarage near Runcorn in the county of Chester Clerk in Holy Orders COLIN MACIVER of Warrington in the county of Lancaster Estate Agent and Surveyor and JOHN PARRY JONES PARRY of Thelwall Hall Thelwall in the said county of Chester Rear-Admiral in Her Majesty's Navy the executors under the last Will of James Nicholson of Thelwall Hall aforesaid Esquire of the second part and the MANCHESTER SHIP CANAL COMPANY (hereinafter called "the Canal Company") of the third part.

Whereas by the Rixton and Warburton Bridge Act 1863 the Bridge Company was incorporated for the purpose of making and maintaining a bridge over the River Mersey with roads thereto in the township of Rixton in the parish of Warrington in the said county of Lancaster and in the township and parish of Warburton in the said county of Chester with a share capital of five thousand five hundred pounds divided into one thousand one hundred shares of five pounds each and with power to borrow on mortgage one thousand five hundred pounds And whereas all the said one thousand one hundred shares were issued and have since been paid up and the Bridge Company borrowed one thousand five hundred pounds on mortgage under the powers of the said Act And whereas the Bridge Company completed the said bridge and laid out the said roads under the powers of the said Act And whereas by the Rixton and Warburton Bridge Amendment Act 1867 the Bridge Company was authorised to raise by the issue of new shares of not less than five pounds each or of stock any further sum of money not exceeding four thousand pounds and also to borrow on mortgage a further sum of one thousand pounds And whereas under the powers of the said last-mentioned Act the Bridge Company issued three hundred new shares of five pounds each all of which have now been paid up but no further sum has been borrowed on mortgage And whereas in the year one thousand eight hundred and sixty-eight the said James Nicholson obtained a judgment in an action brought by him in Her Majesty's Court of Queen's Bench against the Bridge Company for the sum of one thousand three hundred and seventy-five pounds five shillings and threepence and four pounds for costs And whereas all the mortgages which have been created by the Bridge Company and also the said

judgment debt are now vested in the parties hereto of the second part as such executors as aforesaid and the interest on the same respectively is and has for some years been in arrear And whereas no mortgages charges or debts of the Bridge Company other than the said mortgages and the said judgment debt respectively vested in the said parties hereto of the second part are known to exist and the only known liability of the Bridge Company other than the said mortgages and the said judgment debt is the obligation to maintain its undertaking imposed by the Rixton and Warburton Bridge Act 1863:

Now the Bridge Company and the Canal Company hereby agree with one another as follows:—

1. The Bridge Company hereby agrees to transfer and the Canal Company hereby agrees to accept a transfer of the undertaking of the Bridge Company subject to the following terms and conditions freed and discharged from all debts liabilities and obligations of the Bridge Company except as hereinafter provided The consideration for the transfer shall be the acceptance by the Canal Company of the liability mentioned in clause 7 hereof and the other agreements on the part of the Canal Company hereinafter contained and no purchase money shall be payable by the Canal Company to the Bridge Company.

2. The undertaking of the Bridge Company is to be taken to include all the lands works rights powers privileges and easements belonging to the Bridge Company or to any person in trust for the Bridge Company or to which the Bridge Company is in anywise entitled and all bridges fences effects and things which on the day as from which the transfer is to take effect are the property of the Bridge Company and are then used by the Bridge Company for and in connection with the said bridge or roads but not including debts then due to the Bridge Company or any money then in the hands of the Bridge Company their bankers agents or servants or any tolls then due but not collected And if any such tolls shall be received by the Canal Company the same shall be forthwith handed over to the Bridge Company.

3. Until the day as from which the transfer is to take effect the Bridge Company shall be entitled to carry on its business at its own expense and for its own benefit and shall be liable for and shall pay and discharge and indemnify the Canal Company against all its debts and liabilities as they stand on that day except as provided by clause 4.

4. The Bridge Company shall not after the date of this agreement unless under some legal obligation so to do construct or make any new work or enlargement or alteration of existing works and if any new work or enlargement or alteration of existing works shall owing to any such legal obligation as aforesaid become necessary the Bridge Company will before commencing or ordering the same submit particulars of the proposed work and expenditure to the Canal Company and will observe and attend to any reasonable suggestions or objections which the Canal Company may make with reference thereto and subject to that condition being complied with

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the Canal Company shall pay and discharge any expense or liability which the Bridge Company may incur or be put to with regard to any such new work enlargement or alteration.

5. The Bridge Company shall not after the date of this agreement dispose of mortgage or charge any part of its lands or works or grant issue or create any security charging its undertaking or any part thereof.

6. The transfer shall take effect as from the day of the passing of the Act of Parliament confirming or carrying into effect this agreement The tolls shall be received and the outgoings (except as herein otherwise provided) discharged up to that day by the Bridge Company and as from that day by the Canal Company and such tolls and outgoings shall if necessary be apportioned.

7. On or as soon as may be after the day as from which the transfer is to take effect if and so far as such transfer is not effected by the said Act of Parliament the Bridge Company and all other necessary parties (if any) shall execute a proper conveyance and assignment of the said undertaking freed and discharged as between the two Companies from all mortgage and other debts of the Bridge Company other than such as are to be assumed by the Canal Company as provided by clause 4 and the Canal Company shall be let into possession of the said undertaking and shall thenceforth have and may exercise all the rights privileges and powers (including the right to levy the tolls rates and charges authorised by the first recited Act) and shall assume and undertake all the duties and obligations of the Bridge Company under their said Acts or otherwise with respect to the said undertaking.

8. The Canal Company shall accept such title as the Bridge Company may have to the premises agreed to be assured and shall not be entitled to the production of or to investigate such title and shall not be entitled to the production of any evidence of the regularity of the calling or holding of any meetings the passing of any resolutions the appointment or qualification of any director or other officer or otherwise in relation to the conduct of the affairs of the Bridge Company or make any objection in regard thereto.

9. The Canal Company shall pay to the Bridge Company the reasonable and proper costs charges and expenses incurred by the Bridge Company in and about the negotiation for and preparation and completion of this agreement and in relation to the carrying out thereof including the costs charges and expenses of and incidental to the preparation and execution of all instruments whatsoever which may be necessary or proper for vesting the premises agreed to be assured in the Canal Company or imposing upon the Canal Company the obligations to be undertaken by them and the reasonable and proper costs charges and expenses of convening and holding the meeting of shareholders in the Bridge Company hereinafter referred to or any other meeting which may be required by Parliament to be called and any costs charges and expenses properly and reasonably incurred in winding up the Bridge Company.

10. This agreement is made subject to confirmation by Parliament and to such alterations as Parliament may think fit to make therein and the Canal Company shall at their own expense promote a Bill in the next session of Parliament for confirming or carrying into effect this agreement and providing for the dissolution of the Bridge Company but if Parliament thinks fit to make any material alteration in this agreement or as to the carrying into effect thereof it shall be competent for the Bridge Company or for the Canal Company to withdraw therefrom and in case this agreement shall not be confirmed or provided to be carried into effect with or without alteration by Parliament within nine calendar months from the date hereof it shall be lawful for either party to withdraw therefrom.

11. If either party shall in accordance with the provisions of the last preceding clause hereof withdraw from this agreement then everything contained in this agreement shall become void and neither party shall have any claim upon the other except that in the event of a withdrawal under clause 10 all costs charges and expenses of the Bridge Company provided to be paid by the Canal Company under clauses 9 and 12 hereof or either of those clauses shall be paid by the Canal Company up to the date of such withdrawal.

12. The Canal Company shall use their best endeavours to obtain and the Bridge Company shall if and so far as required by the Canal Company render any assistance in the Bridge Company's power with a view to obtaining the confirmation by Parliament of this agreement and the Canal Company shall bear and pay all costs charges and expenses reasonably incurred by the Bridge Company in so doing including all costs reasonably incurred in connection with the settlement of any clauses in the Canal Company's Bill affecting the Bridge Company and the costs of the Bridge Company of watching the said Bill through Parliament and (if necessary) of appearing separately before Parliamentary Committees thereon.

13. If any question shall arise between the Bridge Company and the Canal Company as to the intent construction effect and meaning of this agreement or otherwise as to the rights or duties of either of the said Companies thereunder every such question shall unless otherwise agreed be referred to and determined by arbitration according to the provision with reference to the determination of disputes by arbitration of the Railways Clauses Consolidation Act 1845.

14. The parties hereto of the second part have joined in this agreement to testify their approval of the proposed transfer and if this agreement be confirmed or carried into effect by Parliament in its present form or with such alterations as Parliament may think fit to make therein the parties hereto of the second part agree that they will at the request and cost of the Canal Company concur in the conveyance hereinbefore agreed to be executed and waive all claims against the undertaking to be transferred to the Canal Company in respect of their said mortgages and judgment respectively or otherwise but so that this agreement and the transfer so to be made as

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aforesaid shall not prejudice their claims against the remaining assets of the Bridge Company.

In witness whereof the respective parties hereto of the first and third parts have caused their respective common seals to be hereunto affixed and the parties hereto of the second part have hereunto set their hands and seals the day and year first before written.

The common seal of the Manchester Ship Canal Company was hereunto affixed in the presence of

S. R. Platt
John K. Bythell } Directors.
A. H. Whitworth Secretary.

Seal of the Manchester Ship Canal Company.

Passed under the common seal of the Rixton and Warburton Bridge Company in the presence of

George Egerton Warburton
John White } Directors.
Josh. Longland Secretary.

Seal of the Rixton and Warburton Bridge Company.

Signed sealed and delivered by the before-named Colin MacIver and John Parry Jones Parry in the presence of

Josh. Longland.

Colin MacIver. L.S.

J. P. Jones Parry R. Ad. L.S.

Signed sealed and delivered by the before-named George Daniel Wray in the presence of

S. Wilkinson
Clerk in Orders
Warrington.

George Daniel Wray. L.S.

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