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51 & 52 VICT.—SESSION 1888.

THE MANCHESTER SHIP CANAL
(ALTERATION OF WORKS) ACT 1888.

Arrangement of Sections.

Preamble: 48 & 49 Vict., cap. clxxxviii.

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AN

ACT

To alter certain Works authorized by "The Manchester Ship Canal Act 1885"; and to alter the Boundaries between the Townships of Stretford and Salford and the Borough of Salford and the District of the Local Board of Stretford; and for other Purposes.

[ROYAL ASSENT 7th August 1888.]

WHEREAS by "The Manchester Ship Canal Act 1885" (in this Act called "the Act of 1885") the Manchester Ship Canal Company (in this Act called "the Company") were incorporated and authorized 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-
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Preamble.
48 & 49 Vict., cap.
clxxxviii.

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tinuous 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: 5

And whereas the Company have issued upwards of seven and a-quarter million pounds of the said share capital and nearly three and a-half millions thereof have been paid up and 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: 10

And whereas among the Works which constitute the Canal Undertaking as so authorized to be constructed are the Works specified in the Act of 1885 by the following numbers (that is to say) the said Work Number 3 (a navigable Canal or channel) Number 4 (a lock at Throstle Nest) Number 5 (Dock Number 1 at Salford) Number 6 (Dock Number 2 at Salford) Number 7 (Dock Number 3 at Manchester) Numbers 29, 30, 31 and 32 (new roads at Salford) and Number 33 (an opening bridge at Salford): 15 20

And whereas it is expedient that the Company be authorized—

To vary and enlarge the portion hereinafter specified of the said authorized Work Number 3 and to extend it so as to form an independent access to the authorized Dock Number 3 to be constructed at Manchester; 25

To vary extend and enlarge the said authorized Dock Number 1;

To abandon the construction of the said authorized Works Numbered respectively 4, 6, 29, 30, 31, 32 and 33 and of a portion of the said authorized Work Number 7; and 30

To construct and maintain the substituted and other Works by this Act authorized:

And whereas the centre line of the River Irwell constitutes the present boundary between the township of Salford (in the parish of Manchester) which forms part of the Borough of Salford and the township of Stretford (in the same parish) which constitutes the District of the Local Board of Stretford: 35

And whereas the said Work Number 3 as authorized would constitute a new course for the said River and the Company are by the Act of 1885 authorized to fill in and level the portions of that River which would be rendered useless by the construction of the Canal
5 and in that event the said River would no longer constitute a well-defined boundary between the said townships of Salford and Stretford and it is expedient that the centre line of the authorized Work Number 3 as varied and extended by this Act should be constituted the boundary
10 between those townships and that the boundary between the said townships and between the said Borough and District should be rectified accordingly:

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:

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

And whereas plans and sections showing the lines and levels of the works authorized by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and
20 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 Clerk of the Peace for the County of Lancaster and are hereinafter respectively referred to as the deposited plans sections and book of reference:

25 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:—

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PART I.

PRELIMINARY.

1.—This Act may be cited as "The Manchester Ship Canal Short title.
"(Alteration of Works) Act 1888."

4 *The Manchester Ship Canal (Alteration of Works) Act 1888.*

Commencement of Act.

2.—This Act except where otherwise expressly provided shall commence and take effect from the passing thereof.

Act divided into Parts.

3.—This Act is divided into Parts as follows (that is to say):—

Part I. Preliminary;

Part II. Works &c.;

Part III. Abandonment;

Part IV. Alteration of Boundaries &c.;

Part V. Miscellaneous.

5

Incorporation of Acts.

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

“The Lands Clauses Consolidation Acts 1845 1860 and 1869” 10
as amended by “The Lands Clauses (Umpire) Act 1883”;

“The Railways Clauses Consolidation Act 1845”; and

“The Harbours Docks and Piers Clauses Act 1847”;

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 15
part of this Act. Provided always that the provisions of “The
“Harbours Docks and Piers Clauses Act 1847” with respect to life-
boats and with respect to keeping a tide and weather gauge shall
not be in force for the purposes of this Act except so far as may from
time to time be required by the Board of Trade. 20

Interpretation.

5.—So much of Section 6 of the Act of 1885 as defines “The
“Canal” “The Docks” “The Manchester Dock” and “The Salford
“Docks” is hereby repealed and in construing the Act of 1885 and this
Act unless the subject or context otherwise requires—

“The Canal” means the Ship Canal authorized by the Act of 25
1855 as varied by this Act;

“The Docks” means the Docks authorized by the Act of 1885
as varied by this Act;

“The Salford Docks” means the Dock Number 1 authorized
by the Act of 1885 as varied by this Act; 30

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"The Manchester Dock" means the Dock Number 3 authorized by the Act of 1885 as varied by this Act; and

In this Act unless the subject or context otherwise requires—

5 "The Plans of 1885" means the plans deposited in the month of November 1884 with the Clerk of the Peace for the County of Lancaster for the purposes of the Bill for the Act of 1885;

10 "The Manchester Corporation" and "The Salford Corporation" means respectively the Mayor Aldermen and Citizens of the City of Manchester and the Mayor Aldermen and Burgesses of the Borough of Salford as existing or as altered by this Act as the context may require;

"The Town Clerk" means the Town Clerk of the Borough of Salford;

15 "The Local Board" means the Local Board for the District of Stretford as existing or as altered by this Act as the context requires;

20 "The Municipal Corporations Acts" means "The Municipal Corporations Act 1882" and any Act from time to time amending the same;

"The Public Health Acts", means "The Public Health Act 1875" and any Act from time to time amending the same;

25 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—

30 The expressions "Court of competent jurisdiction" "Superior Court" 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 authorized ;

“ The Railway ” and “ the centre of the Railway ” respectively 5 mean the works by this Act authorized and the centre of those works.

PART II.

WORKS, &c.

Power to make works &c.

6.—Subject to the provisions of this Act the Company may make 10 and maintain in the lines and according to the levels shown on the deposited plans and sections the navigable Canal or Channel Docks and other works shown on the deposited plans among which are the following principal works and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book 15 of reference as may be required for the purposes of the Undertaking and may stop up such roads and footpaths as are shown on the deposited plans as intended to be stopped up The said principal works herein- before referred to and authorized by this Act will all be situate in the County Palatine of Lancaster and are the following (that is to say):— 20

Work A.—The diversion variation enlargement and extension of so much of that portion of the Manchester Ship Canal described in the Act of 1885 as Work Number 3 as is by that Act authorized to be made between a point in the township of Barton-upon-Irwell in the parish of Eccles on the 25 left bank of the River Irwell about two furlongs and five chains below the southern end of Mode Wheel Weir (measured along the said left bank) and the termination of the said Canal at the western side of Trafford Bridge such diversion variation enlargement and extension to be made by the construction and maintenance of a new 30 navigable Canal or channel (with locks and sluices therein) to commence in the said township and parish at the said point on the left bank of the said river and to terminate in the township of Stretford in the parish of Manchester by a junction at or near Throstle Nest Weir with the Work Number 7 (Dock Number 3) 35 authorized by the Act of 1885 ; and

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In connection with this work the Company may remove Throstle Nest Weir;

5 Work B.—The variation extension and enlargement of the Work Number 5 (Dock Number 1) authorized by the Act of 1885 and the wharfage accommodation thereof;

In connection with the proposed Works A and B and between the commencement and termination of the Work A the Company may raise the level of the waters of the River Irwell and of the cuts brooks and channels connected therewith;

10 Work C.—An addition to the said Work Number 7 (Dock Number 3) in substitution for that portion of that work which lies to the northward of the River Irwell and which is by this Act authorized to be abandoned.

15 Work D.—An opening bridge across and at right angles to the River Irwell with all necessary machinery and apparatus commencing in the said township of Salford at the south-eastern end of Fairbrother Street and terminating in the township of Hulme in the said parish of Manchester on the left bank of the River Irwell;

20 Work E.—A diversion of Trafford Road wholly in the said townships of Salford and Stretford to commence in the said township of Salford at or near a point in the said road about fifty yards north of the northern abutment of Trafford Bridge and to be carried across the Canal or channel (Work A) by an opening bridge with all necessary machinery and apparatus and to terminate in the
25 said township of Stretford by a junction with the Chester Road at a point therein about ninety yards west of the present junction therewith of Trafford Road and as soon as the said diversion is completed to the reasonable satisfaction of the respective Surveyors of the Salford Corporation and the Local Board and opened for the
30 use of the public the Company may stop up and extinguish all rights of way over so much of Trafford Road as lies between the commencement of the said diversion and a straight line drawn across Trafford Road in continuation of the northerly side of the road numbered on the Plans of 1885 971 and on the deposited Plans 46 in the said
35 township of Stretford Provided that if any difference arise between the Company and the said two Surveyors or either of them or

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between either of the said Surveyors as to such completion such difference shall be settled by a Surveyor to be appointed (unless otherwise agreed on) on the application of any of the parties in difference by the President for the time being of the Institution of Civil Engineers and the costs of and incident to the reference shall be borne as such last-mentioned Surveyor shall direct. 5

Limits of deviation.

7.—Subject to the provisions of this Act in constructing the works by this Act authorized the Company may deviate laterally (except in the case of Work A) from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of 10 deviation shown on those plans and may deviate vertically (except in the case of Work D and Work E respectively) from the levels of the said works as shown on the said sections to any extent not exceeding five feet upwards and ten feet downwards. Provided as follows:—The Company shall not alter the existing level of any part of 15 Fairbrother Street without the previous consent in writing of Messieurs Richard Haworth and Company or other the owner or owners for the time being of Tatton Mills. The Company shall not in the construction or maintenance of Work A Work B or Work C raise the level of the water in those respective Works above the level 20 shown on the deposited sections as the intended water level.

Time for completion of works.

8.—If the works by this Act authorized are not completed within seven years from the passing of the Act of 1885 then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall 25 cease to be exercised except as to so much thereof as shall be then completed.

New works substituted for authorized works.

9.—The Works A B and C by this Act authorized to be constructed shall be substituted for all purposes for the following works or portions of works authorized by the Act of 1885 (that is to 30 say):—

Work A for the portion of the authorized Work Number 3 which is by this Act authorized to be abandoned ;

Work B for the authorized Work Number 5 (Dock Number 1) ;

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Work C for the portion of the authorized Work Number 7 (Dock Number 3) by this Act authorized to be abandoned :

and the said Works A B and C shall for all purposes form part of the Undertaking of the Company and of the Port and Harbour of Manchester as if they had been authorized by the Act of 1885 and the Company may exercise and enjoy for the purpose of constructing maintaining working and using and generally in relation to the said Works A B and C all such powers authorities rights and privileges (including the power to demand and take tolls rates dues and charges) as under or by virtue of the Act of 1885 they might have exercised or enjoyed in relation to those works respectively had the same been authorized constructed and maintained under the powers of that Act and all the provisions affecting the Company in relation to the said corresponding works and portions of works so authorized by that Act shall mutatis mutandis and subject to the provisions of this Act attach to and affect the Company in respect of the said Works A B and C respectively.

10.—The Company may divert into and impound in the said Works A B and C the waters of the said River Irwell and any tributary thereof and all other waters under the control of the Company and may enter upon take and use the bed channel and banks of the said River and the Mersey and Irwell Navigation where the same may be coincident with or intersected by the line of the said works and may supersede and discontinue the use for the purposes of navigation and may fill in and level so much of the present course or channel of the said River and of the said Navigation between the commencement and termination of the proposed Work A as may be rendered unnecessary by the construction of those works or any of them.

Power to divert waters &c.

11.—Subject to the provisions of this Act the Company may in addition to the other lands they are authorized 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) :—

Power to acquire additional land compulsorily.

Certain lands in the said township of Stretford between the River Irwell the said road Number 971 and an imaginary straight line drawn from the point of junction of that road with Trafford Road along the northern side of the Bridgewater Canal to the point at

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which the main drive to Trafford Hall passes over that canal and thence continuing in a straight line to the point where the boundary between the said township of Stretford and the township of Barton-upon-Irwell meets the said River;

Period for compulsory purchase of lands.

12.—The powers of the Company for the compulsory purchase 5
of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of the Act of 1885.

As to taking houses of labouring class.

13.—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 15
“labouring class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty 20
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); 25

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 30
hereof accordingly.

PART III.

ABANDONMENT.

15.—The Company may and shall abandon the construction of
the following works authorized by the Act of 1885 and shown on the
5 Plans of 1885 that is to say so much of the authorized Work Number
3 as lies between the commencement of the intended Work A
and the termination of the authorized Work Number 3 also the
authorized Works numbered in the Act of 1885 and on the Plans of
1885 4, 6, 29, 30, 31, 32 and 33 and also so much of the authorized
10 Work Number 7 as lies to the north-west of the River Irwell.

Abandonment of
certain works.

16.—The abandonment by the Company under the authority of
this Act of the works mentioned in the last preceding section 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
15 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 either 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
20 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.

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

25 17.—The Company may retain and use for the purposes of the
works authorized by this Act or for the purposes authorized by the
Act of 1885 as varied by this Act all lands already purchased between
the commencement and termination of the Works A and B and may
acquire retain and use for all such purposes all such lands between
30 those limits as have been already 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.

As to lands already
contracted for &c.

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PART IV.

ALTERATION OF BOUNDARIES, &c.

Commencement of
this Part of Act.

18.—This part of this Act except the provisions as to the deposit of the Maps shall not come into force until the first day of June one thousand eight hundred and ninety-two.

5

Interpretation of
terms in this Part of
this Act.

19.—“The Borough and Ward Map” and “the District Map” respectively mean the map of the altered Borough and of the wards thereof and the map of the altered District of the Local Board of Stretford respectively signed by The Right Honourable Frederic Earl Beauchamp the Chairman of the Committee of the House of Lords 10 to which the Bill for this Act was referred.

Altering boundaries of
Townships Borough
and Local Board
District

20.—Subject to the provisions of this Act—

So much of the said Township of Stretford and of the District of the Local Board of Stretford as will be situate to the north of a boundary line drawn along the centre of Work A from a point in 15 the centre of the River Irwell situate about one hundred and ten yards above Throstle Nest Weir to a point in the centre of the old channel of the River Irwell about two hundred and fifty yards above the point of junction of that channel with the western end of the new River Cut near Mode Wheel measured along the centre of 20 the said channel is hereby for all purposes severed from the said Township of Stretford and from the District and jurisdiction of the Local Board and added to and incorporated with the said Township of Salford and with the Borough of Salford as if the said severed portion had formed part of the said Township of Salford 25 at the date of the incorporation of the said Borough and shall for all purposes form part of that Borough and of the Salford Rating District and Regent Ward of that Borough and the residue of the said Township of Stretford shall continue to have

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and as extended by this Act shall have and enjoy and be subject to all the rights powers privileges duties and liabilities of a Township of itself and be the District and be subject to the jurisdiction of the Local Board as if the portion so severed had never formed and
5 the portion so added had always formed a part of the said Township of Stretford or of the District of the Local Board; and

So much of the said Township of Salford as will be situate to the south of the said boundary line is hereby for all purposes severed from that Township and from the Borough of Salford and from the
10 jurisdiction of the Salford Corporation and of the Petty Sessional Court of the Borough of Salford and of the Recorder and of the Justices of the Peace of the said Borough and shall for all purposes be deemed part of the said Township of Stretford and of the
15 District of the Local Board as if it had formed part of that Township at the date of the incorporation of the Local Board and the rest of the said Township of Salford shall continue to have and as extended by this Act shall have enjoy and be subject to all the rights powers privileges duties and liabilities of a Township of
20 itself as if the part severed therefrom had never formed and the part added thereto had always formed a part thereof.

21.—The altered boundaries of the said Borough and of the District Boundary maps. of the Local Board and of the Townships of Salford and Stretford are shown on the Borough and Ward Map and the District Map In the event of any discrepancy between the boundaries of the altered Borough or of
25 the wards thereof or of the altered District or Townships as described in the foregoing section of this Act and as shown on the Borough and Ward Map and the District Map or either of them the description in the said section shall prevail.

22.—The Borough and Ward Map and the District Map Deposit of maps. respectively shall within one week after the passing of this Act be deposited in the Office of the Clerk of the Parliaments and with the Town Clerk at his office and with the Clerk of the Local Board at his office and a copy thereof certified by the Town Clerk and Clerk to the Local Board respectively shall be sent by them as soon as may be
30 after the deposit of the same as aforesaid to the Director-General of Her Majesty's Ordnance Survey Southampton and to the Local Government Board.

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Copies of deposited maps to be evidence.

23.—Copies of the Borough and Ward Map deposited with the Town Clerk or any extract therefrom which is certified by him to be true and copies of the District Map deposited with the Clerk to the Local Board or any extract therefrom certified by him to be true shall be received by all Courts of Justice and elsewhere as prima facie 5 evidence of the contents of such map and such maps respectively shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation or the Local Board as the case may be on the payment of one shilling.

Burgess lists, &c.

24.—The Burgess List the Burgess Roll and other lists shall be 10 prepared and all elections vacations of office and rotation shall take place and be governed in accordance with and by the Municipal Corporations Acts as if the area added to the Borough of Salford had always formed part thereof and of the Regent Ward.

Compensation payable to County for loss of rateable value.

25.—In respect of the loss of rateable value which will be 15 occasioned to the County Palatine of Lancaster by the addition to and incorporation with the Borough of Salford of part of the Township of Stretford under this Act there shall be paid to the treasurer of the said county by the Council of the said Borough out of the Borough Fund or Rate such sum as shall be settled by 20 agreement between the Council of the said Borough and the justices of the said county or as in default of agreement shall be settled by arbitration subject and according to the provisions of "The Common Law "Procedure Act 1854" Provided that in settling the amount of the sum to be paid as aforesaid regard shall be had to the increase of 25 rateable value which will accrue to the said county by the addition to the said township of a portion of the area of the said Borough and by the construction within the said township (as hereby altered) of the works by this Act authorized.

Rates in severed portions of Townships.

26.—All rates and arrears of rates made and leviable within 30 the severed portions of the said Townships of Salford and Stretford may be collected and recovered as if this Act had not been passed.

PART V.

MISCELLANEOUS.

27.—Whereas Section 115 of the Act of 1885 contains certain provisions for the protection of the Right Honourable Wilbraham
 5 Baron Egerton of Tatton and the Trustees under the Will of Wilbraham Egerton late of Tatton Park in the County of Chester deceased and other the owner or owners for the time being of the estates in the Township of Salford and County of Lancaster now belonging to him or them all of whom are included in the expression "the owner" when
 10 used in that section and in this section:

For the protection of
 Lord Egerton of
 Tatton and others.

And whereas it has been agreed between the Company and the owner that the provisions of the said Section 115 of the Act of 1885 shall be modified and that provision shall be made to the effect following for the protection of the owner:

15 Therefore reserving in full force and effect the provisions of the said Section 115 except only in so far as the same are by this section expressly modified and altered be it enacted as follows:—

(1.) The Company may and they are hereby authorized to purchase
 20 the chief or ground rent of two hundred and forty-two pounds ten shillings now issuing to the owner out of the pieces of land and premises numbered 949, 950, 951 and 952 and shown on the plan signed in duplicate by Edward Leader Williams on behalf of the Company and Lord Egerton of Tatton on behalf of the owner which
 25 plan is in the said Section 115 of the Act of 1885 and in this section referred to as "the said plan" without purchasing any of the other chief or ground rents issuing to the owner out of any other part or parts of the land formerly forming part of the said estates shown on the said plan and thereon coloured red anything in the said
 Section 115 to the contrary notwithstanding;

30 (2.) The Company shall purchase and the said Trustees with the consent of the said Lord Egerton of Tatton shall sell the said chief or ground rent of two hundred and forty-two pounds ten shillings for such a sum of money as will if invested in the public funds of Great Britain produce a yearly income of two hundred and forty-two

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pounds ten shillings and the Company shall complete the purchase of the said chief or ground rent and pay the said purchase-money on or before the eighteenth day of November one thousand eight hundred and eighty-eight and if such completion shall be delayed and the purchase-money shall not be paid on or before that day then the Company shall pay to the said Trustees interest on the said purchase-money from the said eighteenth day of November one thousand eight hundred and eighty-eight until actual payment thereof at the rate of four pounds per centum per annum and the Company shall not take possession of any portion of the premises out of which the said chief or ground rent issues until the said purchase-money has been actually paid and the provisions of "The Lands Clauses Consolidation Act 1845" shall apply to such sale and purchase ;

(3.) The powers of the Company for the compulsory purchase of the chief or ground rents issuing to the owner out of any part or parts of the land shown on the said plan and coloured red thereon other than the said pieces of land and premises numbered thereon 949, 950, 951 and 952 as aforesaid shall henceforth cease and determine and the Company shall not at any time hereafter seek to obtain from Parliament powers of compulsory purchase of the chief or ground rents or any of them now or for the time being issuing to the owner out of the land shown on the said plan and coloured red thereon without the consent of the owner except upon the condition that the Company their successors or assigns shall be compelled to purchase the whole of such chief or ground rents upon the terms and subject to the conditions contained in Subsections 3, 7, 8 and 9 of the said Section 115 of the Act of 1885.

For the protection of the owner of the De Trafford Estates.

28.—Whereas "the owner" as defined in Section 126 (for the protection of Sir Humphrey de Trafford Baronet and the De Trafford Estates) of the Act of 1885 has agreed to sell to the Company and the Company have agreed to purchase for the general purposes of their Undertaking including the construction of Work A by this Act authorized certain land of the owner and for the construction of Work E by this Act authorized certain other lands of the owner Therefore the following provisions shall have effect (that is to say) :—

(1.) The Company shall not under the powers of this Act except by consent of the owner acquire or take or use for the purposes of the said Work E any of the lands of the owner except such lands as

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the owner has already agreed to sell or grant the use of to the Company;

(2.) The Company shall not upon land of the owner without the consent of the owner deviate vertically or laterally from the line of Work E authorized by this Act;

(3.) The provisions contained in Subsections 3 and 14 of the said Section 126 shall not extend or apply to or in relation to any part of the said Work A;

(4.) The Company shall in lieu of the wall referred to in Subsection 5 of Section 126 of the Act of 1885 between the commencement of Work A by this Act authorized and Trafford Bridge erect a wall upon land of the owner between the commencement of the said Work A and Trafford Road as authorized by this Act to be diverted so as to adjoin the said land agreed to be purchased from the owner by the Company for the general purposes of their Undertaking including the construction of Work A on the southerly and westerly and south-westerly sides of such land and so as to be the boundary of such land on those sides and all the provisions of Subsection 5 aforesaid except those relating to the position of the wall and the ownership of the space between the wall and the edge of the slope of the south bank of the Canal shall apply to the construction and maintenance of the wall to be erected under this Subsection.

29.—Nothing in this Act contained shall prejudice or affect the rights (if any) of the Manchester Racecourse Company their successors or assigns but the said Racecourse Company shall be entitled only to the same rights (if any) over the substituted works as they are now entitled to under Section 62 of "The Manchester Ship Canal Act 1885."

For the protection of the Manchester Racecourse Company.

30.—For the protection of the Manchester Racecourse Company Limited and their assigns and successors in title (who are in this section referred to as "the Owners") and of their property in the Borough of Salford in the County of Lancaster (hereinafter called "the Owners' Estate") the following provisions shall have effect unless otherwise agreed upon between the Owners and the Company (that is to say):—

As to drainage of the Manchester Racecourse.

In the event of any works or operations of the Company or the

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exercise of any of the powers herein contained interfering with or prejudicially affecting the present drainage of the Owners' Estate or the outfalls thereof or the passage or escape of flood water therefrom as freely as at present the Company shall at all times thereafter at their own expense make good such drainage or outfalls and 5 provide for the passage or escape of such flood water as freely as at present to the reasonable satisfaction of the Owners and all work done by the Company under this section elsewhere than on land of the Owners shall whenever reasonably required by the Owners be accessible to the Engineers workmen and others in the 10 employ of the Owners for the purpose of inspecting the same And if by reason of the execution of any works of the Company any drainage arrangements shall be rendered more difficult expensive or inconvenient to the Owners full compensation shall be made to them therefor by the Company ; 15

All questions relating to the construction and maintenance of any work done under this section shall in case of difference be determined by an Engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the cost of the arbitration shall be borne as he shall direct ; 20

Any work constructed by the Company under this section shall be executed to the reasonable satisfaction of the Engineer of the Owners.

For the protection of the Manchester Corporation.

31.—For the protection of the Manchester Corporation the following provisions unless otherwise agreed on in writing between 25 them and the Company shall have effect (that is to say):—

(1.) The Company shall remove the weir sluices machinery appliances and apparatus now existing at or near Throstle Nest Weir and in lieu thereof they shall at their own cost before such removal construct and thenceforward maintain in efficient condition and 30 working order in Work A sluices machinery appliances and apparatus equal in efficiency in carrying off flood waters to those now existing at or near Throstle Nest and the provisions of Subsection 2 of Section 118 of the Act of 1885 shall be applicable thereto mutatis mutandis ; 35

(2.) All and singular the provisions of Subsection 13 of Section 118 of the Act of 1885 shall apply mutatis mutandis to the

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Manchester Dock (Dock Number 3 authorized by the Act of 1885) as varied by this Act provided that the depth in that section mentioned shall be maintained between the point B therein described and a point in Work A 330 yards below Trafford Road ;

deducing liability
Varied by agreement
February + March 1983

5 (3.) The Company shall construct Work C in accordance with the deposited plans.

32.—For the protection of the Salford Corporation the following provisions unless otherwise agreed on in writing between them and the Company shall have effect :—

For the protection of
the Salford Corpora-
tion.

10 (1.) Except in so far as may be necessary for the construction of Work E the Company shall not interfere with Trafford Road until they have completed that work for public traffic to the reasonable satisfaction of the Surveyor of the Borough of Salford ;

15 (2.) The Company shall construct Work D contemporaneously with the construction of the Canal ;

20 (3.) The opening bridge forming part of Work E and the opening bridge constituting Work D and all works connected therewith respectively shall at all times be maintained in good working order and condition by and at the cost of the Company and shall be under such management and control and be worked under such by-laws and regulations for the equal safety and accommodation of the traffic over and through the said bridges and for the public safety and convenience as shall from time to time be agreed on between the Company and the Salford Corporation or in case of difference as shall be determined on the application of either party by the Board of Trade ;

... agreed on
... 1843

Repealed
1992 HRO
Aut 3 (3)

30 (4.) The Company shall provide and maintain at a point to be agreed on between the Company and the Salford Corporation or in case of difference to be settled by arbitration in manner provided by Section 119 of the Act of 1885 semaphores or other signals to be agreed or settled as aforesaid and shall work the same so as to indicate to all persons desirous to pass over the opening bridge in Work E by this Act authorized or the opening bridge (Work D) whether such bridges or either and which of them is open and avail-
35 able for traffic ,

See 528 / 93

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(5.) The level of Work E shall not at any point be altered so as to be above the level shown on the deposited sections except with the consent of the Salford Corporation under their common seal ;

(6.) Except so far as is necessary to give effect to the express provisions of this Act nothing in this Act shall prejudice or affect 5 Section 119 of the Act of 1885 and the provisions of that section relating to the corresponding works and portions of works authorized by that Act shall mutatis mutandis and so far as applicable extend and apply to the works by this Act substituted for those works and portions of works respectively. See above

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For the protection of Thomas Chadwick.

33.—For the protection of Thomas Chadwick of the Ordsall Hall Paper Mills Ordsall Lane Salford Paper Manufacturer his heirs executors administrators and assigns or other the owner or owners for the time being of the said Mills all of whom are included in the expression "the owner" when used in this section the following provisions shall 15 unless otherwise agreed in writing between the owner and the Company have effect (that is to say):—

See Act 1896 ss 10,38

See 5.

(1.) The provisions of Section 117 of the Act of 1885 shall be deemed to extend to the construction or user of any works authorized by this Act in as full ample and beneficial a manner as if the same 20 had been authorized by the Act of 1885 ;

(2.) If the Company enter upon take or use any land belonging to the owner forming the site of the existing towing-path between the Ordsall Hall Paper Mills and the River Irwell or if the Company interfere with or prejudicially affect any rights which the owner now 25 has or had before the passing of the Act of 1885 at law or in equity to take use or discharge water from or into the said river for the use of his said works or to load or unload goods at or near his said works the Company shall compensate the owner under the provisions of the Lands Clauses Acts but this provision is not to 30 prejudice the rights of the owner under Section 117 of the Act of 1885 or under the last preceding subsection of this section.

For the protection of the Cheshire Lines Committee.

34.—In carrying the intended Work E by this Act authorized (hereinafter referred to as "the road") over the railway of the Cheshire Lines Committee (hereinafter called "the Committee") 35 the following provisions for the protection of the Committee shall

(unless otherwise agreed on in writing between the Committee and the Company) apply to and be obligatory upon the Company:—

5 (1.) The Company shall carry the road over the railway of the Committee at the proposed crossings thereof as shown on the deposited plans according to plans and sections to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Committee and in all things at the expense of the Company ;

10 (2.) The road shall be carried over the railway of the Committee by means of a girder bridge the piers or abutments whereof shall be parallel to the rails of the Committee's railway and the said bridge shall have a span of not less than fifty feet measured on the square and a clear headway of fifteen feet at least between the upper surface
15 of the rails and the under side of the girders ;

(3.) During the construction of the road over the railway of the Committee the Company will bear and on demand pay to the Committee the expense of the employment by them of a sufficient
20 number of inspectors or watchmen to be appointed by them for watching their said railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their
25 employment or otherwise ;

(4.) The Company shall at all times maintain the bridge and other works by which the road shall be so carried over the railway of the Committee in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Committee
30 and if and whenever the Company fail so to do the Committee may make or do in and upon as well the lands of the Company as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Committee by the Company and in default of
35 payment may be recovered by them from the Company with full costs in any Court of competent jurisdiction ;

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(5.) The Company and their contractors agents servants or workmen shall not in constructing or repairing the road over the railway of the Committee obstruct impede or interfere with the free and uninterrupted and safe use of the railway or other works of the Committee or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Company shall pay to the Committee all costs and expenses to which that Committee may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that Committee in any Court of competent jurisdiction; 5 10

(6.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Committee all costs losses damages and expenses which may be occasioned to that Committee or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the road bridge and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the Committee from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission; 20

(7.) The Company shall not in any case without the previous consent in writing under the common seal of the Committee take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession or under the power of the Committee except only such part or parts thereof respectively as it shall be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridge and other works by which the road is under the provisions of this Act to be carried across the railway of the Committee; 25 30

(8.) With respect to the railway works lands or property of the Committee which the Company are by this Act authorized to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Committee may and shall sell and grant accordingly an easement or right of 35

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using the same for the purposes for which but for this enactment the Company might purchase and take the same;

(9.) If any question or difference shall at any time arise between the Company and the Committee touching any plans prepared by the Company for the construction of any of the works hereinbefore provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Company and the Committee or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive;

(10.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Committee otherwise than is herein expressly provided.

35.—Nothing contained in this Act shall extend or operate to authorize 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 authorized to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her Heirs or Successors in right of Her said Duchy.

Saving rights of the Duchy of Lancaster.

36.—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.

Power to apply funds to purposes of A. 2.

37.—Nothing in this Act contained shall exempt the Canal or Docks of 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

Provision as to Merchant Shipping Act and general Acts.

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any future revision or alteration under the authority of Parliament of the dock rates or duties by the Act of 1885 authorized.

Provision as to
General Railway
Acts.

38.—Nothing in this Act contained shall exempt the Company or their Railways from the provisions of any general Act relating to Railways or 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 authorized by the Act of 1885.

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Costs of Act.

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

THE MANCHESTER SHIP CANAL
(ALTERATION OF WORKS) ACT 1888

AN

ACT

To alter certain Works authorized by
"The Manchester Ship Canal Act
"1885"; and to alter the Boundaries between the Townships of Stretford and Salford and the Borough of Salford and the District of the Local Board of Stretford; and for other Purposes.

[ROYAL ASSENT 7th August 1888.]

51 & 52 VIOT.—SESSION 1888.

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