

ZC 197

56 & 57 VICT.—SESSION 1893.

MANCHESTER CORPORATION (SHIP CANAL) ACT 1893.

ARRANGEMENT OF SECTIONS.

Preamble.	SECTION.
PART I.—PRELIMINARY.	
Short title	1
Act divided into Parts	2
Incorporation of Part II. of the Railways Clauses Act 1863	3
Interpretation	4
PART II.—EXTENDING POWERS OF ACT OF 1891.	
Amending Act of 1891 as to sums to be raised	5
Extending Section 11 of Act of 1891	6
Extending period for construction of works	7
Amending Section 20 of Act of 1891 as to time for advances	8
Amending Section 26 of the Act of 1891	9
Amending Section 28 of Act of 1891 as to sinking fund	10
As to Directors	11
As to Chairman and Deputy-Chairman	12
Committee of Directors to fix rates &c.	13
Special powers of shareholders	14
Applying Section 75 of Act of 1891	15
Saving rights of Walker's executors	16

(g)

A



on the
any.

893.]

ON,

or,
Solicitors.

by Agents.
and, W.C.

PART III.—MISCELLANEOUS.

	SECTION.
Deposits for future Bills not to be paid out of capital ..	17
Provision for Merchant Shipping Acts and general Acts ..	18
Provision as to general railway Acts ..	19
Costs of Act	20

AN

A C T

To amend the Manchester Ship Canal Act 1891 and to confer further powers upon the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster and the Manchester Ship Canal Company with respect to the lending and borrowing of Moneys for the completion of the Undertaking of the said Company and for other purposes.

[ROYAL ASSENT 12TH MAY 1893.]

WHEREAS by the Manchester Ship Canal Act 1891 (in this Act ^{Preamble.} called "the Act of 1891") the Manchester Ship Canal Company (in this Act called "the Company") were authorised to borrow on mortgage of their undertaking any sum or sums of money not
5 exceeding in the whole three million pounds in addition to the sums they were authorised to borrow under the Acts therein referred to and the Mayor Aldermen and Citizens of the City of Manchester in the county of Lancaster (in this Act called "the Corporation") were authorised to lend to the Company such sums of money as the
10 Company might from time to time require for the purposes in the

2 *Manchester Corporation (Ship Canal) Act 1898.*

said Act mentioned or referred to and which the Company were empowered to borrow under that Act And the Corporation were by the said Act authorised to borrow (in addition to any other moneys they were authorised to borrow under any other Act) for the purposes in the Act of 1891 mentioned any sum or sums not exceeding in the whole three million pounds and to mortgage the City Fund and City Rate of the City of Manchester for the purpose of securing the repayment of any moneys so borrowed and the interest thereon and to create and issue Corporation Stock in respect thereof in accordance with the provisions set forth in Part V of the said Act : 5 10

And whereas it is expedient that the powers conferred by the Act of 1891 should be extended and enlarged and that the Company should be empowered to borrow and the Corporation be authorised to lend to the Company further sums not exceeding in the whole the sum of two million pounds : 15

And whereas by Section 74 of the Act of 1891 provision was made for the nomination by the Corporation of five directors of the Company and it is expedient that provision should be made as contained in this Act for increasing the number of directors to be so nominated : 20

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the sixteenth day of November one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Manchester Guardian a local paper published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Bill for this Act should be promoted by the Corporation : 25 30

And whereas such resolution was published twice in the said Manchester Guardian and has received the approval of the Local Government Board in respect of matters under the jurisdiction of that Board : 35

Manchester Corporation (Ship Canal) Act 1893. 3

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fourth day of January one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 (that is to say) :—

PART I.—PRELIMINARY.

1. This Act may be cited as the "Manchester Corporation Short title. (Ship Canal) Act 1893."

2. This Act is divided into Parts as follows.—
Part I.—Preliminary ;
Part II.—Extending powers of Act of 1891 ;
Part III.—Miscellaneous.

Act divided into Parts.

3. Subject to the provisions of this Act Part II (Extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act and for the purposes of such incorporation the expression "the Railway" in such part shall mean and include the Canal works authorised by the Company's Acts.

Incorporation of Part II of the Railways Clauses Act 1863.

Manchester Corporation (Ship Canal) Act. 1893.

Interpretation.

4. In this Act unless the context otherwise requires the several words and expressions to which meanings are assigned by the Act of 1891 have the same respective meanings.

PART II.—EXTENDING POWERS OF ACT OF 1891.

Amending Act of 1891 as to sums to be raised.

5. The Act of 1891 shall be read and construed as if the expression "five million pounds" had been inserted throughout the said Act in lieu of the expression "three million pounds" wherever the last mentioned expression occurs in that Act and in the issuing of any new debentures for the purpose of giving effect to this enactment all needful additions to and alterations in the form of new debenture set forth in the Second Schedule to the Act of 1891 may be made.

Extending Section 11 of Act of 1891.

6. The expression "the purposes authorized by this and the recited Acts" contained in Section 11 of the Act of 1891 shall be read and construed so as to mean and include "the purposes authorized by the Act of 1885 as amended by the subsequent Acts relating to the Company (including any Act or Acts of the present session of Parliament)" ~~and Section 13 of the Act of 1891 shall be applicable accordingly.~~ All such purposes are in this Act referred to as "the authorised purposes."

Repealed 1990
HRO Art 3(2)

Extending period for construction of works.

7. The period for the completion of the works authorised by the Company's Acts is hereby extended as follows (that is to say) :—

As to the Warrington Dock to the period of three years from the completion and opening for traffic of the portion of the canal between Eastham and Latchford (within which period that dock shall be completed and from and after the expiration of that period the power to construct that dock shall cease) and

As to the remainder of the said works authorised by the Company's Acts to the thirty-first day of December one thousand eight hundred and ninety four :

and Sections 39 40 and 41 of the Manchester Ship Canal Act 1885 shall be read and construed accordingly.

8. Section 20 of the Act of 1891 shall be read and construed as if the expression "thirty-first day of December one thousand eight hundred and ninety-four" had been inserted therein instead of the expression "thirty-first day of December one thousand eight hundred and ninety-three" and as if the expression "first day of January one thousand eight hundred and ninety-eight" had been inserted therein instead of the expression "first day of January one thousand eight hundred and ninety-seven."

Amending Section 20 of Act of 1891 as to time for advances.

9. The capital sums in possession of the Company to which the provisions of Section 26 of the Act of 1891 apply shall subject to the provisions of Section 43 of the Act of 1885 include any surplus proceeds from the Bridgewater Canal and the proceeds of the sale of surplus lands and any moneys accruing to the Company from the sale of the plant used in the construction of the works.

Amending Section 26 of the Act of 1891.

Repealed
(F) Act 11904
s. 14

10. Section 28 of the Act of 1891 shall be read and construed as if the expression "first day of January one thousand eight hundred and ninety-seven" had been inserted throughout the said section in lieu of the expression "first day of January one thousand eight hundred and ninety-five."

Amending Section 28 of Act of 1891 as to sinking fund.

11. If the Corporation undertake in writing to lend to the Company the sum which they are by this Act authorized to lend or such part or parts thereof as the Company may require for the authorized purposes (such writing to be signed by the Town Clerk of the Corporation) the number of the Directors of the Company shall (subject to reduction as by this section provided) be increased to twenty-one whereof ten shall be those elected by the Company under the provisions of the Act of 1885 and any other Directors from time to time appointed in their stead and eleven shall be appointed by the Corporation.

As to Directors.

Repealed
see above

30 Provided as follows:

(1.) When and so soon as the principal moneys owing to the Corporation by the Company shall have been reduced to the sum of two million five hundred thousand pounds the number of Directors appointed or to be appointed by the Corporation shall be reduced

6 *Manchester Corporation (Ship Canal) Act 1893.*

to seven and the number of Directors of the Company shall be reduced to seventeen.

(2) As soon as the Company cease to owe any principal moneys to the Corporation the number of the Directors of the Company shall revert to fifteen whereof two shall be appointed by the Corporation ; 5

(3) Every person appointed under this Act a Director by the Corporation shall be a member of the Council and may at any time be removed by the Corporation who may thereupon appoint another member of the Council to be a Director in the stead of the person so removed ; 10

(4) Any vacancy occurring among the Directors appointed under this Act by the Corporation may be filled up by the Corporation and any casual vacancy occurring among the Directors elected under this Act by the Company may be filled up by the Directors elected by the Company in the manner prescribed by Section 89 of the Companies Clauses Consolidation Act 1845 ; 15

(5) No qualification other than being a member of the Council shall be required to be held by a Director appointed under this Act by the Corporation ; 20

(6) A Director appointed by the Corporation under this Act shall not be disqualified from being the Mayor or an Alderman or Councillor of the city by reason of his receiving any remuneration as a Director of the Company.

(7) If at any time before the principal moneys owing to the Corporation by the Company shall have been reduced to two million five hundred thousand pounds the total number of the directors of the Company shall be varied the number to be nominated by the Corporation shall exceed by at least one the number to be otherwise nominated appointed or elected and the Corporation may nominate additional directors for giving effect to this enactment if necessary. 25 30

Manchester Corporation (Ship Canal) Act 1893. 7

(8) Upon the Corporation giving the said undertaking to lend the said money Section 74 (Corporation to nominate directors) of the Act of 1891 shall be repealed.

Repealed (F) Act

12. The Chairman of the Directors of the Company shall be at all times elected only by the Directors elected by the Shareholders and so long as any principal moneys are owing to the Corporation by the Company the Deputy-Chairman of the Directors of the Company shall be elected only by the Directors appointed by the Corporation.

1904 S. 14
As to Chair-
man and
Deputy-
Chairman.
Repealed
in Finance
Act 1904

13. (1) So long as any principal moneys are owing to the Corporation the Directors of the Company shall appoint a Committee of their body to consist of nine members of whom five shall be appointed from among the Directors elected by the Company and the remaining four shall be appointed from among the Directors appointed by the Corporation ;

Committee
of Directors
to fix Rates,
&c.

(2) The said Committee shall have full power to regulate determine and alter within the limit fixed by the recited Acts the scale of tolls rates and charges for the time being payable for the use of the Manchester Ship Canal the Duke of Bridgewater's Canals and the Runcorn and Weston Canal or any part or parts thereof respectively and for the use of any docks railways works buildings machinery and appliances connected therewith respectively ;

(3) The decisions from time to time of such Committee in respect of the said matters shall be binding on the Company unless varied by the Directors at a meeting specially convened for the purpose by a majority of not less than two-thirds of the whole of the Directors of the Company ;

(4) If at any time or times after the expiration of five years from the opening of the Canal for traffic to Manchester the Company be in default in payment of any interest payable to the Corporation in respect of such principal moneys then during such time as such default shall continue the powers of the said Committee shall be suspended.

Repealed
see above

14. (1) In case any Bill shall be promoted in Parliament
(g) C Special powers

8 *Manchester Corporation (Ship Canal) Act 1893.*

of share-
holders.

relating to or affecting the Company during the period in which the Corporation nominate a majority of the directorate (whether the same be promoted by the Company or otherwise) the shareholders of the Company shall be entitled to be heard in Parliament against such Bill or any of the provisions thereof on a petition to be signed by the chairman of the Company in pursuance of a resolution to that effect passed by the shareholders at a meeting duly convened for that purpose. 5

(2) Nothing in this Act contained shall affect in any way the power of the shareholders of the Company to resolve at a meeting duly convened for that purpose that the directors shall exercise any powers possessed by the Company of borrowing money or repaying loans and any such resolution shall have the same effect as if it had also been passed by a majority of the directors and shall be carried into effect by the directors accordingly. 15

Applying
Section 75
of Act of
1891.

15. Section 75 of the Act of 1891 (Railways to be rated at one-fourth only of the net annual value thereof) shall be incorporated with and form part of this Act and shall apply to any increase or addition to the City Rate made under the authority of or for the purposes of this Act. 20

Saving
rights of
Walker's
executors.

16. Nothing in this Act contained shall prejudice vary or affect the rights remedies and interests of the executors of the late Thomas Andrew Walker under or by virtue of an Agreement dated the twenty-fourth day of November 1890 and made between the said executors of the one part and the Manchester Ship Canal Company of the other part. 25

PART III.—MISCELLANEOUS.

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

17. 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 railway or to execute any other work or undertaking. 30

Manchester Corporation (Ship Canal) Act 1893.

9

18. 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
for
Merchant
Shipping
Acts and
general
Acts.

19. Nothing in this Act contained shall exempt the Company or their 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.

Provision
as to
general
railway
Acts.

20. All the costs charges and expenses as well of the Corporation as of the Company preliminary and of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of
Act.

MANCHESTER CORPORATION (SHIP
CANAL) ACT 1893.

AN

ACT

To amend the Manchester Ship Canal Act 1890 and to confer further powers upon the Mayor, Aldermen and Citizens of the City of Manchester in the County of Lancaster and Manchester Ship Canal Company with respect to the lending and borrowing of Moneys for completion of the Undertaking of the said Company and for other purposes.

[ROYAL ASSENT 12TH MAY 1893.]

56 & 57 VICT.—SESSION 1893

WM. HENRY TALBOT

*Town Clerk
Manchester.*

SHERWOOD & CO.

*7 Great George Street Westminster
Parliamentary Agents*