



### CHAPTER lviii.

An Act to provide for the buoying and lighting of the access between the Weston Mersey Lock and the navigable channel of the Mersey to confer further powers upon the Manchester Ship Canal Company with respect to the dredging of the River Mersey and the lowering of the level of the bottom of part of the Manchester Ship Canal and for other purposes.

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[1st August 1924.]

**W**HEREAS the Manchester Ship Canal Company (hereinafter referred to as "the Company") were incorporated by the Manchester Ship Canal Act 1885 (hereinafter referred to as "the Act of 1885") and by virtue of the powers conferred by that Act and subsequent Acts own and carry on an undertaking which comprises (inter alia) the Manchester Ship Canal (hereinafter referred to as "the canal") extending from Eastham in the county of Chester to the city of Manchester :

And whereas pursuant to the Act of 1885 the Company constructed a lock in the embankment of the canal known as the Weston Mersey Lock at Weston Point to form the entrance to and exit from the River Weaver Navigation from and to the River Mersey across the canal :

And whereas under the provisions of the River Weaver Navigation Act 1866 the trustees of the said

A.D. 1924. Navigation (hereinafter referred to as "the Weaver Trustees") were empowered to lay down maintain and remove buoys on the River Mersey along the channel for the time being extending from the then present or any future entrances into the said navigation at Weston Point to the Cheshire side of the main channel for the time being of the River Mersey :

And whereas it has been agreed between the Company and the Weaver Trustees that the power of buoying and lighting the access between the Weston Mersey Lock and the navigable channel of the River Mersey shall be vested in the Company and that the Weaver Trustees shall contribute to the cost incurred by the Company in exercising and performing such powers and it is expedient that effect should be given to the said agreement as provided by this Act :

And whereas under the provisions of the Act of 1885 and of the Manchester Ship Canal (Tidal Openings &c.) Act 1890 the Company are empowered within a specified portion of the River Mersey or the estuary thereof adjacent to the entrance locks of the canal at Eastham to dredge to a certain depth for the purpose of making and maintaining an access to the canal known as and in this Act referred to as the Eastham Channel and also to remove wrecks and other obstructions in such access and it is expedient in consequence of the shifting from time to time of the position of the Eastham Channel that the area within which the Company may exercise the said powers should be enlarged as provided by this Act :

And whereas it is expedient that in order to provide accommodation for vessels of deeper draught the Company should be empowered to dredge to a greater depth than the depth prescribed as aforesaid the portion of the River Mersey or the estuary thereof comprised in the enlarged area hereinbefore referred to and to lower the level of the bottom of a portion of the canal the level of which is fixed under the provisions of the Act of 1885 :

And whereas it is expedient that the Company should be empowered to acquire compulsorily for the purposes of their undertaking the lands referred to in this Act and to exercise with reference to those lands the powers conferred by this Act :

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas the objects aforesaid cannot be attained without the authority of Parliament : A.D. 1924.

And whereas plans and sections showing the enlarged dredging area and the increased dredging powers which may be exercised under the powers of this Act and the lowering of the level of the bottom of part of the canal which may be effected under those powers and plans showing the lands in the borough of Eccles which may be acquired under or for the purposes of this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be affected by the exercise of the said dredging powers or by the said lowering of level or which may be acquired as aforesaid were in the month of November one thousand nine hundred and twenty-three deposited with the clerk of the peace for the county of Lancaster and with the clerk of the peace for the county of Chester and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas a plan showing the lands in the city of Manchester which may be acquired under the powers of this Act and also a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were in the month of March one thousand nine hundred and twenty-four deposited with the clerk of the peace for the said county of Lancaster and are hereinafter respectively referred to as " the additional plan " and " the additional book of reference."

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

1. This Act may be cited as the Manchester Ship Canal Act 1924. Short title.

2. The Lands Clauses Acts except so far as they are varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. Incorporation of  
Lands  
Clauses  
Acts.

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Interpreta-  
tion.

**3.** In this Act the several words and expressions to which meanings are assigned by the Lands Clauses Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

“ The Company ” means the Manchester Ship Canal Company;

“ The Weaver Trustees ” means the trustees of the River Weaver Navigation;

“ The Act of 1885 ” means the Manchester Ship Canal Act 1885;

“ The canal ” means the Manchester Ship Canal authorised by the Act of 1885 as varied by subsequent Acts.

Power to  
Company to  
buoy &c.  
access be-  
tween West-  
on Mersey  
Lock and  
navigable  
channel of  
the Mersey.

**4.**—(1) The Company may from time to time provide place maintain remove and renew buoys perches marks beacons lighthouses and lights and perform and do all such other acts and things as may be necessary for buoying and lighting the access between the Weston Mersey Lock and the navigable channel of the River Mersey :

Provided that all buoys so provided and placed by the Company shall be distinctive in colour from the buoys of the Upper Mersey Navigation Commissioners and that the perches marks beacons and lights provided and placed by the Company shall be distinctive in character from those of the Upper Mersey Navigation Commissioners.

(2) The Weaver Trustees shall on demand by the Company made as soon as practicable after the expiration of any half year ending on the thirtieth day of June or the thirty-first day of December repay to the Company one-half of any sums reasonably expended by the Company in that half year in the exercise by them of the powers conferred by subsection (1) of this section and the provisions of this subsection shall be in full satisfaction and discharge of all rights and obligations of either of the said parties in regard to payments in respect of such expenditure arising either under any agreement between the Company and the Weaver Trustees or under this Act.

Repeal of  
section 17  
of River

**5.** Section 17 (Power to lay down buoys) of the River Weaver Navigation Act 1866 is hereby repealed and as from the date of the passing of this Act the Weaver

Trustees shall cease to be empowered to lay down maintain or remove buoys on the River Mersey along the channel referred to in that section.

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Weaver  
Navigation  
Act 1866.

6. As from the date of the passing of this Act and notwithstanding anything contained in any other Act :—

Jurisdiction  
of Upper  
Mersey  
Navigation  
Commis-  
sioners in  
relation to  
access be-  
tween West-  
on Mersey  
Lock and  
navigable  
channel of  
Mersey to  
cease.

(A) the Upper Mersey Navigation Commissioners shall cease to have any power or jurisdiction in relation to the access referred to in the section of this Act of which the marginal note is “ Power to Company to buoy &c. access between Weston Mersey Lock and navigable channel of the Mersey ” ;

(B) the said access shall not for any purpose be under the control or jurisdiction of the said commissioners ;

(C) the said commissioners shall not under the Upper Mersey Navigation Acts 1876 to 1920 or otherwise be empowered or under any obligation to buoy or light any access between Weston Mersey Lock and the navigable channel of the River Mersey ; and

(D) the said access shall for the purposes of the Upper Mersey Navigation Acts 1876 to 1920 cease to be within the area defined in those Acts as the Upper Mersey :

Provided that nothing in this section shall alter or affect the amount of any dues leviable by the said Commissioners or the liability of any person to the payment of any dues to the said Commissioners or the amount of any annual payments for which the owner of any vessel may compound for the payment of any such dues.

7. The area within which the Company may from time to time under the powers of section 29 (Power to make subsidiary works) of the Act of 1885 dredge the bed banks shores and channels of the River Mersey or the estuary thereof for the purpose of making and maintaining an access to the canal at Eastham is hereby extended and enlarged so as to comprise the area described in the Schedule to this Act.

Enlarge-  
ment of  
area for  
dredging  
estuary of  
River  
Mersey.



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Variation of depth of dredging of estuary of River Mersey:

8. As from the date of the passing of this Act paragraph (a) of subsection (1) of section 29 (Power to make subsidiary works) of the Act of 1885 as amended by this Act shall be read and have effect as if in lieu of the words "twenty feet" and "twenty-two feet" respectively there had been inserted therein the words "twenty-three feet."

Extension of area within which Company may remove wrecks &c.

9. The area of that part of the River Mersey or the estuary thereof within which the Company may under the powers of section 20 (For protection of the accesses to the canal) of the Manchester Ship Canal (Tidal Openings &c.) Act 1890 raise destroy or remove wrecks of vessels or sunk or stranded vessels and exercise the other powers conferred by that section is hereby extended so as to comprise the area described in the Schedule to this Act.

Amendment of section 35 of Manchester Ship Canal Act 1893.

10. The provisions of section 35 (Vessels entering or leaving canal by the entrance channel at Eastham exempted from tolls &c. to Upper Mersey Navigation Commissioners) of the Manchester Ship Canal Act 1893 relating to the Eastham Channel shall be construed as applying to the extended area referred to in the sections of this Act of which the marginal notes are respectively "Enlargement of area for dredging estuary of River Mersey" and "Extension of area within which Company may remove wrecks &c."

For protection of trustees of late R. C. Naylor and New Liverpool-Eastham Ferry and Hotel Company Limited.

11. Notwithstanding anything in this Act contained or shown on the deposited plans to the contrary the following provision shall apply for the protection of the Right Honourable William Westenra (Baron Rossmore) and Mary Straker their heirs and assigns and the New Liverpool-Eastham Ferry and Hotel Company Limited its successors and assigns. If during the execution of the works by this Act authorised or at any time within two years after the completion thereof the Eastham Ferry piled pier or the connecting bridge or landing stage or the moorings connected with the said pier or landing stage shall be in any way damaged by reason or in consequence of such execution the Company shall forthwith at their own expense well and effectually repair and make good such damage to the reasonable satisfaction of the said persons and company.

Any difference which may arise between the Company and the said persons or between the Company and the

Ferry Company under this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party to the difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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12. For the protection of Lever Brothers Limited (in this section referred to as "Lever Brothers") the following provisions shall unless otherwise agreed in writing between the Company and Lever Brothers apply and have effect (that is to say) :—

For protec-  
tion of Lever  
Brothers  
Limited.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not without the written consent of Lever Brothers exercise the powers conferred by the sections of this Act of which the marginal notes are "Enlargement of area for dredging estuary of River Mersey" and "Variation of depth of dredging of estuary of River Mersey" or any other powers of dredging upon the sites of the Work No. 1 and the Work No. 6 authorised by the Bromborough Dock Act 1923 (in this section referred to as "the Act of 1923") or either of them or within the area lying between the site of the said Work No. 6 and the west bank of the River Mersey so long as any powers conferred upon Lever Brothers by the Act of 1923 in respect of those works respectively remain in force :
- (2) If under the provisions of section 29 (For protection of London Midland and Scottish Railway Company) of the Act of 1923 Lever Brothers shall be required to pay to the London Midland and Scottish Railway Company any sum the whole or part of which Lever Brothers shall prove affirmatively that they would not have been required to pay but for anything done by the Company under the powers of this Act the Company shall repay to Lever Brothers such sum or part as the case may be :
- (3) If Lever Brothers shall prove affirmatively that they have been put to additional expense in exercising any of the powers conferred upon

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them by the Act of 1923 by reason or in consequence of the exercise by the Company of any powers conferred upon them by this Act the Company shall repay to Lever Brothers the amount of such additional expense reasonably incurred by them :

- (4) Nothing in this Act or done thereunder shall impose on Lever Brothers any greater liability under the provisions of section 30 (For protection of Manchester Ship Canal Company) of the Act of 1923 than that to which they would have been subject if this Act had not been passed.

For protection of London Midland and Scottish Railway Company.

**13.** The provisions of subsection (2) of section 122 (For the protection of the London and North Western Railway Company) of the Act of 1885 shall apply to and in respect of the exercise of the powers conferred by section 29 (Power to make subsidiary works) of the said Act as extended and amended by this Act as if the London Midland and Scottish Railway Company had been referred to in the said subsection (2) in lieu of the North Western Company.

Application of certain provisions of Act of 1885.

**14.** The provisions of section 36 (Provisions for the Mersey Commissioners) of the Act of 1885 shall apply to the purposes of this Act with the substitution of references to the Minister of Transport for the references in the said section to the Mersey Commissioners.

Lowering of level of bottom of canal from Eastham Locks to River Gowy by dredging &c.

**15.** Notwithstanding anything contained in the Act of 1885 or in any other Act relating to the Company the Company may in the parish of Hooton in the rural district of Wirral and the urban district of Ellesmere Port and Whitby in the county of Chester lower by dredging excavation or otherwise the level of the bottom of so much of the canal as is situate between Eastham Locks on the west and the point at which the canal is intersected by the boundary between the said urban district and the rural district of Chester at or near to the left bank of the River Gowy on the east to the depth shown on the deposited plans and sections and may maintain the said portion of the canal at or above the lowered level.

Subsidiary works.

**16.**—(1) The Company may in connection with the exercise of the powers conferred by the section of this Act of which the marginal note is “Lowering of level of



bottom of canal from Eastham Locks to River Gowy by dredging &c." execute and do in or upon the bed banks or slopes of the portion of the canal referred to in that section all such works and things as they may deem necessary or expedient for altering reconstructing underpinning or otherwise strengthening any locks lock gates wharves docks dock walls sills quays piers jetties basins lay-byes landing places and other structures or works connected with or abutting upon or constructed in the said portion of the canal (whether belonging to the Company or to any other person) Provided that the Company shall in exercising the powers of this section cause as little damage as may be to the lands or property of any other person and shall make full compensation for all damage sustained by such other persons by reason of the exercise of the said powers.

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(2) In any case in which compensation is payable under the provisions of this section the amount of such compensation shall failing agreement be determined by a single arbitrator to be agreed upon between the Company and the party claiming compensation or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

17. Subject to the provisions of this Act the Company may enter upon take and use for the following respective purposes the lands hereinafter described which are respectively delineated on the deposited plans and the additional plan and described in the deposited book of reference and the additional book of reference (that is to say):—

Power to acquire additional lands.

- (a) For all or any of the purposes of their undertaking lands in the borough of Eccles in the county of Lancaster bounded on the south and west by lands belonging or reputed to belong to the Company and on the east by other lands belonging or reputed to belong to the British Petroleum Company Limited; and
- (b) For offices and other buildings lands in the city of Manchester situate on the south side of King Street with frontages to King Street Brown Street and Chancery Lane.

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Power to  
Company to  
enter upon  
property for  
survey and  
valuation.

**18.** The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be acquired or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of of the said lands houses and buildings.

Compensa-  
tion in case  
of recently  
altered  
buildings.

**19.** In settling any question of disputed purchase money or compensation payable under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of November one thousand nine hundred and twenty-three if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of  
arbitration  
in certain  
cases.

**20.** The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge

after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

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**21.** The powers of the Company for the compulsory purchase of lands under this Act shall cease on the thirty-first day of December one thousand nine hundred and twenty-seven.

Period for compulsory purchase of lands.

**22.** In addition to any other provisions enuring for their protection or benefit the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Eccles (hereinafter referred to as "the corporation") shall except so far as may be otherwise agreed in writing between the Company and the corporation apply and have effect with reference to the acquisition and user by the Company of such of the lands referred to in the section of this Act of which the marginal note is "Power to acquire additional lands" as are situate in the said borough of Eccles (in this section referred to as "the Eccles lands") (that is to say) :—

For protection of Eccles Corporation.

- (1) Not less than twenty-eight days before commencing the execution of any work or the erection of any building upon the Eccles lands over or within a distance of five yards from any works of the corporation the Company shall furnish to the corporation plans sections and particulars of such work or building (as the case may be) and the same shall only be executed or erected in accordance with such plans sections and particulars as may be reasonably approved by the corporation or settled by arbitration as hereinafter provided Provided that if the corporation fail for a period of twenty-eight days after the submission to them of the said plans sections and particulars to express in writing their approval

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thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of twenty-eight days the corporation express in writing their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Company are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars :

- (2) If the corporation shall be of opinion that the execution of any work or the erection of any building shown on the plans and sections furnished to them by the Company as aforesaid will injuriously affect any work of the corporation or the stability of such work (whether the execution of such first mentioned work will involve any alteration of such works of the corporation or not) the corporation may at any time within twenty-eight days after the submission to them of the said plans sections and particulars by notice in writing require the Company at the expense of the Company in all things to raise lower or otherwise alter the position of or to support or protect such works of the corporation to such extent (if any) in either case as may be reasonably required by the corporation or (if they prefer) the corporation may after notice in writing to the Company themselves raise lower or otherwise alter the position of or support or protect such works of the corporation to such extent as aforesaid and in the latter event the Company shall repay to the corporation the expense reasonably incurred by them in so doing. Provided that if the Company shall not within twenty-eight days after the receipt of any such notice from the corporation intimate to them in writing their objection thereto the Company shall be deemed to assent to the requirements of the notice and shall in executing the said work or erecting the said building at their own expense comply with such requirements but if within such period of twenty-eight days the Company shall intimate in writing to the corporation

any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto Provided also that no alteration in the position of any works of the corporation shall involve the carrying of such work by means of syphons :

- (3) Any work executed and any buildings erected by the Company upon the Eccles lands shall so far as may be reasonably practicable be executed or erected (as the case may be) so as not to prevent or render less convenient the access by the corporation to the works of the corporation for the purpose of the maintenance repair alteration renewal or removal thereof :
- (4) If the corporation shall reasonably incur any additional expense in the maintenance repair alteration renewal or removal of any works of the corporation upon the Eccles lands by reason or in consequence of the execution of any work or the erection of any building by the Company on such lands the Company shall repay to the corporation the amount of such additional expense :
- (5) If any interruption in the flow of sewage or drainage through or in the supply of electricity by means of any works of the corporation shall (except in connection with the demolition of any house or building) be in any way occasioned either by the construction of works or the erection of buildings by the Company upon the Eccles lands or in consequence of the user of the Eccles lands by the Company for the purposes of their undertaking or by the failure of any of the works or buildings of the Company the Company shall make good to the corporation any loss damage or expense which may be occasioned to them by reason or in consequence of such interruption or interference and shall indemnify the corporation from any claim or demand in respect thereof :
- (6) If in consequence of the user by the Company of the Eccles lands or of any alteration in any work of the corporation effected under the



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provisions of this section it is reasonably necessary to alter any sewer drain culvert pipe electric main or other work of the corporation situate in on or under the Eccles lands the Company shall on demand repay to the corporation any expense reasonably incurred by them in so doing :

- (7) The Company shall bear and on demand pay to the corporation the reasonable costs incurred by them in watching works of the corporation during and with reference to the construction of any work or the erection of any building by the Company upon the Eccles lands over or within a distance of five yards from any works of the corporation :
- (8) All sewers drains mains pipes electric mains lines or other apparatus and other works of the corporation connected with any house or building on the Eccles lands and no longer required in consequence of the demolition of such house or building by the Company shall as from the date of such demolition become and be the property of the Company without any payment therefor except that the Company shall pay to the corporation a sum equivalent to the value of any electric mains lines or apparatus of the corporation which shall so become the property of the Company :
- (9) If any difference shall arise under the provisions of this section between the Company and the corporation such difference shall be determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Civil Engineers on the application of either party to the difference after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (10) Nothing in this section or done thereunder shall in any way derogate from prejudice or affect the right of the Company under or by virtue of the deed of grant of easement by the Company to the corporation dated the fourteenth day of September one thousand eight

hundred and ninety-seven to construct any building which they may desire to erect over the line of the sewer referred to in that deed subject to the conditions specified therein and the said right shall extend and apply to any sewers of the corporation for the time being in or under the Eccles lands as if those sewers had been referred to in the said deed of grant in addition to the sewers shown on the plan endorsed thereon or annexed thereto.

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**23.** The provisions of the Manchester Ship Canal (Surplus Lands) Act 1893 as amended or extended by subsequent Acts shall extend and apply to the lands acquired by the Company under the powers of this Act.

Application to lands acquired under this Act of enactments relating to surplus lands.

**24.** The Company may stop up the portions of the streets or roads known respectively as Boardman Street Irwell Park The Grove and Irwell Avenue and the passage leading from Boardman Street to Irwell Park which are comprised within the limits of land to be acquired marked on the deposited plans relating to the lands in the borough of Eccles referred to in the section of this Act of which the marginal note is "Power to acquire additional lands" and thereupon all rights of way over the said portions of streets or roads and passage shall be extinguished but the said portions of streets or roads and passage shall not be stopped up unless the Company are owners in possession of all houses and lands on both sides thereof respectively except so far as the owners lessees and occupiers of those houses and lands may otherwise agree Provided that the Company shall make full compensation to all parties affected in respect of any private rights of way extinguished by virtue of this section and such compensation shall be determined in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to stop up roads.

**25.** The Company may erect or cause to be erected offices and other buildings upon the lands (b) referred to in the section of this Act of which the marginal note is "Power to acquire additional lands" or any part thereof and may maintain renew and use any offices or other buildings so erected or may from time to time demise or let any part of such offices or buildings which

Power to erect offices on certain lands.

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Extension of enactments relating to development of lands.

**26.** The buildings referred to in section 4 (Power to lessee to grant and Company to accept underlease) of the Manchester Ship Canal Act 1897 shall include and shall be deemed always to have included offices and other buildings of every description required for or in connection with the purposes of the undertaking of the Company.

For protection of Salford Corporation.

**27.** For the protection of the mayor aldermen and burgesses of the borough of Salford (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Company and the corporation have effect (that is to say) :—

(1) If under the powers conferred by the section of this Act of which the marginal note is "Power to stop up roads" the Company stop up any portion of any of the streets or roads referred to in that section in which any mains pipes or apparatus belonging to the corporation and used for the supply of gas by them are laid or placed and if the Company do not take from the corporation a supply of gas for consumption upon the lands in the borough of Eccles referred to in the section of this Act of which the marginal note is "Power to acquire additional lands" the Company shall pay to the corporation a sum equivalent to the value of the mains pipes and apparatus of the corporation so laid or placed as aforesaid and upon such payment the said mains pipes and apparatus shall become the property of the Company :

(2) The sum to be paid by the Company to the corporation under the provisions of subsection (1) of this section shall be such a sum as may be agreed upon between them or as failing such agreement shall be determined by an arbitrator to be appointed (failing agreement) on the application of either party (after notice in writing to the other of them) by the President of the Surveyors Institution and subject as

aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration. A.D. 1924.

28. For the protection of the lord mayor aldermen and citizens of the city of Manchester (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Company and the corporation have effect (that is to say):—

For pro-  
tection of  
Manchester  
Corporation.

- (1) If under the powers conferred by the section of this Act of which the marginal note is "Power to stop up roads" the Company stop up any portion of any of the streets or roads referred to in that section in which any of the mains pipes or apparatus belonging to the corporation and used for the supply of water by them are laid or placed and if the Company do not take from the corporation for consumption and use upon the lands in the borough of Eccles referred to in the section of this Act of which the marginal note is "Power to acquire additional lands" such a supply of water as that the amount payable therefor according to the scale for the time being applicable to such supplies amounts to not less than seventy pounds per annum the Company shall pay a sum or sums to recompense the corporation for the value of such of the mains pipes and apparatus of the corporation so laid or placed as aforesaid as shall not be required or if the Company think fit they may pay to the corporation a sum or sums equivalent to the full value of all the aforesaid mains pipes and apparatus of the corporation (whether required for the purposes of a supply to the Company or not) and upon any such payment the mains pipes and apparatus so paid for shall become the property of the Company. In the event of the Company exercising their option of paying to the corporation a sum or sums equivalent to the full value of all the said mains pipes and apparatus of the corporation they shall thereupon be relieved from the obligation to take or pay for a supply of water

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or to recompense the corporation under the provisions of this section and if before making any such payment to the corporation as last aforesaid the Company shall have paid any sum to the corporation to recompense them for the value of any mains pipes or apparatus not required the Company shall not be required to make any further payment to the corporation in respect of such last-mentioned mains pipes or apparatus :

- (2) The sum to be paid by the Company to the corporation under the provisions of subsection (1) of this section shall be such a sum as may be agreed upon between them or as failing such agreement shall be determined by an arbitrator to be appointed (failing agreement) on the application of either party (after notice in writing to the other of them) by the President of the Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration :
- (3) Until the Company pull down the premises belonging to them at the southern end of Irwell Park the Company shall give to the corporation all reasonable facilities for the maintenance of the mains pipes and apparatus by means of which such premises are at present supplied and any difference that may arise between the Company and the corporation under this subsection shall be settled by arbitration in the manner provided by this section.

For further protection of Manchester Corporation.

**29.** For the further protection of the lord mayor aldermen and citizens of the city of Manchester (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Company have effect (that is to say) :—

- (1) If at any time within six months after the passing of this Act the corporation by notice in writing addressed to the Company so require the Company shall within two years after the receipt of such requirement sell and convey to



the corporation for the purpose of widening Chancery Lane and King Street respectively the property numbered 5 on the additional plan and coloured red on the plan signed by Dugdale Oakeley Dunlop on behalf of the Company and by John Luke city surveyor of Manchester on behalf of the corporation and so much of the property numbered 3 on the additional plan as is also coloured red on the said signed plan the Company reserving the right to construct and maintain in the lands acquired by the corporation so many deck or area lights as they may require and the corporation may agree to or as in case of difference shall be determined under and in accordance with the provisions of the Arbitration Act 1889 by an arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them :

- (2) The consideration to be paid by the corporation to the Company for such sale and conveyance as aforesaid shall be such a sum as shall be agreed between them or as failing agreement shall be determined under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as if the lands to be acquired by the corporation under the provisions of this section were lands authorised to be acquired compulsorily by the corporation :
- (3) Provided that in arriving at the consideration to be paid by the corporation to the Company for the acquisition of the said lands—
  - (i) no sum shall be included as compensation for severance ; and
  - (ii) regard shall be had to the value of the deck or area lights referred to in subsection (1) of this section.

**30.** Section 6 (Power to issue bonds) of the Manchester Ship Canal Act 1920 shall be read and have effect as if the sum of two million pounds had been specified in

Increase of amount which may be borrowed by bonds.

A.D. 1924. subsection (3) thereof in lieu of the sum of one million pounds.

Power to  
Company to  
indemnify  
nominees  
holding  
shares &c.  
on behalf of  
Company.

**31.** Where any shares or other securities of any other company have been acquired by means of moneys provided by the Company and are held by or registered in the names of nominees of the Company the Company may indemnify such nominees against or in respect of any liability to which they may be subject or which they may incur in respect of such shares or other securities or the holding thereof and may apply the funds of the Company for that purpose.

Power to  
apply funds  
to purposes  
of Act.

**32.** 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 hand or which they have power to raise and which they do not require for the purposes for which such moneys were authorised to be raised.

Saving  
rights of  
Duchy of  
Lancaster.

**33.** Nothing contained in this Act shall extend or operate to authorise the Company to take use or 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 His Majesty in right of His 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 His Majesty His heirs or successors in right of His said Duchy.

Crown  
rights.

**34.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty

first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). A.D. 1924. —

**35.** 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. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

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DESCRIPTION OF AREA IN WHICH THE COMPANY  
MAY DREDGE THE ESTUARY OF THE RIVER MERSEY  
AND REMOVE WRECKS &C.

So much of the river Mersey or of the estuary thereof in the urban district of Bebington and Bromborough and in the parishes of Eastham and Hooton in the rural district of Wirral in the county of Chester as is bounded on the north by an imaginary straight line extending from high water mark on a true bearing of fifty-two degrees from the easternmost chimney of Price's Candle Works in the said urban district (which chimney is situate near high-water mark on the right bank of and at the entrance to Bromborough Pool) for a distance of 1400 yards measured from that chimney on the east by an imaginary straight line extending from the eastern extremity of the first-mentioned imaginary straight line to a point situate at a distance of 200 yards from the centre of the mitre posts of the storm gates of the 80-foot lock at Eastham Locks (measured on a true bearing of sixty-two degrees from the centre of the said mitre posts) and continuing through such last-mentioned point to the point at which such imaginary straight line joins high-water mark south-eastward of Eastham Locks and on the west by high-water mark.

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