



CHAPTER lxxix.

An Act to empower the mayor aldermen and burgesses of the borough of Warrington to construct waterworks to make further provision with regard to their water undertaking and for other purposes. A.D. 1929.
[10th May 1929.]

WHEREAS by virtue of the Warrington Waterworks Act 1855 and divers other enactments the mayor aldermen and burgesses of the borough of Warrington (in this Act called "the Corporation") are the owners of waterworks and are empowered and required to supply water to the inhabitants of the said borough and of several adjoining townships and places :

And whereas by the joint effect of section 21 of the Warrington Waterworks Act 1878 and section 48 of the Warrington Extension and Water Act 1890 the Corporation are empowered throughout the whole or any parts or part of their limits of supply from time to time to lay down and maintain a system of main distributing and service pipes with all necessary machinery and apparatus for the supply of water for trade and manufacturing purposes only separate and distinct from the system of main distributing and service pipes used for the supply of water for domestic purposes and the Corporation have for many years carried into effect the powers so conferred upon them :

And whereas the supply of water from the waterworks of the Corporation is inadequate to meet the

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— area within which the Corporation are supplying water
 and it is expedient to empower the Corporation to
 make and maintain the additional waterworks referred
 to in this Act for affording an additional supply of
 water for trade and manufacturing purposes only :

 And whereas it is expedient to increase the maxi-
 mum charges which the Corporation are entitled to
 demand and receive for the supply of water and to
 make further provision with regard to the water
 undertaking of the Corporation and the supply of water
 by them :

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

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

 And whereas estimates have been prepared by the
 Corporation for the purposes hereinafter mentioned and
 such estimates are as follows :—

	£
The purchase of lands and easements -	4,000
The construction of the works authorised by this Act - - - - -	54,000

 And whereas the several works included in such
 estimates are permanent works and it is expedient that
 the cost thereof should be spread over a term of years :

 And whereas in relation to the promotion of the
 Bill for this Act the requirements of the Borough Funds
 Acts 1872 and 1903 have been observed :

 And whereas plans and sections showing the lines
 and levels of the works authorised by this Act and
 also a book of reference containing the names of the
 owners and lessees or reputed owners and lessees and of
 the occupiers of the lands required or which may be
 taken for the purposes or under the powers of this Act
 were duly deposited with the clerk of the peace for the
 county palatine of Lancaster and are hereinafter respec-
 tively referred to as the deposited plans sections and
 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 A.D. 1929.
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 Warrington Corpo- Short title.
ration Water Act 1929.

2. This Act is divided into Parts as follows :— Division of
Part I.—Preliminary. Act into
Part II.—Lands. Parts.
Part III.—Waterworks.
Part IV.—Supply of water.
Part V.—Financial and miscellaneous provi-
sions.

3. The following Acts and parts of Acts (so far as Incorpora-
the same are applicable for the purposes and are not tion of
inconsistent with the provisions of this Act) are hereby Acts.
incorporated with this Act (namely) :—

(1) The Lands Clauses Acts with the following
exception and modification :—

(a) Section 127 of the Lands Clauses Con-
solidation Act 1845 (relating to the sale of
superfluous lands) is not incorporated with
this Act ;

(b) The bond required by section 85 of
the Lands Clauses Consolidation Act 1845
shall be under the corporate seal of the
Corporation and shall be sufficient without
the addition of the sureties mentioned in
that section ;

(2) The Waterworks Clauses Act 1847 except the
words “with the consent in writing of the
“owner or reputed owner of any such house or
“of the agent of such owner” in section 44 and
except sections 75 to 83 of that Act :

Provided that for the purposes of the
application of the said Act—

(a) the prescribed distance referred to in
section 22 thereof shall in respect of the

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mines and minerals belonging to His Majesty in right of His Duchy of Lancaster be one hundred yards; and

(b) section 35 thereof in its application to the Corporation shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part";

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the centres of such waterworks respectively.

Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Warrington;

"The borough" means the county borough of Warrington;

"The town clerk" and "the treasurer" mean respectively the town clerk and the treasurer of the borough and include respectively any person duly authorised to discharge temporarily the duties of those offices;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Minister” means the Minister of Health;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“The Act of 1899” and “the Act of 1911” mean respectively the Warrington Corporation Act 1899 and the Warrington Corporation Act 1911.

(3) In the construction of the provisions of the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions “the promoters of the undertaking” “the company” and “the undertakers” mean respectively the Corporation.

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PART II.

LANDS.

Power to
acquire
lands.

5. Subject to the provisions and for the purposes of this Act the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Acquisition
of ease-
ments &c.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by the section of this Act whereof the marginal note is "Power to make waterworks" (including the works and conveniences authorised by subsection (2) of that section) where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

(3) Provided that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right or to impose any such restriction in any case in which the owner in his particulars of claim shall require the Corporation to acquire

the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only. A.D. 1929.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of restrictions shall either contain or be endorsed with a copy of this section.

7. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of October nineteen hundred and twenty-nine. Period for compulsory purchase of lands.

8.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and if they shall give notice in writing of such their resolution to the owner of any right of way referred to therein. Extinction of private rights of way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

9. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purposes of surveying and valuing the said lands 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 the said lands and buildings. Power to enter upon property for survey and valuation.

10. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall Compensation in case of

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—
recently
acquired
interest.

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 land created after the fifteenth day of November nineteen hundred and twenty-eight if in the opinion of the tribunal 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.

Power to
hold lands
and exercise
powers for
protection
of waters.

11.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(3) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any

land with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take. A.D. 1929.

12.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of their water undertaking. Purchase of additional lands by agreement.

(2) The Corporation may on any lands acquired under this section or held for the purposes of their water undertaking execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(3) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

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Retention
and dis-
posal of
lands.

14.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1925 or any enactment repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such

rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1929.

(3) Section 38 (Power to retain sell &c. lands) of the Act of 1911 is hereby repealed.

15.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister. Further powers for the acquisition of land.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

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Proceeds
of sale of
surplus
lands.

16.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the section of this Act of which the marginal note is "Further powers for the acquisition of land") in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;

(b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is "Retention and disposal of lands" on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Reservation
of water
rights &c.
on sale.

17. The Corporation on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly

and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. A.D. 1929.
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18.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes. Dwelling-houses for persons in Corporation's employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART III.

WATERWORKS.

19.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described or referred to. Power to make waterworks.

The said works will be situate in the borough and are—

Work No. 1 A pumping station to be situated at a point $9\frac{1}{2}$ chains or thereabouts measured in a westerly direction from the western side of the building known as "The Old Warps" and $20\frac{1}{2}$ chains or thereabouts measured in a southerly direction from the southern corner of the building known as "St. Elphin's Church";

Work No. 2 An intake and aqueduct commencing in the right bank of the river Mersey at a point 2 chains or thereabouts south of Howley Foot Bridge and terminating at Work No. 1 hereinbefore described;

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Work No. 3 A sedimentation tank adjoining or near to the southern side of Work No. 1 hereinbefore described;

Work No. 4 A filtration house and clear water tank adjoining or near to the southerly side of Work No. 1 and the westerly side of Work No. 3 respectively hereinbefore described;

Work No. 5 A settling tank adjoining or near to the southern side of Work No. 4 hereinbefore described;

Work No. 6 A waste water conduit commencing at Work No. 5 hereinbefore described and terminating by a junction with the existing sewer of the Corporation in Albert Terrace;

Work No. 7 An aqueduct consisting of a line or lines of pipes commencing at Work No. 1 hereinbefore described and terminating at the junction of Liverpool Road and Milner Street by a junction with the existing trade water aqueduct of the Corporation;

Work No. 8 An aqueduct consisting of a line or lines of pipes commencing by a junction with Work No. 7 hereinbefore described at the junction of Harbord Street and Parr Street and terminating at the junction of Greenall Street and Church Street by a junction with the existing trade water aqueduct of the Corporation.

(2) The Corporation may upon lands acquired by them for the purposes of or in connection with their water undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or the existing or authorised waterworks of the Corporation or for inspecting maintaining repairing cleansing managing working or using the same:

Provided that—

(a) Nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them;

(b) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General. A.D. 1929.

20.—(1) In the construction of the works authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent upwards not exceeding three feet and to any extent downwards. Limits of deviation.

(2) Provided that except for the purpose of crossing over a stream canal or railway no part of the aqueducts shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

21.—(1) If the works authorised by this Act and delineated on the deposited plans and sections are not completed within the period of ten years from the thirty-first day of December nineteen hundred and twenty-nine then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require.

22.—(1) Subject to the provisions of this Act the Corporation may abstract collect and divert the waters of the river Mersey at the point of intake (being the point of commencement of Work No. 2) by means of Work No. 1 and Work No. 2 authorised by this Act and may appropriate distribute and use the same for the supply of water for trade and manufacturing purposes throughout the water limits. Power to take waters.

(2) Unless authorised by Act of Parliament the Corporation shall not—

(i) in any period of seven days abstract by means of the said works a total quantity of water which

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will exceed in such period an average of three million gallons per day of twenty-four hours;

- (ii) on any one day (other than a Monday) abstract by means of the said works a total quantity of water exceeding three and one-half million gallons;
- (iii) on any Monday abstract by means of the said works a total quantity of water exceeding three million gallons.

For pro-
tection of
Manchester
Ship Canal
Company.

23. The following provisions for the protection of the Manchester Ship Canal Company (in this section called "the company") shall except so far as shall be otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act take or acquire by compulsion the properties respectively numbered 2 6 and 26 on the said plans or any of those properties but the Corporation may purchase and the company and any other necessary parties shall sell and grant in perpetuity such easements or rights in under over or upon the said properties respectively numbered 2 and 6 as may be required for making and maintaining the works authorised by this Act or any of them and the Corporation shall pay to the company for any easements and rights which they may so require the company to sell and grant such sum or sums as may be agreed or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement:
- (2) Not less than twenty-eight days before commencing the construction of Work No. 2 authorised by this Act the Corporation shall submit to the company for their reasonable approval a plan and section of such work and if at the expiration of twenty-eight days after the receipt of such plan and section the company shall not have disapproved the same they shall be deemed to have approved thereof:

- (3) The Corporation shall subject as hereinafter provided pay to the company in respect of water abstracted by the Corporation from the river Mersey under the powers of this Act by means of Work No. 1 and Work No. 2 by this Act authorised or either of those works at the rate of one farthing in respect of each one thousand gallons of water so abstracted : A.D. 1929.
- (4) The amount from time to time payable by the Corporation under the provisions of subsection (3) of this section shall be calculated by the Corporation half-yearly on the twenty-fifth day of March and the twenty-ninth day of September in each year and the Corporation shall forthwith after the said respective dates deliver to the company a statement containing the particulars of such calculations :
- (5) The Corporation shall within fourteen days after the delivery by them of any such statement pay to the company the amount appearing therefrom to be due from the Corporation to the company unless in any case there be a dispute as to such amount in which case the amount payable shall be paid within seven days after the same has been determined by arbitration as hereinafter provided :
- (6) (a) It is hereby declared that the rate of one farthing referred to in subsection (3) of this section is based upon the cost of labour for the dredging operations of the Company in the river Mersey at Warrington as prevailing at the date of the passing of this Act and if at the expiration of the period of ten years from that date or of each or any subsequent period of ten years the company or the Corporation shall be of opinion that such cost of labour as prevailing at the expiration of such period has increased or diminished since the commencement of that period they may at any time within one month after the date of such expiration give to the other of them notice in writing requiring that the said rate or any rate substituted therefor under the provisions of this subsection shall be

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revised and specifying the revised rate proposed by the party giving such notice;

(b) Unless within one month after the receipt of any such notice as is referred to in this subsection the party receiving the same shall in writing addressed to the party giving the same intimate assent to the revised rate proposed in such notice the matter shall be determined by arbitration in manner provided by subsection (8) of this section and the arbitrator if satisfied that such cost of labour as last aforesaid has increased or diminished since the commencement of the period of ten years to which the notice relates may by his award substitute for the rate specified in subsection (3) of this section or determined by any previous award (as the case may be) a rate proportionately greater or smaller;

(3) The provisions of this section shall have effect as if the amount from time to time assented to or fixed by an award under this subsection were substituted for the rate specified in subsection (3) of this section :

- (7) The Corporation shall to the reasonable satisfaction of the company provide and maintain a meter and recorder for measuring and recording the quantities of water abstracted from the river Mersey by means of Work No. 1 and Work No. 2 authorised by this Act and such meter and recorder and the records thereof shall at all reasonable times be open to inspection and examination by the company :
- (8) Any question or dispute arising between the Corporation and the company under the foregoing provisions of this section shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation or the company after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

24. The following provisions for the protection of James Fairclough and Sons Limited (in this section called "the company") shall except so far as may be otherwise agreed in writing between the Corporation and the Company apply and have effect (that is to say) :—

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For protection
of James
Fairclough
and Sons
Limited.

(1) (a) The Corporation shall pay to the company in respect of water abstracted by them in any year under the provisions of this Act from the river Mersey by means of Work No. 1 and Work No. 2 authorised by this Act a sum as follows :—

(i) if the average daily quantity so abstracted in any one year does not exceed one million gallons the sum of twenty pounds;

(ii) if the average daily quantity so abstracted in any one year exceeds one million gallons but does not exceed two million gallons the sum of forty pounds;

(iii) if the average daily quantity so abstracted in any one year exceeds two million gallons but does not exceed three million gallons the sum of sixty pounds;

(b) The first payment to be made by the Corporation to the company under the provisions of paragraph (a) of this subsection shall be calculated for the first complete period of one year commencing on the date upon which the Corporation first abstract water from the river Mersey by means of Work No. 1 and Work No. 2 aforesaid and such payment shall be made within fourteen days after the expiration of that period unless in any case there be a dispute as to the amount of such payment in which case the amount payable shall be paid within seven days after the same has been ascertained under the provisions of paragraph (d) of this subsection and each subsequent payment shall be made within fourteen days after the expiration of each subsequent period of one year in which water is abstracted by the Corporation as aforesaid or (in the event of dispute) within seven days from the determination thereof;

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(c) The Corporation shall to the reasonable satisfaction of the company provide and maintain meters for recording the quantities of water abstracted from the river Mersey by means of the works aforesaid and such meters and the records thereof shall at all reasonable times be open to inspection and examination by the company;

(d) Any question arising between the Corporation and the company under the foregoing provisions of this subsection shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation or the Company after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination:

- (2) Except as expressly provided in this Act nothing contained therein shall prejudice take away or affect any rights which may be held by the Company at the date of this Act in the river Mersey or the waters of that river.

For protection of
London
Midland
and
Scottish
Railway
Company.

25. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in relation to the exercise by the Corporation of the powers of this Act (that is to say):—

- (1) The Corporation shall not under the powers of this Act take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company if required by the Corporation so to do shall sell and grant in perpetuity such easements or rights in under over or upon the lands property and works of the company as may be required for making and maintaining in accordance with the provisions of this Act Work No. 7 by this

Act authorised and the Corporation shall pay to the company for any easements and rights which they may so require the company to sell and grant such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement :

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—

- (2) In constructing or laying so much of Work No. 7 as will be under the roads railway works or property of the company in through across or under any road bridge or property of the company (in this section hereinafter referred to as "the said works") and also (except in case of emergency) in effecting the maintenance repairs and renewals of the said works the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company (in this section referred to as "the principal engineer") and at least twenty-one days before commencing any such works the Corporation shall deliver to the principal engineer plans sections and specifications of the works proposed to be executed and if the principal engineer does not prior to the expiration of twenty-one days from the delivery to him of such plans sections and specifications signify his disapproval thereof he shall be deemed to have approved the same but if prior to the expiration of such twenty-one days he shall signify his disapproval of such plans sections and specifications there shall be deemed to be a difference which difference shall be settled by arbitration :
- (3) The said works shall not be constructed below the level of the footings of the bridge carrying the railway of the company over Factory Lane except upon such conditions as may be reasonably imposed by the company :
- (4) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them during the execution or maintenance of the said works under or alongside the said railway and property of the company

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of such inspectors or watchmen (if any) as may be reasonably necessary :

- (5) The Corporation shall make good and maintain for a period of twelve months to the satisfaction of the principal engineer all roads or pavements belonging to or maintained by the company broken up or in any way interfered with in carrying out the said works :
- (6) Nothing in this Act contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging (respectively under the existing powers of the company) any of the lines of railway or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using any works constructed under the powers of this Act for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviations widening or enlarging Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of any of the said works shall be paid by the Corporation :
- (7) In the event of the company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the Corporation and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the said works :
- (8) Any question or difference between the Corporation and the company arising under this section shall be referred to the arbitration of an engineer to be appointed on the application of the

Corporation or the company after notice in writing to the other by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

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26.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

Discharge
of water
into
streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

27. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts or waste water conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking :

Application
of Water-
works
Clauses
Act 1847.

Provided also that nothing in this section shall authorise the Corporation to break up any street or road belonging to or repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to such determination.

28. Any telephone or telegraph posts wires conductors or apparatus laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred

For pro-
tection
of Post-
master-
General.

A.D. 1929. — on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with any telegraphic communication by means of any such line.

Further powers in relation to water mains.

29. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation. Provided that the Corporation shall not exercise such powers under any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

Power to provide water tanks under streets.

30.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the borough and with the consent of the road authority any street outside the borough which is within the water limits tanks or other receptacles for water for use by the users of mechanically propelled vehicles with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall be deemed to have committed an offence under section 20 (Penalty for use of water without agreement) of the Waterworks Clauses Act 1863.

(4) The Corporation may attach to any lamp-post pole or standard or other similar erection erected on or in any street under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same and may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions :

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—

Provided that—

- (a) The Corporation shall not erect place fix or maintain any such posts or poles in any part of the highway without the consent of the road authority ;
- (b) In cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing to the owner of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment ;
- (c) The Corporation shall not attach any signs or directions to any post pole or standard belonging to the Postmaster-General except with his consent in writing ;
- (d) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(5) The Corporation shall not under the powers of this section construct or place any such tank or receptacle or any appliances in connection therewith or any posts or poles on any county bridge or the approaches thereto or on any bridge or the approaches thereto carrying any street or road over the railway of any railway company or under any bridge carrying any such railway over any street or road or within ten feet of any abutment of such bridge or so as to interfere with or render less convenient

A.D. 1929. the access to or exit from any station or depôt of such company nor shall the Corporation attach any signs or directions to any lamp-post pole standard or similar erection belonging to a railway company except with the consent of such railway company.

(6) The Corporation shall not attach any such sign or direction to any guide or road sign-post direction arm or similar erection provided or maintained by the county council of the administrative county of the county palatine of Lancaster without the consent of such council in writing.

PART IV.

SUPPLY OF WATER.

Rates for
domestic
purposes.

31.—(1) Subject to the provisions of this Act the Corporation shall on and after the thirtieth day of September nineteen hundred and twenty-nine be entitled to charge for a supply of water for domestic purposes a rate not exceeding twelve pounds per centum per annum upon the net annual value of the premises to which a supply of water for domestic purposes is afforded by them provided that the Corporation shall not be required to supply any premises with water for a less sum than seventeen shillings and fourpence per annum.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor :

Provided always that where the water rate is chargeable on the net annual value of part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole tenement ascertained as aforesaid and the apportionment in case of dispute shall be ascertained by a court of summary jurisdiction.

(3) The Minister may if he thinks fit at any time after the thirtieth day of September nineteen hundred and thirty-two from time to time on the application of the Corporation or of a local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rate and charge for

the supply of water which the Corporation are by this section authorised to charge and any such order may provide for the alteration of the basis of such rate and charge :

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Provided that—

(a) no such order (after the first order made by the Minister under this subsection) shall be made before the expiration of a period of three years from the date of the last such order; and

(b) the rate or rates and charge prescribed in any such order shall be of such amounts as in the opinion of the Minister to provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by section 78 (Keeping of accounts) of the *Warrington Extension and Water Act 1890* as amended by article V of the *Warrington Order 1896* and by the section of this Act of which the marginal note is "As to water reserve fund."

(4) The *Warrington Water (Modification of Charges) Order 1923* and section 63 (Rates at which the Company are to supply water) of the *Warrington Waterworks Act 1855* are hereby repealed as from the thirtieth day of September nineteen hundred and twenty-nine but without prejudice to anything done thereunder respectively.

32.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

Charges for
hose-pipes
and re-
frigerating
apparatus.

A.D. 1929.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where a person who takes a supply of water from the Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

Supply of
water to
houses
partly used
for trade
&c.

33.—(1) The Corporation shall not be bound to supply with water otherwise than by meter (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution common lodging-house hospital nursing home asylum (whether public or private) sanatorium club hotel public-house inn public assembly hall restaurant or school or (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof. A.D. 1929.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

34. The price to be charged for a supply of water by meter shall not exceed two shillings per thousand gallons. Price of supply by meter.

35. Notwithstanding anything contained in section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint : Dates for payment of water rates.

Provided that no person shall be compelled to pay such water rates or charges for any longer period in advance than three months.

36.—(1) If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given notice to the occupier of such house or

A.D. 1929. — premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Mainten-
ance of
common
pipe.

37. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Inter-
ference
with valves
pipes and
fittings.

38. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

As to
recovery of
sums due
for water
fittings.

39. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Guarantees
by district
councils.

40.—(1) Any rural district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such

manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water within any part of such district which is within the water limits.

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(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that where such money is raised by means of a rate such rate shall be or shall be deemed to be a special rate.

PART V.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

41.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) The purchase of lands and easements.	£ 4,000	Fifty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act.	54,000	Forty-five years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

Power to borrow.

A.D. 1929.

(2) The revenue of the water undertaking of the Corporation is hereby made liable to provide the yearly sums required for the repayment of moneys borrowed under subsection (1) of this section and the payment of interest thereon.

(3) (a) The Corporation may also with the consent of the Minister the Minister of Transport or the Electricity Commissioners (as the case may require) borrow such further money as may be necessary for any of the purposes of this Act and may with the consent of the Minister borrow such further money as may be necessary for any of the purposes of the Corporation's water undertaking.

(b) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

Use of
moneys
forming
part of
sinking
and other
funds.

42. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable

to the repayment of a loan if raised under the statutory borrowing power : A.D. 1929.

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

43. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing powers as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875. Application of section 79 of Public Health Act 1925.

44. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts. As to section 234 of Public Health Act 1875.

45. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except Evidence of transfer or transmission of securities.

A.D. 1929. securities to which regulations made under section 52
— (Issue of stock) of the Public Health Acts Amendment Act
1890 apply) except upon the production to and temporary
deposit with the town clerk or registrar of stock of the
Corporation of the security or the certificate thereof for
the purpose of the endorsement thereon of a memorandum
of such transmission or the issue of a new security or
certificate thereof and in case of the issue of a new
security or certificate for the purpose of cancellation of
the security or certificate so deposited.

Receipt
in case of
persons not
sui juris. **46.** If any money is payable to a mortgagee or
stockholder being a minor idiot or lunatic the receipt of
the guardian or committee of his estate shall be a sufficient
discharge to the Corporation.

Interest on
mortgages
held
jointly. **47.** Where more persons than one are registered as
joint holders of any mortgage of the Corporation any
one of them may give an effectual receipt for any interest
thereon unless notice to the contrary has been given to
the Corporation or the treasurer by any other of them.

Return to
Minister
with
respect to
repayment
of debt. **48.—**(1) The town clerk shall if and when he is
requested by the Minister so to do transmit to the Minister
a return showing the provision made for the repayment of
any loans raised by the Corporation under any statutory
borrowing power.

(2) The return shall show such particulars and shall
be made up to such date and in such form as the Minister
may require and shall if so required by him be verified
by statutory declaration of the treasurer or other the
chief accounting officer of the Corporation and shall be
transmitted within one month after the making of the
request and in the event of his failing to make such
return the town clerk shall for each offence be liable to a
penalty not exceeding twenty pounds to be recovered
by the Minister in a court of summary jurisdiction and
notwithstanding the recovery of such penalty the making
of the return shall be enforceable by writ of mandamus
to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as
aforesaid or otherwise that the Corporation have failed
to pay any instalment or annual payment required to be
paid or to appropriate any sum required to be appro-
priated or to set apart any sum required for any sinking
fund (whether such instalment or annual payment or

sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

A.D. 1929.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

49. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the revenue of their water undertaking or out of the general rate fund.

Expenses of execution of Act.

50. The following provisions of the Act of 1899 and of the Act of 1911 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act (namely) :—

Application of Acts of 1899 and 1911.

The Act of 1899—

- Section 134 (Mode of raising money);
- Section 136 (Provisions of Public Health Act as to mortgages to apply);
- Section 138 (Protection of lender from inquiry);
- Section 139 (Corporation not to regard trusts);
- Section 140 (Appointment of receiver);
- Section 161 (Application of money borrowed).

The Act of 1911—

- Section 11 (Temporary stoppage of streets);
- Section 68 (Certain provisions of Public Health Act not to apply);

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Section 76 (Recovery of demands in county court);

Section 77 (Recovery of penalties &c.) ;

Section 81 (Persons acting in execution of Act not to be personally liable);

Section 82 (Inquiries by Local Government Board);

Section 85 (Informations by whom to be laid);

Section 86 (Powers of Act cumulative);

Section 87 (Saving of indictments); and

Section 88 (Judges not disqualified) :

Provided that in the application of the said section 82 of the Act of 1911 that section shall be read and have effect as if the words "five guineas" were substituted therein for the words "three guineas."

As to
water
reserve
fund.

51.—(1) Section 78 (Keeping of accounts) of the Warrington Extension and Water Act 1890 as amended by article V of the Warrington Order 1896 shall be read and have effect as if—

(a) the words "the maximum reserve fund for the
" time being prescribed by the Corporation not
" exceeding a sum equal to one-tenth of the
" aggregate capital for the time being expended
" by the Corporation upon their water under-
" taking" were therein inserted in lieu of the
words "ten thousand pounds" where those
words occur for the first time;

(b) the words "the prescribed maximum" were
therein inserted in lieu of the words "the sum
of ten thousand pounds."

(2) Article V of the said Order of 1896 shall be read and have effect as if the words "the prescribed maximum" were therein inserted in lieu of the words "ten thousand pounds."

Repeal.

52. The following provisions of the Warrington Waterworks Act 1855 are hereby repealed:—

Section LVIII (Power for justices to order repair of reservoirs and in certain cases to direct the water therein to be lowered);

Section LIX (Company not to be liable for consequences of such Orders); A.D. 1929.
—

Section LXVII (Cisterns to be supplied with proper ballcocks in certain cases and company empowered to enter houses in certain cases);

Section LXVIII (Penalty for suffering cisterns &c. to be out of repair);

Section LXIX (Company may repair and recover the expenses);

Section LXXIV (Penalty for using water for other than domestic purposes without agreement);

The words "Provided always that" in section LXXV (For preventing fouling of water);

Section LXXVI (Water may be cut off in certain cases);

Section LXXVII (Costs of distress);

Section LXXVIII (Recovery of rates &c. otherwise than by distress).

53. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of moneys borrowed under the powers of this Act for that purpose. Costs of Act.

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DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO
RESOLUTION NO. 10
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