



CHAPTER CCXXXVI.

An Act to extend the Boundaries of the Borough of Warrington to provide for vesting the Undertaking of the Warrington Waterworks Company in the Mayor Aldermen and Burgesses of the Borough of Warrington and for other purposes. [14th August, 1890.]

A.D. 1890.

WHEREAS the existing borough of Warrington is a municipal borough subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Corporation acting by the council of the borough are the urban sanitary authority for the district of the existing borough with the powers and obligations of an urban sanitary authority:

And whereas the following local Acts are wholly or partially in force within the existing borough (that is to say):—

The Warrington Gas Act 1847;

The Warrington Improvement and Market Act 1854;

The Warrington Gas Act 1871;

The Warrington Corporation Gas Act 1877;

The Warrington Corporation Lighting and Improvement Act 1879:

And whereas it is expedient that the boundaries of the existing borough should be extended in manner by this Act provided:

And whereas the Corporation are the burial board for the existing borough and it is expedient that they be constituted the burial board for the extended borough:

And whereas in order to make provision for the representation of the area added to the borough and to settle the division into wards of the extended borough it is desirable that a commissioner be appointed as in this Act mentioned:

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And whereas the Corporation are the owners of the gas undertaking of the borough and under the powers of the recited Acts manufacture gas and supply gas in the borough and in certain adjoining townships and places :

And whereas the Warrington Waterworks Company (in this Act called "the company") are incorporated and authorised to supply and are now supplying water within limits which comprise the existing borough and several adjoining townships and places under and by virtue of the following Acts :—

The Warrington Waterworks Act 1855 ;

The Warrington Waterworks Act 1868 ; and

The Warrington Waterworks Act 1878 :

And whereas the capital of the company consists of—

Forty thousand pounds preference stock entitled to a preferential dividend at the rate of four pounds ten shillings per centum per annum :

Three thousand ordinary shares of ten pounds each entitled to dividend at a rate not exceeding ten pounds per centum per annum :

One thousand five hundred ordinary shares of ten pounds each entitled to dividend at a rate not exceeding seven pounds ten shillings per centum per annum :

Three thousand ordinary shares of ten pounds each entitled to dividend at a rate not exceeding seven pounds per centum per annum :

And whereas the company have a mortgage or bond debt of twenty-eight thousand three hundred and nineteen pounds but have not created any debenture stock and are indebted to their bankers for moneys advanced :

And whereas the company and the Corporation have agreed for the transfer to the Corporation of the undertaking rights powers and privileges of the company on the terms and conditions hereinafter set forth and it is expedient that provision as herein-after contained should be made for effecting that object and that the Corporation should be invested with the powers of the company to the extent herein-after mentioned :

And whereas it is also desirable to enable the Corporation to acquire certain lands for the enlargement of their existing hospital for infectious diseases :

And whereas the Public Libraries (England) Acts 1855 to 1889 are in force within the borough and a free library museum and art collections have at great expense been established and provided but the rate authorised by the said Acts is insufficient for the purpose

of maintaining and improving the said library museum and art collections and it is therefore expedient that the amount of the rate be increased: A.D. 1890.

And whereas the Corporation require to raise moneys for the purposes of this Act and it is expedient that the Corporation be authorised to raise moneys for the same in manner by this Act provided:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas a plan and a book of reference containing the names of the owners or reputed owners 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 in this Act respectively referred to as the deposited plan and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the nineteenth day of December one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Warrington Examiner* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said *Warrington Examiner* and has received the approval of the Local Government Board and of the Secretary of State for the Home Department as regards matters within their respective departments:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-third day of April one thousand eight hundred and ninety being no less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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PART I.
Preliminary.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Warrington Extension and Water Act 1890.

Commencement of Act.

2. This Act except as otherwise expressly provided shall commence and take effect on the thirtieth day of October one thousand eight hundred and ninety and that date is in this Act referred to as the commencement of this Act.

Act divided into parts.

3. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Purchase of waterworks.

Part IV.—Lands.

Part V.—Rates and borrowing.

Part VI.—Miscellaneous.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts except so far as any of their provisions may be expressly varied by or inconsistent with any of the provisions of this Act are hereby incorporated with this Act.

Interpretation.

5. In this Act the following words and expressions have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The existing borough” means the municipal borough of Warrington as existing immediately before the commencement of this Act :

“The added part of the borough” or “the added area” means the area added to the existing borough by this Act :

“The borough” or “the extended borough” means the existing borough together with the added area :

“The Corporation” means the mayor aldermen and burgesses of the existing borough or of the extended borough as the case may require :

“The council” means the council of the existing borough or of the extended borough as the case may require :

“Town clerk” “treasurer” “surveyor” mean respectively the town clerk the treasurer and the surveyor of the borough :

“The borough fund” “the borough rate” “the improvement rate” and “the general sewers rate” mean respectively the borough fund borough rate improvement rate and general sewers rate of the borough :

“The county council” means the county council of the county palatine of Lancaster :

- “The directors” means the directors of the company :
- “The undertaking” means the undertaking of the company :
- “The water revenue of the Corporation” after the acquisition of the undertaking by the Corporation means all moneys (other than borrowed moneys) received for or in relation to a supply of water or the hire or use of water meters fittings or other apparatus connected with the supply of water or the income arising from any lands or other property held by the Corporation in connexion with their water undertaking or otherwise in relation to the waterworks of the Corporation :
- “Annuities” or “annuity” means respectively the Warrington Corporation Redeemable Water Annuities created under the provisions of Part III. of this Act :
- “Annuitants” or “annuitant” means any person entitled to any such annuities or annuity :
- “The transfer” and “the date of the transfer” respectively mean the transfer and the date of the transfer of the undertaking :
- “The Waterworks Acts” means the Acts of the company :
- “Statutory borrowing power” means and includes every 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 this Act or 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 :
- “The Burial Acts” means the Burial Acts 1852 to 1871 and any Acts amending the same :
- “The Public Health Acts” means the Public Health Act 1875 and includes any Act for the time being in force amending the same :
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and includes any Act for the time being in force amending the same :
- “Existing” means existing immediately before the commencement of this Act :

Words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings :

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Preliminary.

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PART I.
Preliminary.

Provided that the expression "superior courts" or "court of competent jurisdiction" shall in this Act and in any Act incorporated with this Act have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

6. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council. This Act shall unless otherwise expressed or implied apply only to the borough.

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Extension of Borough.

PART II.—EXTENSION OF BOROUGH.

Extension of borough.

7. The boundaries of the existing borough are hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the area described in the First Schedule to this Act.

Authority of Corporation extended.

8. Subject to the provisions of this Act the powers rights privileges authorities and duties of the Corporation acting by the council as a municipal body and as a sanitary authority and as a burial board and of the Corporation acting in the execution of the recited Acts and of any other local Acts or orders confirmed by Parliament in force within the existing borough or otherwise and the powers rights privileges authorities and duties of the mayor and of all officers and servants of the Corporation in their respective official capacities shall extend to and throughout the extended borough and the jurisdiction of any rural sanitary authority highway authority other than the county council or school authority within any part of the added area shall cease.

Jurisdiction of justices and police constables extended.

9. The jurisdiction powers rights privileges and duties of the justices of the peace appointed for the borough and of the police constables and other peace officers of the borough shall extend and apply throughout the extended borough.

Charters and byelaws to apply to extended borough.

10. All charters and all byelaws orders and regulations made by the Corporation which at the commencement of this Act are in force within the existing borough shall extend and apply to the extended borough (subject as regards such byelaws orders and regulations to revocation or alteration by the Corporation).

Exemption from liability to certain rates and collection of arrears.

11. Lands and other property in the added part of the borough shall not be liable to any rate made pursuant to the precept or order of any rural sanitary authority or highway authority other than the county council but precepts or orders respecting any such rate or rates made before the commencement of this Act and all arrears of

any such rates existing at the commencement of this Act may be enforced collected and recovered as if this Act had not been passed and every person committing an offence in the added part of the borough before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed.

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*Extension
of Borough.*

12. Whereas the rateable value of the administrative county of Lancaster will be diminished by virtue of the passing of this Act In consideration thereof be it enacted—

Corporation
to pay certain
sums to
County
Council of
Lancaster.

(1.) The Corporation shall pay to the county council in respect of—

(a.) The debt charged upon the police rate for the district of Warrington;

(b.) The deficiency in the county police superannuation fund;

(c.) Compensation to the clerk of the county justices of the petty sessional division of Warrington holding office at the time of the passing of this Act;

such sums as shall be agreed upon between the Corporation and the county council or failing agreement as shall be determined in manner herein-after provided.

(2.) Such sums shall be paid by the Corporation to the treasurer of the said county within six months of the date of determining the amount thereof whether by agreement or arbitration.

(3.) Any difference between the Corporation and the county council with respect to the amount of any compensation payable under this Act shall be determined in the manner prescribed by the Arbitration Act 1889 and this enactment shall be deemed to be a submission within the meaning of that Act.

13. The added part of the borough shall form and for all intents and purposes be part of the borough and all the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough including those held under any charitable trust shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough Provided that this provision shall not be deemed to extend the rights privileges benefits and advantages of the inhabitants of any parish district or ward within the existing borough.

Added area
to be part of
borough for
all purposes.

14. All estates and property of every description vested in the Corporation or in any trustees committee or society for charitable educational or other purposes at the commencement of this Act for

Corporation
property.

A.D. 1890. the benefit of the existing borough shall vest in the Corporation or
PART II. in such trustees committee or society for the benefit of the extended
Extension borough and the Corporation shall hold enjoy and exercise for the
of Borough. benefit of the extended borough all the property powers rights and
privileges which at the commencement of this Act are vested in the
Corporation for the benefit of the existing borough but subject to
all debts liabilities and engagements affecting the same.

Officers of
Corporation
continued.

15. The town clerk treasurer and all other officers and servants
of the Corporation shall continue to be the town clerk treasurer
officers and servants of the Corporation and shall hold their offices
and situations by the same tenure respectively as at the commence-
ment of this Act.

Deposit of
plan of
extended
borough.

16. A plan of the borough as extended by this Act signed in
duplicate by William George Mount Esquire the chairman of the
committee of the House of Commons to whom the Bill for this Act
was referred (in this Act called "the borough plan") shall within two
weeks after the passing of this Act be deposited in the Private Bill
Office of the House of Commons and with the town clerk at his
office and copies thereof certified by the town clerk shall be sent as
soon as may be after such deposit to the Director General of Her
Majesty's Ordnance Survey and to the Local Government Board
In case of any discrepancy between the description of the extended
borough in the First Schedule to this Act and in the borough plan
the description in the schedule shall prevail.

Copies of
deposited
plan of
borough to
be evidence.

17. Copies of the borough plan or any extract therefrom certified
by the town clerk or by the surveyor to be true shall be received in
all courts and proceedings as *primâ facie* evidence of the contents of
such plan and such plan shall at all reasonable times be open to
inspection by any person liable to any rate leviable within the
borough and any person shall be entitled to a copy of or extract
from such plan certified by the town clerk or by the surveyor on
payment of a reasonable fee for every such copy or extract and all
sums received under this section shall be carried to the credit of the
borough fund.

Accounts to
be adjusted
by Local
Government
Board.

18. The Local Government Board are hereby empowered on the
application of the Corporation or of any sanitary authority highway
authority other than the county council or school authority within
whose district any part of the added area is situate immediately
before the commencement of this Act to adjust all accounts and to
transfer or apportion any rates and any property debts liabilities
and obligations which by reason of the provisions of this Act may

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be required to be adjusted or transferred or apportioned and may make such order as they deem expedient for effecting the objects of this section Any order of the Local Government Board made under this section shall be conclusive.

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*Extension
of Borough.*

19. Notwithstanding anything in this Act or in any Act incorporated with this Act the following provisions shall have effect (that is to say) :—

Differential
rating in
added area.

1. For a period of five years from the commencement of this Act and no longer the owners or occupiers (as the case may be) of any lands houses and other rateable hereditaments in the added area shall not be assessed or liable to make any payment on account of any improvement rate to be assessed made or levied in the remainder of the borough.

2. During the same period and no longer the owners or occupiers (as the case may be) of any such lands in the added area as are described in section LIV. of the Warrington Improvement and Market Act 1854 shall not be assessed or liable to make any payment on account of any general sewers rate to be assessed made or levied in the remainder of the borough.

3 For a period of five years from the thirtieth day of October one thousand eight hundred and ninety-five and no longer the owner or occupier of any lands in the added area for the time being belonging or reputed to belong to the Honourable Leopold William Henry Powys shall not be assessed or liable to make any payment on account of any improvement or general sewers rate to be assessed made or levied in the remainder of the borough but this exemption shall not apply to any dwelling-house or any other building erected after the thirtieth day of October one thousand eight hundred and ninety-five upon any part of such lands as aforesaid belonging or reputed to belong to the Honourable Leopold William Henry Powys.

20. The borough shall be divided into nine wards with such names or distinguishing numbers and boundaries as shall be fixed and determined by a scheme to be made by a commissioner to be for that purpose appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act.

Division of
extended
borough into
wards.

21. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as

Commis-
sioner to
frame
scheme.

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of Borough.*

to complete his scheme before the thirtieth day of September one thousand eight hundred and ninety or such later day as may on his application be fixed by the said Secretary of State.

Number of
aldermen and
councillors.

22. The borough shall continue to have nine aldermen and twenty-seven councillors.

Provision for
existing
councillors
continuing to
represent
their former
wards.

23. The commissioner shall by his scheme—

(1.) Apportion all the existing councillors among the wards of the borough as altered so as to provide (as far as practicable) for each of such councillors continuing to represent as large a number as possible of his former constituents and every such councillor shall hold his office in the ward to which he shall be so assigned for the same period as he would have held such office if the wards of the existing borough had remained unaltered:

(2.) State for which of the wards of the borough as altered the five aldermen assigned by the council as returning officers on the ninth day of November one thousand eight hundred and eighty-nine shall act and shall also name an alderman to act as returning officer to each of the remaining new wards.

Scheme to be
published.

24.—(1.) The scheme shall be published by and at the expense of the Corporation in the London Gazette and also in some local newspaper or newspapers circulating in the borough and from the date of the publication of the Gazette the boundaries of wards and apportionment of councillors and other matters determined by the scheme shall be in force and be observed.

(2.) If Her Majesty in council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in council on further information and report from the commissioner definitely approves of a scheme in that behalf.

Application
of section 30
of 45 & 46
Vict. c. 50.

25. Subject to the provisions of this Act sub-sections (8) (9) (10) (11) (14) and (15) of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Further pro-
visions as to
elections &c.

26. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk in relation to each of the wards determined by the said scheme before the first day of November one thousand eight hundred and ninety may be done in like manner as if such wards were and had been wards of the borough existing

at the time of the passing of this Act and the aldermen named by the commissioner as returning officers for the several wards of the borough as determined by the said scheme shall be deemed to have been assigned as returning officers for those wards respectively by the council on the ninth day of November one thousand eight hundred and eighty-nine and the commissioner is by this Act empowered to make all such provisions as may be necessary or proper in consequence of the extension of the borough and of the division or alteration of wards.

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of Borough.

27. For the purposes of the parish burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the Municipal Corporations Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough Provided that no such burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list or roll or notice or notices be made given or published as soon after the passing of this Act or the publication of the said scheme as may be practicable.

Burgess lists
 and burgess
 rolls.

28. Subject to the provisions of this Act and section 66 of the Warrington Improvement and Market Act 1854 all elections vacancies of office and rotations shall be governed by the Municipal Corporations Acts.

Application
 of Municipal
 Corporations
 Acts.

29. The Corporation may make compensation to any officer or servant of any authority within the added part of the borough who by reason of the extension of the existing borough shall be deprived of any portion of the salary profits or emoluments of or incidental to his office or service and any such officer or servant may at any time within six months after the commencement of this Act apply to the Corporation in writing under his hand to make him such compensation and such application shall be accompanied by a statutory declaration stating the nature and tenure of his office or service the date and mode of his appointment and the salary profits and emoluments derived therefrom by him and his predecessors therein for every year during a period of five years next before the commencement of this Act and if the compensation so claimed by him be refused or not granted within three months after the receipt of such application he may apply to the Local Government Board who shall determine whether he be entitled to any and if to any to what compensation and may make such order in the matter as they

Compensa-
 tion to
 officers and
 servants.

A.D. 1890. may think fit and the Corporation shall pay any compensation which may be awarded by the Local Government Board at such time or times and in such manner as they by their order may direct.

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Extension of Borough.

PART III.
Water.

PART III.—PURCHASE OF WATERWORKS.

Undertaking of company defined.

30. For the purposes and subject to the provisions of this Act the company's undertaking shall include the company's works mains pipes plant fixed or movable machinery apparatus implements buildings lands easements stock-in-trade chattels effects securities choses in action claims demands authorities powers rights and privileges and all other the estate real and personal of or belonging to the company subject to the debts contracts and liabilities of the company and any encumbrances affecting the same.

Corporation to purchase and company to sell undertaking.

31. Subject to the provisions of this Act the company shall sell and the Corporation shall purchase the undertaking as on and from the first day of July one thousand eight hundred and ninety-one as it may exist and stand at that date.

Transfer to be by deed.

32. The transfer shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the Second Schedule to this Act or to the like effect with such variations and additions as circumstances may require Provided that within three months from the date of the deed the Corporation shall produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the deed to the date of payment shall be recoverable from the Corporation with full costs of action and all costs and charges attending the same.

Time for completion of purchase.

33. The purchase of the undertaking shall be completed on or as soon as may be after the first day of July one thousand eight hundred and ninety-one.

Company's directors to carry on undertaking until completion of purchase.

34. The directors of the company shall carry on the undertaking according to their ordinary course of business until the transfer and for that purpose the directors and the company shall subject to the provisions of this Act enjoy and may exercise all powers authorities and privileges with respect to the undertaking as though this Act had not been passed but neither the directors nor the company shall incur any responsibility as trustees for or on behalf of the Corporation or otherwise howsoever and if the purchase of the undertaking

be not completed on the first day of July one thousand eight hundred and ninety-one then the undertaking shall be so carried on for and at the cost of the Corporation from and after the said first day of July one thousand eight hundred and ninety-one until the transfer and at the transfer the company shall either pay to or receive from the Corporation as the case may require the balance of income and expenditure arising and incurred in respect of the carrying on of the undertaking from and after the first day of July one thousand eight hundred and ninety-one until the date of the transfer.

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PART III.
Water.
—

35. The Corporation shall pay to the company at or before the date of the transfer or the company may at their option retain out of any moneys in their hands otherwise payable by them to the Corporation—

Corporation
to pay sum of
money to
company in
respect of
reserve fund
&c.

(a) A sum of one thousand two hundred and forty-six pounds fourteen shillings and ninepence being the portion of the sum called in the accounts of the company the reserve fund which consists of appropriations of revenue ;

(b) Such a sum of money as shall represent the amount of revenue and profits of the company undivided up to and including the thirtieth day of June one thousand eight hundred and ninety-one such revenue and profits being deemed to include among other things any debts and any water rents rates and other income or earnings of any kind which have accrued due and are payable to the company on or before the said thirtieth day of June and also a due proportion of any such income or earnings then current or accruing except that in the case of the water rents and rates due and payable to the company for the quarter ending on the twenty-ninth day of September one thousand eight hundred and ninety-one the company shall be deemed entitled to a proportionate part only thereof in respect of the period from the twenty-fourth to the thirtieth day of June one thousand eight hundred and ninety-one inclusive of such last-mentioned day :

And such sums shall be applied by the directors in payment of the costs charges and expenses payable by the company of and incident to or in connexion with the Bill for this Act and the sale and transfer of the undertaking and the dissolution and winding up of the company so far as the same are not otherwise provided for and in payment of interest on borrowed moneys and of any dividends accrued or to accrue due and payable to the stockholders and shareholders in respect of the profits of the undertaking up to and including the thirtieth day of June one thousand eight

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A.D. 1890. hundred and ninety-one and the balance (if any) shall be distributed
PART III. pro rata among the ordinary shareholders or otherwise applied in
Water. such way as the ordinary shareholders may determine.

Company
may raise
capital for
purposes of
undertaking.

36. The company may from time to time by borrowing under and according to the provisions of the Waterworks Acts raise such sums of money as the directors may deem necessary and proper for the purposes of their undertaking and of this Act and as they may be for the time being authorised to borrow under the provisions of the said Acts or they may at their discretion borrow such sums from their bankers or other persons upon the best marketable terms which can in the opinion of the directors be obtained and they may from time to time borrow such further sums from their bankers or other persons as the directors may deem necessary for the said purposes beyond the sums they are authorised to borrow under the provisions of the said Acts upon the like terms but the company shall not issue any new preference or ordinary shares or stock and any unexpended balance of capital moneys remaining in the hands or at the disposition of the company at the date of the transfer shall be paid by the company to the Corporation. Provided always that the company shall not between the passing of this Act and the transfer expend in extensions of mains or other works any greater sum than two thousand pounds without the sanction in writing of the mayor of Warrington for the time being except in case of emergency or in case of the company being called upon to expend capital in pursuance of any statutory obligation. Provided also that the company shall not borrow any such sums of money as aforesaid including the said sum of two thousand pounds or any portion thereof for any longer period than five years from the date of borrowing without the sanction in writing of the mayor of Warrington for the time being.

Consideration for transfer.

37. In consideration for the purchase of the undertaking the Corporation shall pay to the company on or before the date of the transfer or the company may at their option retain out of any moneys in their hands otherwise payable by them to the Corporation the sum of three thousand pounds in cash and the Corporation shall grant to each holder of stock or shares in the capital of the company annuities in respect of such stock and of every share in such capital held by him at the date of the transfer as follows (that is to say) :—

(a) To every holder of preference stock in the capital of the company an annuity of four pounds ten shillings in respect of each one hundred pounds of such stock held by him and so in

proportion for any fraction of one hundred pounds of such stock held by him or (at the option of any such holder to be signified in writing to the town clerk within three months after the passing of this Act) the Corporation shall at their own expense issue to him an annuity bond of like amount secured upon the borough fund and borough rate which shall be redeemed by the Corporation within one year from the thirtieth day of June one thousand eight hundred and ninety-one by payment in cash of a sum equal to thirty years purchase of the amount of the annuity together with a proportionate amount of the annuity for the current year calculated from the thirtieth day of June one thousand eight hundred and ninety-one or from the date when the last payment on account of the annuity became due as the case may be up to the day when the redemption is completed by the payment of the money :

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Water.

- (b.) To every holder of a share or shares in the capital of the Company entitled to a dividend at a rate not exceeding ten pounds per centum per annum an annuity of one pound in respect of each such share held by him :
- (c) To every holder of a share or shares in the capital of the company entitled to a dividend at a rate not exceeding seven pounds ten shillings per centum per annum an annuity of fifteen shillings in respect of each such share held by him :
- (d) To every holder of a share or shares in the capital of the company entitled to a dividend at a rate not exceeding seven pounds per centum per annum an annuity of fourteen shillings in respect of each such share held by him.

The said sum of three thousand pounds shall be applied by the directors as follows (that is to say) :—

1. Such sum not exceeding one thousand pounds as they may determine shall be applied in making such compensation and giving such gratuities as they think fit to the officers and servants of the company :
2. The balance shall be applied in or towards the paying of the costs charges and expenses payable by the company of and incident to or in connexion with the sale and transfer of their undertaking and the negotiations in respect thereof and otherwise of and incident to the Bill for this Act :
3. The surplus (if any) shall be applied in or towards the payment of the expenses of the dissolution and winding up of the company.

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PART III.
Water.

On comple-
tion of pur-
chase under-
taking to
vest in Cor-
poration.

38. Upon the issue of the annuity certificates and annuity bonds in accordance with the provisions of this Act and upon payment or satisfaction of all moneys payable to or receivable or retainable by the company and upon the execution of the said deed of conveyance the undertaking shall with the title on which the company holds the same and subject to all contracts debts obligations liabilities and defects affecting the same be transferred to and vested in the Corporation upon the terms and conditions contained in this Act.

Vesting of
books in
Corporation.

39. Subject as herein-after provided all books plans and documents in the possession of the company which are necessary for the conduct of the business of the company (but not including the minute books of proceedings of shareholders directors or committees nor any books plans or documents which are no longer reasonably necessary for the purposes of the Corporation as owners of the company's water undertaking) shall after the transfer of the undertaking be transferred to the Corporation :

Provided that all books plans and documents which may be required for the purposes of the winding-up and dissolution of the company may be retained by the company until such winding up and dissolution is completed when they are to be handed to the Corporation who by their officers and servants are in the meantime to be allowed access thereto at all reasonable times and that as to all other books plans and documents which shall be transferred to the Corporation the directors solicitors and agents of the company shall for the purposes of winding up and dissolving the company or anything connected therewith have access to the same at all reasonable times :

Any difference which may arise between the company and the Corporation as to the custody of any books or documents belonging to the company or the inspection thereof shall be settled by some person to be nominated in that behalf by the President for the time being of the Institution of Civil Engineers and the decision of the person so nominated shall be final The costs of any such settlement or of any inquiry in connexion therewith shall be borne and paid by the Corporation.

Inspection of
books &c. by
shareholders.

40. From and after the handing over of any books plans or documents of the company to the Corporation such books plans or documents shall for a period of six years from the date of the transfer be open at all reasonable times to inspection by any person being at the date of the transfer a registered holder of any stock or shares of the company.

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Water.

Continuance
in office of
certain
officers and
servants of
the company.

41. Every person who on the thirtieth day of June one thousand eight hundred and ninety-one is in the employment of the company (except only any of those persons who on or before the first day of June one thousand eight hundred and ninety-one signifies in writing to the Corporation that he is unwilling to serve under them) shall be taken over by the Corporation on the same terms as to position and emoluments as those under which he may be employed by the company at the date of the passing of this Act and shall not be liable to dismissal or removal as regards John Ross the secretary and resident engineer of the company for a period of four years and as regards any other such person for a period of two years from the transfer save only for misconduct or incapacity but the said John Ross may himself terminate the engagement by six months notice to be given to the Corporation at any time and every other such person may himself terminate the engagement by one month's notice to be given to the Corporation at any time.

42. From and after the transfer all byelaws and regulations made by the company and then in force shall continue in force the Corporation being substituted therein for the company but the Corporation shall have full power to repeal alter and amend all or any of the said byelaws and regulations and to make and from time to time repeal alter or amend fresh byelaws and regulations for all or any of the like purposes but any such repeal alteration or amendment as aforesaid and any fresh byelaws or regulations made by the Corporation under this section shall not take effect unless and until confirmed by the Local Government Board and shall not require or be subject to confirmation or allowance by justices or any other authority.

Regulations
of company
continued.

43. The mortgage or bond debt of the company and the interest thereon shall after the transfer continue a first charge on the undertaking when vested in the Corporation.

Mortgage or
bond debt of
the company
to continue
a first charge.

44.—(1.) All debts and liabilities of the company (including their mortgage or bond debt) which at the date of the transfer may be accrued or accruing due and remain unpaid or unsatisfied shall be paid and satisfied by the Corporation who shall in all respects indemnify and save harmless the company from and against the same.

Provision for
company's
debts and
actions &c.

(2.) If at the date of the transfer any action or proceeding or cause of action or proceeding is pending or existing by against or in favour of the company the same shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued

A.D. 1890. prosecuted and enforced by against or in favour of the Corporation
as and when it might have been continued prosecuted or enforced
PART III. against the company if this Act had not been passed but not
Water. further or otherwise.

Contracts of company to be binding on Corporation. 45. Except as is by this Act otherwise specially provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the date of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Water rents &c. due to the company to be paid to the Corporation. 46. From and after the date of the transfer all moneys which immediately before that period are due and payable or accruing or becoming due and payable to the company for or in relation to any supply of water or fittings or on any account whatsoever shall be payable to and may be collected and recovered by and in the name of the Corporation.

Books &c. to remain evidence. 47. All books and documents of or concerning the company which if this Act had not been passed would have been admitted in evidence shall be admitted in evidence as if this Act had not been passed.

Application of company's Acts to Corporation. 48. From and after the transfer all the powers rights privileges and authorities of the company in relation to their undertaking shall be by virtue of this Act transferred to and vested in the Corporation and the Waterworks Acts shall be read and have effect as if the Corporation were therein named instead of the company subject to the following exceptions and provisions :—

(1.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with those Acts shall not apply to the Corporation.

(2.) The provisions of those Acts and of the Acts incorporated therewith relating to the constitution of the company and to meetings of directors and to share or loan capital and to dividends and limitation on and application of the profits of the company and to the accounts of the company shall not apply to the Corporation.

(3.) Penalties imposed by those Acts shall not be cumulative as regards the Corporation.

Grant of annuities by Corporation to shareholders. 49. In so far as the consideration for the transfer to the Corporation of the undertaking is the grant of annuities to the preference stockholders and shareholders of the company the Corporation shall

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issue to such stockholders and shareholders (subject to redemption as herein-after mentioned) annuities of the amounts provided by this Act in respect of their stock or shares respectively and such annuities shall be called Warrington Corporation Redeemable Water Annuities.

PART III.
Water.

holders in
company.

50. The annuities shall by virtue of this Act be charged on and issue out of the water revenue of the Corporation and on and out of the borough fund and borough rate.

Charge of
annuities on
undertaking
and rates.

51. The annuities shall be payable half-yearly on the thirtieth day of June and the thirty-first day of December in every year without any deduction whatsoever except in respect of income tax and the first of such payments shall be made on the thirty-first day of December one thousand eight hundred and ninety-one.

Annuities
payable half-
yearly.

52. The Corporation shall deliver to each annuitant (or send by post in a prepaid letter addressed to the registered address of such annuitant) a warrant or order on the treasurer of the borough for every payment to such annuitant.

Warrants for
payment of
annuities.

Every warrant or order shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

53. The Corporation shall pay the income and property tax from time to time payable in respect of the annuities having first deducted the same from each annuity.

Income tax
on annuities.
to be paid by
Corporation.

54. The several persons whose names appear as stockholders or shareholders in the books of the company on the thirtieth day of June one thousand eight hundred and ninety-one shall until proof to the contrary be considered to be the persons at that date entitled to annuities or annuity bonds under this Act.

Proof of
membership
of company.

55. The Corporation shall from and after the transfer keep a book to be called "The Register of Warrington (Water) Annuitants" and in such book shall be fairly and distinctly entered from time to time the names and addresses of the several persons respectively entitled to annuities under this Act together with the amount of the annuities to which such annuitants shall be entitled and the surnames or corporate names of the said annuitants shall be placed in alphabetical order and every annuitant (and if such annuitant be a corporation the clerk or agent of such corporation) may at all convenient times peruse such book gratis and may require a copy thereof or of any part thereof and for every hundred words so

Register of
annuitants.

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Water.

Annuities
and annuity
bonds to
represent
stock or
shares in
company.

required to be copied the Corporation may demand a sum not exceeding sixpence.

56. The annuities and annuity bonds shall in all respects be substituted for and represent the stock and shares in the capital of the company in exchange for which the same are respectively granted and paid and the several persons to whom such annuities or annuity bonds are granted under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers provisions charges and liabilities as those upon and to which their respective amounts of stock or shares in the capital of the company were immediately before such exchange held and subject and every deed or other instrument or any testamentary or other disposition purporting to dispose of or affect any such stock or shares shall take effect with reference to the whole or a proportionate part as the case may be of the annuities or annuity bonds substituted for and representing the said stock or shares respectively.

Corporation
to issue
certificates
for annuities.

57. The Corporation shall at their own expense issue to every person entitled to an annuity under this Act a certificate of the annuity on delivery by him to the Corporation of the certificate of the stock or share in the capital of the company for which such annuity is substituted or on production of other satisfactory evidence of his title to the annuity and such certificate may be in the form in the Second Schedule to this Act or to the like effect.

Annuity
certificates to
state liability
to redemption.

58. Every certificate securing an annuity granted under the powers of this Act shall contain a statement of the liability of such annuity to be redeemed by virtue of the provisions contained in this Act.

Certificate to
be evidence.

59. The certificate of any annuity shall be admitted in all courts as *prima facie* evidence of the title of the holder thereof to the annuity therein specified.

Certificates
of annuities
to be renewed
when lost &c.

60. If the certificate of any annuity be worn out or damaged then on its being produced to the Corporation they may order it to be cancelled and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Corporation they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made by the Corporation in the said register of annuitants and

A.D. 1890.

for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

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Water.

61. If at any time an annuitant be desirous of having several certificates instead of one or one certificate instead of several then on any such certificate or certificates being produced to the Corporation they shall order the same to be cancelled and shall thereupon issue to him as he requires one or more certificate or certificates for the annuities the certificate or certificates for which is or are so cancelled and in every such case a due entry of the substituted certificate or certificates shall be made by the Corporation in the said register of annuitants and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence and any annuity may from time to time be divided at the option of the annuitant into two or more annuities of any amount not being less than fourteen shillings and any annuity or annuities whether the same have been subdivided or not may from time to time be consolidated with other annuities as the annuitant may direct.

Certificates for altered numbers of and power to divide or consolidate annuities.

62. The annuities shall be personal estate.

Annuities to be personal estate.

63. The transfer of an annuity shall be by deed duly stamped in which the consideration shall be truly stated and such deed may be according to the form in the Second Schedule to this Act or to the like effect.

Transfer of annuities to be by deed duly stamped.

64. Every such deed of transfer when duly executed shall be delivered to the Corporation and be kept by them and they shall keep a book called "The Register of Transfers of Water Annuities" and they shall enter a memorial of every such deed of transfer in that book and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk) and shall on demand deliver a new certificate to the transferee and for every such entry of a deed of transfer with such indorsement and with or without such certificate the Corporation may demand any sum not exceeding two shillings and sixpence and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the annuity transferred instead of a new certificate being granted and such indorsement being signed by the town clerk shall be considered in every respect the same as a new certificate and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred.

Transfer of annuities to be registered.

65. The Corporation may close the register of transfers of the annuities for any period not exceeding fourteen days before

Closing of transfer books.

A.D. 1890. the thirtieth day of June and the thirty-first day of December
yearly and any transfer made during the time when that register is
closed shall as between the Corporation and the transferee but not
otherwise be deemed made after that time.

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Water.

Joint
owners.

66. Where more persons than one are registered as jointly entitled to an annuity any one of them may give an effectual receipt for any instalment of such annuity unless notice in writing to the contrary has been given to the Corporation by any other of them and where any such annuity stands in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for the receipt of the instalments of such annuity shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation before acting on the letter of attorney may if they think fit require proof to their satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration under the Statutory Declarations Act 1835 of one or more competent persons.

Transmis-
sion of
annuities to
be authenti-
cated by de-
claration.

67.—(1.) If the interest in any annuity become transmitted in consequence of the death or bankruptcy of any annuitant or in consequence of the marriage of a female annuitant or by any lawful means other than by a transfer according to the provisions of this Act such transmission shall if the Corporation so require be authenticated by a statutory declaration made pursuant to the Statutory Declarations Act 1835.

(2.) If the transmission be by virtue of the marriage of a female annuitant the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof and shall declare the identity of the wife with the holder of the annuity and if the transmission be by virtue of any testamentary instrument or by intestacy the probate of the will or the letters of administration or an official extract therefrom shall with the declaration be produced to the Corporation.

(3.) In this section the term transmission includes any case of apparent transmission in consequence of the change of name of the annuitant although the actual ownership of the annuity may remain unaltered.

Corporation
not to regard
trusts.

68. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any annuity under this Act may be subject and the receipt of the person in whose name any such annuity stands in the register of annuities shall from time to time be a sufficient discharge to the

Corporation for any money payable in respect of such annuity notwithstanding any trusts to which such annuity may then be subject and whether or not the Corporation have had notice of such trusts and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

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Water.
—

69. If any instalment of an annuity be not paid when due upon demand thereof in writing made to the Corporation by the annuitant he may sue for and recover the same with full costs of action in any court of competent jurisdiction. Annuities recoverable by action.

70.—(1.) If at any time the Corporation for two months after written notice or application to the mayor or town clerk for the time being fail to pay any instalment due and payable on any annuity the person entitled thereto may without prejudice to his right to sue for the amount in arrear apply to the High Court for a receiver and the Court may if it thinks fit appoint a receiver on such terms as it thinks fit. Receiver.

(2.) The receiver shall have the like power of collecting receiving recovering and applying all moneys liable to the payment of such annuity and of assessing making and recovering or causing to be assessed made and recovered all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the Court thinks fit and shall apply all money so collected after payment of expenses and costs as the Court directs for the purposes of this Act.

(3.) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

71. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same. Receipts of guardians &c.

72. A person taking or holding an annuity certificate or annuity bond shall not be concerned to inquire or to take notice whether the issue of such annuity certificate or annuity bond was or was not in accordance with this Act. Protection of holders of annuities.

73. The Corporation may from time to time redeem any of the annuities at such price not exceeding thirty years purchase of the annuity as may be agreed between the annuitant and the Corporation and at any time (after the respective dates herein-after mentioned) the Corporation shall be entitled to redeem any of the annuities on giving six months written notice of their intention Redemption of annuities by Corporation.

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to the registered annuitant thereof and on payment to him in cash of a sum equal to thirty years purchase of the annuity. Provided always that no annuity issued in respect of preference stock in the capital of the company shall be redeemable before the first day of January one thousand nine hundred and twenty-one and no annuity issued in respect of any share or shares in the capital of the company shall be redeemable before the first day of January one thousand eight hundred and ninety-six except in each case by agreement with the annuitant entitled thereto. Every annuity redeemed by the Corporation shall be extinguished.

As to declaration &c. of dividends and winding up and dissolution of company.

74. The company and the directors may exercise all powers necessary for the declaration of dividends amongst the stockholders and shareholders of the company in respect of the profits earned by the company up to and inclusive of the thirtieth day of June one thousand eight hundred and ninety-one and for payment of all such dividends and any other dividend or dividends accrued or to accrue due and payable to the stockholders and shareholders in respect of the profits of the undertaking up to and including the thirtieth day of June one thousand eight hundred and ninety-one and for the distribution of any moneys payable to the company by the Corporation and for winding up the affairs of the company and when the affairs of the company have been completely wound up the directors or any two of them acting in pursuance of a resolution of the directors shall certify under their hands to that effect and shall cause a copy of their certificate to be published in the London Gazette and on the expiration of one month from the date of that publication the company shall be by virtue of this Act dissolved.

Receipt of committee of stockholder or shareholder to discharge company.

75. For the purposes of such winding up the receipt of any committee of any stockholder or shareholder in the company shall be an effectual discharge to the company and to the directors thereof for so much of the money as in such receipt shall be expressed to be received and shall exonerate the company and the directors thereof from any trust or obligation affecting the stock or shares in respect of which such money shall be paid.

Payments into Court by company.

76. Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or where any money is payable to a person who or whose committee cannot give an effectual receipt for the same the directors may pay the same into the High Court under any Act for the time being in force for the relief of trustees.

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PART III.
Water.

Election of
new direc-
tors.

77. If the number of directors of the company be reduced by death or resignation below three before the completion of the winding up of the company the continuing directors or director shall from time to time choose a member or members of the company to be a director or directors of the company so that the number of directors shall as soon as may be be raised again to three.

78. After the transfer the Corporation shall keep a separate account of all their receipts credits payments and liabilities from or on account of their water undertaking to be called "the water account" which account shall be subject to the same provisions as to audit examination inspection copies extracts and production of vouchers as other accounts of the Corporation and the Corporation shall apply all money from time to time received by them on account of the water revenue of the Corporation in the manner and order following :—

Keeping of
accounts.

First. In payment of the working and establishment expenses and cost of maintenance of their water undertaking and the costs of collection and recovery of water rents :

Secondly. In payment of the costs charges and expenses in any manner relating to the transfer to and vesting in them of the undertaking of the company :

Thirdly. In payment of the costs charges and expenses of and incidental to the granting and issuing of annuities and annuity bonds under this Act :

Fourthly. In payment of the interest on the mortgage or bond debt of the company and afterwards of the annuities issued by virtue of this Act :

Fifthly. In payment of the interest upon money borrowed under this Act in respect of their water undertaking :

Sixthly. In providing the requisite sinking funds or instalments for repayment of moneys borrowed or for the repayment of which the Corporation will become liable under this Act for the payment of the mortgage or bond debt of the company and all other capital sums paid to acquire the undertaking and for the redemption of annuities and annuity bonds :

Seventhly. In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government or other securities in which trustees are by law authorised to invest and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds which fund shall be applicable from time to

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PART III.
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time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens :

And they shall from time to time carry to the borough fund the net surplus remaining after the fulfilment of the several purposes aforesaid and the annual proceeds of the reserve fund when amounting to ten thousand pounds.

Provision
in case of
deficiency
of water
revenue.

79. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the borough rate by carrying an adequate sum therefrom to the credit of the water account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a borough rate for the purposes of the borough shall include therein such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such borough rate.

Rating for
railways and
canals.

80. The occupier of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance or covered with water or used only as a canal or towing-path for the same shall be assessed in respect thereof in the proportion of one-fourth part only of the net annual value thereof as regards the payment or contribution to so much of the borough rate as may be levied for the purposes of the water undertaking of the Corporation and if any sum in excess of one-fourth part shall be assessed on any such occupier the Corporation shall allow to such occupier a drawback equal to the amount of such excess or the occupier shall have power to deduct the same from any existing or future rate due from him to the Corporation. Every precept issued by the Corporation to the overseers of the poor or other persons by whom the borough rate is levied shall state the amount if any required for the purposes of the water undertaking of the Corporation and the town clerk shall on the application of any such occupier furnish within twenty-eight days full particulars in writing of the amount so required and the amount in the pound required therefor also the proportion of the amount in the pound required from such occupier.

81. At any time after the transfer the Corporation shall when so required by any other sanitary authority sell to that other sanitary authority all pipes fittings and other apparatus for or connected with the distribution of water belonging to the Corporation and which shall at that time be laid or lie in the district of that sanitary authority (excepting all such pipes mains and other works required and used or that may be required and used for supplying and conveying water into and for any other part of the area for the time being included within the limits of supply of the Corporation) at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and that sanitary authority or failing such agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and after any such sale the powers of the Corporation to supply water within the district of that sanitary authority shall cease.

Corporation when so required to sell pipes &c. outside the borough.

82. The following provisions for the protection of the London and North-western Railway Company (herein-after called "the railway company") shall be in force and have effect and be binding on the Corporation :—

For the protection of the London and North-western Railway Company.

In laying down and executing or in effecting the repairs (other than urgent repairs in case of accident) and renewals of any mains pipes or other works upon across over under or in any way affecting the railways now or hereafter belonging to or worked by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by any such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations or works or interruption to the passage or conduct of the traffic over such railways or at any station thereon.

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PART III.
Water.

For the protection of certain companies.

83. Whereas at the passing of this Act and for some years prior thereto the works of the three following companies namely the Pearson and Knowles Coal and Iron Company Limited the Whitecross Company Limited and Rylands Brothers Limited (who with their respective successors and assigns are herein-after called "the three companies") were supplied with water for manufacturing purposes by means of private mains or pipes laid under certain streets roads and footpaths of the borough with the sanction of the Corporation Now it is hereby enacted that the Corporation may from time to time enter into an agreement or agreements with the three companies or any of them with respect to the laying relaying maintenance alteration and user of such existing mains or pipes or of other or additional mains and pipes for the supply of the said works or any enlargement thereof and subject to such agreement or agreements and to the terms and conditions therein contained the said mains or pipes may be laid continued altered and maintained and from time to time may be relaid extended and multiplied for the purposes of such supply to the three companies or any of them.

PART IV.
Lands.

PART IV.—LANDS.

Power to acquire land for extension of hospital.

84.—(1) For the purpose of enlarging their existing hospital for infectious diseases or of otherwise providing increased accommodation for persons suffering from any infectious disease the Corporation may enter on take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for that purpose.

(2) The power of taking land under the provisions of this section shall not be exercised after the expiration of two years from the passing of this Act.

Restriction on taking houses of labouring class.

85.—(1) The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

(2) For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing

others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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PART IV.
Lands.

PART V.—RATES AND BORROWING.

PART V.
*Rates and
Borrowing.*

86. For the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries (England) Acts 1855 to 1889 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be paid out of or levied by a rate were extended so as not to exceed the sum of three halfpence in the pound.

Limit of
library rate
extended.

87. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments not exceeding four of such amounts and to be paid at such times within the same financial year as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments and is collected by the Corporation the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering any such rate shall extend and apply to each instalment thereof as if the same were a separate rate.

Power to
levy rates by
instalments.

88. For the purpose of discharging the mortgage or bond debt of the company or any part thereof and of paying any part of the consideration for the purchase of the undertaking which shall be payable by a sum in gross and of making any other payment authorised to be made by the Corporation on capital account (including payments for redemption of annuities or annuity bonds) the Corporation may from time to time borrow at interest on the security of the water revenue of the Corporation and of the borough fund and borough rate such sums as may from time to time be required and may also with the consent of the Local Government Board borrow on the like security such further sums as they may from time to time require to meet any capital expenditure in the execution of the Waterworks Acts.

Power to
borrow for
purpose of
waterworks.

89. The Corporation may from time to time with the consent of the Local Government Board borrow at interest (in addition to any moneys they now are or hereafter may be authorised to borrow

Power to
borrow for
other
purposes.

A.D. 1890. under the provisions of this or any other Act) such sums as they may require for the following purposes (that is to say) :—

PART V.
*Rates and
Borrowing.*

(1.) For the extension of the hospital for infectious diseases ;

(2.) For the extension of the public baths :

In calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Act.

Security for
borrowed
moneys.

90. Moneys borrowed for the extension of the public baths shall be borrowed on the security of the borough fund and borough rate and moneys borrowed for the extension of the hospital for infectious diseases shall be borrowed on the security of the improvement rate leviable under the Warrington Improvement and Market Act 1854.

Provisions as
to mortgages.

91. The Corporation may raise by mortgage all or any of the moneys which they are authorised to borrow under this Act and the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 (form of mortgage) ;

Section 237 (register of mortgages) ;

Section 238 (transfer of mortgages) ;

Section 239 (receiver may be appointed in certain cases).

Periods for
repayment of
borrowed
moneys.

92. All moneys borrowed under the powers of this Act shall be repaid within the following periods (that is to say) :—

(i.) As to moneys borrowed for the acquisition of the undertaking and incidental expenses including sums to redeem or repay annuities or annuity bonds within any period not exceeding sixty years from the date of the transfer :

(ii.) As to other moneys borrowed under the powers of this Act with the consent of the Local Government Board within such periods as that Board may in sanctioning each loan prescribe.

Mode of
effecting re-
payment.

93. The repayment of moneys borrowed or for the repayment of which the Corporation become liable under this Act shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by instalments and partly by sinking funds.

As to sinking
fund for pay-
ment of
mortgage and
bond debt of
the company

94. In order to create a sinking fund for the payment of the mortgage or bond debt of the company and for the redemption of the annuities and annuity bonds created under the powers of this Act and for the payment of all moneys borrowed for the purposes of this Act except moneys borrowed with the sanction of the Local

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—
and for re-
demption of
annuities &c.

Government Board the Corporation shall after the expiration of five years from the date of transfer every year set apart and appropriate out of the water revenue of the Corporation and out of the borough fund and borough rate such equal sum of money as being accumulated in the way of compound interest at the rate of three pounds per centum per annum will be sufficient in fifty-five years from the expiration of the said five years to pay off the said mortgage or bond debt and annuity bonds and all moneys borrowed for the purposes of this Act except as aforesaid and a sum representing the capitalised value of the said annuities at thirty years purchase.

95. Any moneys which may be borrowed by the Corporation under the provisions of this Act with the consent of the Local Government Board shall be repaid in accordance with the provisions of this Act within such periods from the date of borrowing the same as the Local Government Board prescribe.

As to moneys
borrowed
with con-
sent of Local
Government
Board.

96. The following regulations shall be observed by the Corporation in relation to sinking funds formed under this Act:—

Regulations
as to sinking
funds.

(1.) The sums set apart for sinking funds shall be from time to time invested in the name of the Corporation in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks or other securities duly created and issued by any local authority (other than the Corporation) defined by the Local Loans Act 1875:

(2.) The Corporation may from time to time apply the whole or any part of any sinking fund in or towards the discharge of the principal moneys or the redemption of the annuities or annuity bonds as the case may be for the discharge or redemption whereof it was created:

(3.) Whenever any of such principal moneys have been so paid off or annuities or annuity bonds redeemed out of moneys accumulated by means of a sinking fund the Corporation shall thenceforward until the whole of such principal moneys have been paid off or the whole of such annuities or annuity bonds have been redeemed as the case may be pay into the sinking fund which has been so applied every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the payments to the sinking fund are based:

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Provided that whenever any such sinking fund shall equal the amount of the principal moneys then due and outstanding and the amount payable for the redemption of the annuities or annuity bonds then unredeemed for the payment or redemption of which such sinking fund was created and so long as the yearly income arising from such sinking fund shall be equal to the annual interest of such principal moneys and the amount payable yearly in respect of such annuities or annuity bonds as the case may be the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and the amount payable yearly in respect of such annuities or annuity bonds as the case may be and may during such periods discontinue the payment to that sinking fund of the yearly sums required to be paid thereto.

Annual re-
turn to Local
Government
Board with
respect to
sinking
funds.

97.—(1.) The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the treasurer if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act :

(2.) If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by Mandamus to be obtained

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by the Local Government Board out of the High Court The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

—
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—

98. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under any statutory borrowing power on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so from time to time Provided as follows:—

Power to re-borrow.

The time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf prescribed by or in connexion with the respective borrowing power:

For the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan:

The Corporation shall not re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases.

99. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of borrowed moneys.

100. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection of lenders from inquiry.

101.—(1.) The Corporation may if they think fit borrow any moneys which they are by this Act or any other statutory borrowing power authorised to borrow under and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to borrow under Local Loans Act 1875.

(2.) Any moneys borrowed by the Corporation in manner by this section authorised shall be charged on and be paid out of the same funds and rates as they would be charged on and paid out of if raised by way of mortgage under such statutory borrowing power and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875.

(3.) Any moneys re-borrowed under the powers of the Local Loans Act 1875 shall be repaid within the period prescribed in that behalf by or in connexion with the statutory borrowing power by

A.D. 1890. which the borrowing was authorised and any moneys re-borrowed under the provisions of the said Act shall be repaid within the period prescribed for the repayment of the moneys in lieu of which they are borrowed and the moneys originally borrowed and any moneys so re-borrowed shall for the purposes of sections 14 and 15 of the Local Loans Act 1875 be deemed to form the same loan.

PART V.
Rates and
Borrowing.

Saving for
existing
charges.

102. Nothing in this Act shall prejudicially affect any charge on the revenues and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenues rates and property subject to his charge as if this Act had not been passed and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenues rates and property.

PART VI.
Miscel-
laneous.

PART VI.—MISCELLANEOUS.

Repeal of
section 37 of
the Gas Act
1877 relat-
ing to the re-
demption of
annuities.

103.—(1.) Section 37 of the Warrington Corporation Gas Act 1877 is hereby repealed and in lieu thereof it is hereby enacted that the Corporation may from time to time redeem or purchase any gas annuity at such price not exceeding the market price for the time being at Warrington for the same as may be agreed between the annuitant and the Corporation. Every gas annuity redeemed by the Corporation shall be extinguished.

(2.) The several sections of the said Act of 1877 relating to gas annuities shall be modified with reference to this section and shall be read and construed *mutatis mutandis* as if the term “market price” was throughout substituted for “twenty-five years purchase.”

(3.) Whenever the Corporation shall apply any portion of the sinking fund directed to be made by section 48 of the said Act of 1877 in the redemption of gas annuities they shall pay into such sinking fund every year in addition to the other sums required to be set apart and appropriated by the said section a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied as aforesaid at the rate per centum on which the payments to the sinking fund are based.

Costs
of Local
Government
Board to be
paid by Cor-
poration.

104. All costs incurred by the Local Government Board (including a reasonable sum not exceeding three guineas a day for the services of any inspector) in relation to any duties imposed on that Board under this Act shall be paid by the Corporation.

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105. Nothing in this Act shall take away abridge or prejudicially affect any right power authority duty estate interest or remedy of the Corporation under the Municipal Corporations Acts or the Public Health Acts and every such right power authority duty estate interest and remedy may be had enjoyed exercised performed and enforced by the Corporation as fully and effectually as if this Act had not been passed.

PART VI.
Miscellaneous.

General
saving for
Corporation.

106. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed on the security thereof under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto For the purpose of defraying such costs charges and expenses the Corporation may borrow at interest on the security of the borough fund and borough rate such sums as they may require Provided that all sums so borrowed shall be repaid within ten years from the date of borrowing the same respectively in accordance with the provisions in Part V. of this Act.

Expenses of
Act.

A.D. 1890.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

So much of the township of Warrington in the parish of Warrington and county of Lancaster as is comprised within the following boundaries namely:—

Between the existing boundary of the borough and a boundary line commencing in the existing boundary of the borough at a point in the centre of the bed of the River Mersey opposite where the brook known as Padgate Brook flows into such river thence along the centre of the said brook in a northerly and north-westerly direction to the centre of the bridge known as Padgate Bridge carrying Padgate Lane over the said brook thence in a north-westerly direction in a straight line to the centre of the bridge known as Longford Bridge carrying the highway leading from Warrington to Wigan over Longford Brook thence along the centre of Longford Brook to the centre of Dallam Brook three hundred yards west of the centre of Longford Bridge thence in a southerly direction along the centre of Dallam Brook to Sankey Brook thence along the centre of Sankey Brook to and terminating in the existing boundary of the borough at a point three hundred and sixty feet north of the centre of the bridge known as Buttermilk Bridge.

THE SECOND SCHEDULE.

FORM A.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the Warrington Extension and Water Act 1890 and in consideration of

the Warrington Waterworks Company do hereby grant convey and assign unto the mayor aldermen and burgesses of the borough of Warrington the undertaking of the Warrington Waterworks Company with the land buildings works and other property of the said company and the rights things in action and causes of action or proceedings of or belonging to the said company to hold the same unto the said mayor aldermen and burgesses their successors and assigns subject to the rents covenants provisions enactments bond debts contracts and liabilities affecting the same and the said mayor aldermen and burgesses do accept the same accordingly.

In witness whereof the Warrington Waterworks Company and the said mayor aldermen and burgesses have hereto set their respective common seals
this day of 18 .

[53 & 54 VICT.] *Warrington Extension and* [Ch. ccxxxvi.]
Water Act, 1890.

FORM B.

A. D. 1890.

FORM OF CERTIFICATE OF WATER ANNUITY.

The Warrington Extension and Water Act 1890.

Certificate of Redeemable Annuity No. £

By virtue of the Warrington Extension and Water Act 1890 the mayor aldermen and burgesses of the borough of Warrington certify that *A.B.* of _____ is under that Act entitled to _____ redeemable annuity (or annuities) of _____ pounds each charged on the water revenue of the Corporation and borough fund and borough rate by that Act charged therewith and such annuity (or annuities) is (or are) payable to the said *A.B.* his executors administrators successors or assigns clear of all deductions (except for income tax) by equal half-yearly payments on the 30th day of June and the 31st day of December yearly.

Given under the seal of the Corporation this _____ day of _____ 18 .

Note.—By virtue of the provisions of the above Act the annuity (or annuities) hereby secured is (or are) liable to be redeemed by the Corporation at any time after _____ at the price of thirty years purchase thereof.

FORM C.

FORM OF TRANSFER OF WATER ANNUITY.

The Warrington Extension and Water Act 1890.

I *A.B.* of _____ in consideration of _____ pounds paid to me by *C.D.* of _____ transfer to him his executors administrators and assigns the redeemable annuity (or annuities) number _____ of _____ pounds charged by the Warrington Extension and Water Act 1890 on the water revenue of the Corporation and borough fund and borough rate by that Act charged therewith and payable by equal half-yearly payments on the 30th day of June and the 31st day of December yearly and all my rights and interests therein and thereto.

As witness my hand and seal this _____ day of _____ 18 .

Note.—This transfer must when duly executed be delivered to the Corporation of the borough of Warrington for registration.

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