



CHAPTER clvi.

An Act to authorise the Runcorn Improvement Commissioners to acquire the undertaking of the Runcorn Weston and Halton Waterworks Company and to confer further powers on the Commissioners. [27th July 1893.] A.D. 1893.

WHEREAS the Improvement Act District of Runcorn in the county of Chester (in this Act called "the district") is an urban sanitary district of which the Runcorn Improvement Commissioners (in this Act called "the Commissioners") are the urban sanitary authority and the following Local Act and Order are in force within the district (that is to say):—

The Runcorn Improvement Act 1852;

A Provisional Order relating to Runcorn confirmed by the Local Government Board's Provisional Orders Confirmation (Bilbrough &c.) Act 1876:

And whereas the Runcorn Weston and Halton Waterworks Company (in this Act called "the Company") is incorporated and authorised to supply and is now supplying water within limits which comprise the district and other adjoining places under and by virtue of the following Acts:—

The Runcorn Weston and Halton Waterworks Act 1865;

The Runcorn Weston and Halton Waterworks (Capital) Act 1870:

And whereas the capital of the Company consists of:—

£4,000 in preference shares entitled to a preferential dividend at the rate of £5 per centum per annum;

£13,100 in preference shares entitled to a preferential dividend at the rate of £4 5s. per centum per annum;

£2,900 in preference shares entitled to a preferential dividend at the rate of £4 per centum per annum;

£30,000 in ordinary shares:

And whereas the Company have a mortgage or bond debt of £2,400 and no other loan capital:

[Price 1s. 6d.]

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And whereas it is expedient that the undertaking of the Company should be transferred to and vested in the Commissioners :

And whereas the Commissioners and the Company entered into an agreement for such transfer and vesting which has since been modified and it is expedient that such agreement as so modified and in the terms set forth in the First Schedule to this Act and in this Act referred to as "the scheduled agreement" be confirmed and made binding upon the Commissioners and the Company respectively as if the same were under their respective common seals and that provisions such as are in this Act contained be made for the winding up of the Company :

And whereas it is expedient that the powers of the Commissioners should be enlarged and that the Runcorn Improvement Act 1852 should in divers respects be amended :

And whereas the Commissioners now owe under the Act of 1852 the sum of eleven thousand nine hundred and sixty-five pounds thirteen shillings and five pence and it is expedient that provision should be made as in this Act provided for the repayment thereof and for the repeal of the borrowing powers of the Commissioners under the said Act in so far as they have not already been exercised :

And whereas the Commissioners require to raise moneys for the purchase of the Company's undertaking and it is expedient that they be authorised to raise moneys for the same in manner by this Act provided :

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

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the twenty-eighth day of November one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Runcorn Guardian" a local newspaper circulating in the district 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 primarily be charged on the district fund and general district rate of the district :

And whereas such resolution was published twice in the "Runcorn Examiner" a local newspaper circulating in the district and has received the approval of the Local Government Board :

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 Commissioners at a further special meeting held in

pursuance of a similar notice on the second day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1893.

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

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Runcorn Commissioners Act 1893. Short title.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Finance.

Part IV.—Miscellaneous.

Division of Act into parts.

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

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

The Waterworks Clauses Act 1863.

4. In this Act the following words and expressions have the meanings hereby assigned to them unless the context otherwise requires (that is to say):— Interpretation.

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate for the district;

“The Water Acts” means the Company's Acts of 1865 and 1870;

“The water limits” means the limits defined by the Water Acts and this Act for the supply of water;

“Undertaking” used with reference to the transfer means the undertaking of the Company and all the property rights

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powers authorities and privileges of the Company comprised therein ;

“The transfer day” means the thirtieth day of September one thousand eight and ninety-three ;

“Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof ;

“Superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Acts incorporated herewith shall be read and 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.

Limits and execution of Act.

5. The limits of this Act shall for water purposes be the limits defined by the Water Acts and for all other purposes shall be the district and the provisions of this Act shall be executed by the Commissioners with the powers duties and indemnities and according to the provisions of the Public Health Act 1875 and any Act amending the same.

Repeal of unexercised borrowing powers under local Act.

6. The borrowing powers of the Commissioners under the Act of 1852 in so far as they have not already been exercised are hereby repealed.

PART II.—WATER.

Confirmation of scheduled agreement.

7. The agreement set forth in the First Schedule to this Act is hereby confirmed and made binding upon the Commissioners and the Company and the Company shall sell to the Commissioners and the Commissioners shall purchase the undertaking for the consideration and on and subject to the terms and conditions in the scheduled agreement and in this Act set forth.

Transfer of undertaking to be by deed.

8. The sale of the undertaking 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 require and on the execution of that deed by the Company the undertaking shall become and shall thenceforth be transferred to and vested in the Commissioners subject and according to the provisions of this Act and subject to such obligations and contracts for the supply of water and otherwise into which the Company have from time to time entered and also subject except as between the Company and the Commissioners to all debts and liabilities and incumbrances affecting the same and also subject to existing tenancies and thenceforth the Commissioners shall have and hold the undertaking accordingly.

The deed of conveyance shall within three months from its date be produced duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Commissioners with full costs of suit and all costs and charges attending the same.

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9. From and after the transfer the Water Acts except so far as the same are altered or superseded by this Act shall be read and have effect as if the Commissioners had been therein named instead of the Company subject nevertheless and according to the following exceptions and provisions namely:—

Application of Water Acts to the Commissioners.

(1.) The provisions of the Companies Clauses Consolidation Act 1845 incorporated with the Water Acts shall not apply to the Commissioners;

(2.) None of the provisions of the Water Acts or of any Acts incorporated therewith in any manner relating to the share or loan capital of the Company or to any limitation of the amount of profit to be received by the Company or undertakers or to the balancing of the books or audit of the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the Commissioners.

10. The receipt in writing of three of the directors of the Company for any money to be paid by the Commissioners to the Company shall effectually discharge the Commissioners from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Receipt for purchase and valuation money.

11. The directors of the Company shall distribute the purchase money and all other moneys belonging to the Company or payable to them by the Commissioners in manner following (that is to say):—

Application of purchase and valuation money.

(1.) In payment of the costs charges and expenses payable by the Company of and incident to and in connexion with the negotiations for the sale of the undertaking and the preparing engrossing and completing the scheduled agreement 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;

(2.) In payment of the mortgage or bond debt and other debts and liabilities of the Company;

(3.) In payment to the officers of the Company of such sum and in such proportions as the Company in general meeting shall determine;

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(4.) In payment to every holder of a share or shares in the capital of the Company entitled to a preferential dividend of a sum equal to twenty-eight years purchase of the amount of such dividend:

And shall distribute the residue among the ordinary shareholders of the Company their executors administrators or assigns in proportion to their respective shares and interest in the undertaking of the Company.

Payment into court when person entitled to money cannot be found.

12. Where the directors of the Company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money or the other moneys to be distributed by them is payable or where any part thereof 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 or as the case may be the county court under any Act for the time being in force for the relief of trustees.

Company's debts &c. to be paid.

13. All debts rents charges and sums of money which at the transfer day are due or owing to or from the Company shall be paid discharged and satisfied as if this Act had not been passed.

Pending actions &c. against Company.

14. If at the transfer day any action suit or proceeding or any cause of action suit or proceeding is pending or existing against the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the Commissioners as and when it might have been continued prosecuted and enforced if this Act had not been passed but no further or otherwise but without prejudice nevertheless to any remedy against the Company under any security or indemnity given by the Company to the Commissioners.

Contracts of Company to be binding on the Commissioners.

15. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the transfer day and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Commissioners and may be enforced as fully and effectually as if instead of the Company the Commissioners had been a party thereto.

Company's books evidence as to shareholders.

16. The persons who on the transfer day appear in the books of the Company to be proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be considered to be shareholders thereof for the purposes of the distribution of the Company's assets.

17. The Company and the directors may exercise all powers necessary for paying the debts and liabilities and for winding up the affairs of the Company and when the affairs of the Company have been completely wound up the Company shall be by virtue of this Act dissolved.

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Winding up
and dissolution of
Company.

18. The water to be supplied by the Commissioners need not be laid on under a pressure greater than that to be afforded from the pipes communicating with their service reservoir.

Limitation
of pressure.

19. The Commissioners shall not be bound to supply more than one house by means of the same service pipe and they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Commis-
sioners not
bound to
supply
several
houses by
one pipe.

20. The Commissioners shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenant not
liable for
arrears.

21. A notice to the Commissioners from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be posted to or left at the office of the clerk to the Commissioners or sent to the clerk in a prepaid letter.

Notice of
discontinu-
ance.

22. Before any person connects or disconnects any meter through which any of the water of the Commissioners is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Commissioners of his intention to do so and all alterations or repairs to and the connecting of and disconnecting of meters shall be done at his cost and under the superintendence of an officer of or person authorised by the Commissioners and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Notice to
Commis-
sioners of
putting up
&c. meters.

23. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Register of
meter to be
primâ facie
evidence.

24. If any person wilfully fraudulently or by culpable negligence injure or suffer to be injured any pipe meter or fitting belonging to the Commissioners or fraudulently alter the index to any meter or fraudulently prevent any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Commissioners or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Commissioners may in addition thereto recover the amount of any damages sustained by them and the Commissioners may also after twenty-four hours notice

Fraudulently
injuring
meters.

A.D. 1893. — in writing under the hand of the Commissioners clerk enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Power for Commissioners to supply materials &c.

25. The Commissioners may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such cisterns pipes valves ferrules cocks baths soil-pans and watercloset apparatus receptacles fittings and appliances as are required or permitted by their regulations or byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Commissioners in providing such materials and executing such work shall be paid by the person requiring the same.

Limitation of water rate.

26. The term "annual rack rent or value" referred to in section 33 of the Act of 1865 shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided always that the Commissioners shall not be entitled in any case to demand for the water rate for a house or any part of a house a greater sum of money than might be charged for any house or part of a house of higher rateable value but at a lower rate per centum per annum.

Byelaws for preventing waste of water.

27. For preventing waste misuse undue consumption or contamination of the water of the Commissioners the following provisions shall have effect (that is to say):—

- (1.) The Commissioners may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such byelaws prescribe the point of connexion with the mains of the Commissioners the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the ferrules pipes meters cocks valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and may forbid any arrange-

ments and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse or contamination ;

(2.) No such byelaws shall be of any force or effect except within such part or parts of the district in which the Commissioners are for the time being bound to supply and do in fact supply or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply water under constant pressure ;

(3.) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties ;

(4.) In case of failure of any person to observe such byelaws as are for the time being in force the Commissioners may if they think fit after twenty-four hours notice in writing between the hours of ten in the morning and four in the afternoon enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Commissioners by the person on whose credit the water is supplied and may be recovered by them as the water rate is recoverable.

28. The Commissioners shall at any time after the acquisition of the Water Company's undertaking 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 Commissioners which shall at that time be laid or lie in the district of that sanitary authority (except 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 Commissioners) at such price and upon and subject to such terms and conditions as may be determined by agreement between the Commissioners and that sanitary authority or failing agreement be settled by arbitration under the Arbitration Act 1889 and after any such sale the powers of the Commissioners to supply water within the district of that sanitary authority shall cease.

Commissioners when so required to sell portions of undertaking outside district.

29. All moneys in the nature of capital received by the Commissioners in respect of their water undertaking not being

Application of capital moneys.

A.D. 1893. — borrowed moneys shall be applied in discharge of any moneys borrowed by them under the provisions of this Act but shall not be applied to payments into any sinking fund or to the payment of instalments except to such extent and on such terms as may be approved by the Local Government Board Provided that any borrowed moneys discharged by the application of any such capital moneys shall not be re-borrowed.

PART III.—FINANCE.

Power to borrow.

30. The Commissioners may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the water revenue and the district fund and general district rate the following sums (that is to say):—

For the purpose of paying the taxed costs of this Act the sum requisite for that purpose ;

For the purpose of acquiring the undertaking and the costs and expenses incident to such acquisition and to the raising of the loan for the purchase of the undertaking and to the transfer of the undertaking (other than the costs of this Act) the sum necessary for the purpose ;

And with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or of the Act of 1852 or otherwise in relation to the water undertaking :

Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Commissioners may borrow under that Act any sums they may borrow under this Act shall not be reckoned.

Provisions as to mortgages.

31. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under the powers of this Act (that is to say):—

Section 236 (Form of Mortgage) ;

Section 237 (Register of Mortgages) ;

Section 238 (Transfer of Mortgages) ; and

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

Repayment of borrowed moneys.

32. All provisions in the Act of 1852 prescribing the times at which and the mode in which any moneys borrowed and then owing by the Commissioners or to be re-borrowed in lieu thereof shall be repaid are hereby annulled and repealed and the Commissioners shall repay all moneys owing by them under the Act of 1852 or to

be borrowed by them under or in pursuance of the powers of this Act in the manner following (that is to say):— A.D. 1893.

As regards all moneys already borrowed and now owing by them under the Act of 1852 within thirty years from the date of the original borrowing in each case;

As regards moneys borrowed to defray the costs of this Act or otherwise in relation thereto within any period not exceeding ten years from the time of the borrowing thereof;

As regards moneys borrowed with the sanction of the Local Government Board within such period not exceeding sixty years as that Board may in each case determine;

As regards moneys borrowed for waterworks purposes within any period not exceeding sixty years from the time of the borrowing thereof;

Which said periods are herein-after respectively referred to as the prescribed period:

And such repayment shall be made either—

By equal half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

33. If the Commissioners determine to pay off by means of a sinking fund any moneys repayable in accordance with the provisions of this Act the following regulations shall be observed:— Regulations
as to sinking
fund.

(1.) Such equal yearly sums shall be paid by the Commissioners out of the fund or rate charged with the repayment of such moneys into a sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the borrowed moneys within such period not exceeding the prescribed period from the date of borrowing as the Commissioners may in such a case determine;

(2.) All sums paid into a sinking fund shall as soon as may be be invested by the Commissioners in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debenture stock or other securities not being annuity certificates or certificates payable to bearer of any local authority as defined by the Local Loans Act 1875 other than the Commissioners and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Commissioners in like manner Provided that if

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in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be forthwith made good out of the revenue fund or rate charged with the moneys for the repayment of which such fund is set aside ;

(3.) The Commissioners may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which such fund was created ;

(4.) Whenever any of such principal moneys have been so paid off the Commissioners shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the 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 annual payments to the sinking fund are based ;

(5.) Whenever and so long as the amount standing to the credit of any sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the Commissioners may in lieu of investing the yearly income of such fund apply the same in payment of interest on money in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to re-borrow.

34. If the Commissioners pay off any money borrowed by them otherwise than by means of instalments appropriations or annual repayments or of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Power to borrow under Local Loans Act 1875.

35. The Commissioners may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers 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 Any moneys borrowed by the Commissioners in manner by this section authorised shall be a charge upon and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds rates and revenues shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the prescribed period Provided always that the Commissioners shall not invest any sinking fund in their own securities.

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36. A person lending money to the Commissioners shall not be bound to inquire as to the observance by the Commissioners of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Protection of lenders from inquiry.

37. All mortgages granted by the Commissioners subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of existing mortgages.

38. The Commissioners shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say):—

Application of water revenue.

Firstly: In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue;

Secondly: In payment of the working and establishment expenses and cost of maintenance of the undertaking;

Thirdly: In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the undertaking;

Fourthly: In providing the requisite instalments or sinking funds for moneys borrowed under this Act or otherwise making provision for repayment of such moneys in accordance with the provisions of this Act;

Fifthly: In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Commissioners are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the reserve fund so formed amounts to ten thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from their water undertaking or to meet any extraordinary claim or demand at any time arising

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against the Commissioners in respect of that undertaking or to the improving and extending thereof and so that if that fund be 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 shall happen ;

And the Commissioners shall carry to the credit of the district fund so much of any balance remaining in any year as may in the opinion of the Commissioners not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to ten thousand pounds.

As to deficiency in receipts.

39. Any deficiency in the revenues and receipts of the Commissioners on account of their water undertaking shall be from time to time made good out of the general district rate in such manner as the Commissioners may from time to time determine.

Application of money borrowed.

40. All money borrowed under this Act shall be applied only to purposes for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Separate accounts to be kept as to water.

41. The Commissioners shall (after the completion of the purchase) keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue.

Audit of accounts.

42. The provisions of sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Commissioners under the Act and to the accounts of their assistants and officers.

Annual return to Local Government Board with respect to sinking fund.

43. The clerk of the Commissioners 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 if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year 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 remaining invested at the end of the year and in the event of any wilful default in making

such return such clerk shall be liable to a penalty of 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. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any 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 purposes other 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 as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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44. The Commissioners shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Commissioners have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Commissioners not to regard trusts.

45. All expenses of the execution of this Act by the Commissioners which are not otherwise provided for shall be defrayed by them out of the district fund and general district rate.

Expenses of execution of Act.

PART IV.—MISCELLANEOUS.

46. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. The Commissioners shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by

Inquiries by Local Government Board.

A.D. 1893. — the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Liability to water rent not to disqualify justices.

47. No justice or judge of any court or person acting as such shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any rate meter rent or charge under this Act.

Contents of summons &c.

48. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Costs of Act.

49. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for 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 Commissioners out of moneys to be borrowed for the purpose under the provisions of this Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1893.

THE FIRST SCHEDULE.

ARTICLES OF AGREEMENT made the first day of December one thousand eight hundred and ninety-two between the Runcorn Weston and Halton Waterworks Company (herein-after called "the Company") of the one part and the Runcorn Improvement Commissioners acting as the Urban Sanitary Authority for the District of Runcorn (herein-after called "the Commissioners") of the other part whereby it is mutually agreed (subject to the approval of Parliament and the passing into law of the Bill herein-after mentioned) as follows:—

1. The Company subject to the provisions of this agreement sell to the Commissioners and the Commissioners purchase of the Company the whole undertaking of the Company (herein-after called "the said undertaking") which expression shall be taken to include all the works engines mains pipes and machinery as also lands messuages and buildings (subject to existing tenancies) as also all contracts benefits of contract and books of account belonging to the Company and other the real and personal property of the Company (except the cash balances in the Company's hands or those of their bankers or agents and also excepting all office furniture stock including stores meters and coal and also excepting all book and other debts due to the Company) and all their rights powers privileges and easements statutory and otherwise connected therewith or belonging to the Company as the same shall stand on the thirtieth day of September one thousand eight hundred and ninety-three (herein-after called "the transfer day") The said undertaking is sold subject to such obligations for furnishing free supplies of water and all other obligations and contracts for the supply of water and otherwise into which the Company have from time to time entered And the Commissioners shall take over and perform and fulfil such obligations and contracts and indemnify the Company from liability thereunder.

2. The Company shall deliver up possession of the said undertaking on the transfer day and thereupon the Commissioners shall be entitled to the receipts and revenue accruing and arising from that date from the said undertaking.

3. All debts owing to the Company water rents meter rents and other rents and other revenue including arrears of water and meter rents accrued or accruing due to the transfer day shall be recoverable in any court of competent jurisdiction by and be received by and belong to the Company and be retained by them.

4. The consideration to be paid or given by the Commissioners to the Company shall be the sum of sixty-seven thousand five hundred pounds to be paid on the transfer day.

5. The Commissioners shall on the transfer day take over and pay for according to a valuation to be made in the usual manner the office furniture and the stock of the Company and the coals meters and stores And there shall be

A.D. 1893. — included in such stock such items and articles of such description as have been included in the valuations or stock takings which have been made from time to time by the Company and have been included in their half-yearly balance sheets under the headings of "Stock of goods in workshops and meters on hire stock" of goods at the pumping stations extra buckets valves pipes and fittings and "coals."

6. The Company shall at their own expense carry on manage and maintain the said undertaking up to the transfer day in the ordinary course of business and shall continue to keep the works in good and proper order repair and condition (reasonable wear and tear and accidents and strikes of workmen excepted) and shall subject to the limitations and provisions of this agreement conduct their business according to their usual custom.

7. After the transfer day the Company shall have full access at all reasonable times to the books documents and accounts relative to the said undertaking for the purpose of making up the accounts of the Company to the transfer day and for declaring and paying dividends and also for the purpose of getting in and recovering the debts rates rents and arrears to the transfer day and for all other purposes necessary for winding up the Company. And the Company may exercise all such of their statutory powers and rights as may be requisite for ascertaining and enforcing payment of all moneys that may on the transfer day be due to them in as full and complete a manner as if this agreement had not been made. And the Company may also exercise all their statutory powers and rights for or in relation to their capital to the holding of meetings or otherwise necessary for the purpose of distributing the purchase and other moneys and winding up the affairs of the Company.

8. The Company between the date of this agreement and the transfer day shall not expend upon capital account any money except such as they may be required by law to expend or such as the Commissioners may authorise in writing under the hand of the law clerk of the Commissioners. And the Commissioners shall on request in writing by or on behalf of the Company to be delivered by or on behalf of the Company to the law clerk of the Commissioners provide and repay to the Company on the transfer day the amount so expended on capital account.

9. Subject to the provisions of this agreement the Company shall bear and pay all such debts and liabilities as shall become due from or payable by them up to the transfer day and as in the usual course of their business would be charged to the revenue account of the year to end on the thirtieth day of September one thousand eight hundred and ninety-three. The Commissioners shall bear and pay the future expenditure on capital account (if any) provided for by this agreement and the parliamentary and other expenses falling upon them under the terms of this agreement.

10. The Commissioners shall take the lands and easements of the Company including the works offices houses and sites of the reservoirs with the title on which the Company hold the same but subject to such outgoing easements rents and incidents of tenure as the same are held under by the Company and subject also to the tenancies affecting the same. And the Company shall convey and assign the same to the Commissioners by a proper deed or deeds to be prepared and duly stamped by and at the expense of the Commissioners.

11. The Commissioners shall promote a Bill in the next ensuing session of Parliament and shall subject to the approval of Parliament insert in such Bill suitable clauses and provisions for ratifying and giving full effect to this agreement and to the transfer and incidental thereto together with such other clauses and provisions as the Commissioners may deem needful but so far as the same affect the Company they shall be subject to the approval of the solicitors and parliamentary agents of the Company Any alterations therein required by Parliament not substantially altering the terms of this agreement or such clauses and amendments so approved as aforesaid and not diminishing the value of the consideration to be paid by the Commissioners to the Company for the said undertaking shall not invalidate this agreement The Commissioners subject to the approval of Parliament shall insert in the said Bill such necessary clauses as will enable the Company to carry out this agreement and as will effectually provide for the distribution of the purchase and other moneys of the Company in manner following (that is to say) :—

- (A) In payment of the costs charges and expenses payable by the Company of and incident to or in connexion with the negotiations for the sale of the said undertaking and the preparing engrossing and completing these presents and of and incident to or in connexion with the Bill for the Act and the sale and transfer of the said undertaking and the dissolution and winding up of the Company ;
- (B) In payment of all the mortgage debenture bonds and other debts and liabilities of the Company ;
- (C) In payment to the officers of the Company of such sum and in such proportions as the Company in general meeting shall determine ;
- (D) In payment to every holder of a share or shares in the capital of the Company entitled to a preferential dividend of a sum equal to twenty-eight years purchase of the amount of such dividend ;
- (E) The balance shall be distributed pro rata among the ordinary shareholders of the Company.

12. The Company shall not oppose the said Bill in its progress through Parliament except so far as may be necessary to carry into full effect the provisions of this agreement and they shall assist the Commissioners in passing the same through Parliament.

13. If the before-mentioned Bill shall have passed into law before the thirtieth day of September one thousand eight hundred and ninety-three but from any cause the purchase shall not have been completed on such date the Commissioners shall pay to the Company interest upon the purchase money and upon the money expended by the Company on capital account as herein-before provided from such date until the actual day of payment of the purchase money and money so expended on capital account as aforesaid at such rate as will enable the Company to pay to the holders of mortgages or debenture bonds and preference shares interest at the rate of the interest or dividend to which they are respectively entitled at the date of this agreement and to the holders of ordinary shares interest at the rate of five pounds five shillings per centum per annum and on the amount to be paid pursuant to Clause 5 of this agreement and upon the money expended by the Company on capital account as herein-before provided at the rate of five pounds per centum per annum.

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14. Subject to the provisions of the Act to be passed for confirming this agreement every question or difference that may arise between the parties hereto as to the construction or meaning of these articles or as to the performance or carrying out of the same by either party or as to any other matter arising out of or connected with the subject matter of these articles shall be referred to the decision of two arbitrators one of whom shall be nominated and appointed by the Company and one by the Commissioners or in case of their differing to an umpire to be by them appointed before entering on the business of the reference and the decision of such arbitrators or umpire upon the question or dispute so referred shall be final and conclusive. All the provisions of the Arbitration Act 1889 shall apply to any arbitration under this agreement and any such arbitration shall be considered as an arbitration under such Act.

15. If from any cause whatever (other than the refusal of the owners and ratepayers of the district of Runcorn to sanction the promotion of the said Bill or its rejection by Parliament) the said Bill carrying out this agreement should fail to pass into an Act during the ensuing session of Parliament this agreement and all terms and provisions thereof shall still be binding upon the Company and upon the Commissioners and in that case the transfer day shall be altered to the thirtieth day of September one thousand eight hundred and ninety-four and all necessary consequential alterations shall be made in this agreement accordingly and the Commissioners shall at their expense apply to Parliament for and fully prosecute a Bill for giving effect to this agreement in the session of 1894 and if such Bill should fail to pass in that session then this agreement shall cease to be binding.

16. This agreement is made subject to such alterations as Parliament may think fit to make therein but if Parliament make any material alterations in this agreement which the Company or the Commissioners may be unwilling to accept it shall be competent for either party hereto to withdraw from the same.

In witness whereof to one part of these presents remaining in the custody of the Commissioners the Company have set their common seal and to the other part remaining in the custody of the Company the Commissioners have set their common seal the day and year first herein-before written.

The seal of the Runcorn Improvement Commissioners was hereunto affixed in our presence

FRANCIS WISWALL
Chairman

FRED A. LAKE
Law Clerk.



The seal of the Runcorn Weston and Halton Waterworks Company was hereunto affixed in our presence

WM. HAYES
JOHN SIMPSON } Directors.

WILLIAM F. SALKELD
Secretary.



THE SECOND SCHEDULE.

A.D. 1893.

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

In pursuance of and subject to the provisions of the Runcorn Commissioners Act 1893 and in consideration of _____ pounds the Runcorn Weston and Halton Waterworks Company do hereby grant convey and assign unto the Runcorn Improvement Commissioners the undertaking of the Runcorn Weston and Halton Waterworks Company with the lands 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 Runcorn Improvement Commissioners their successors and assigns subject to the rents covenants provisions enactments debenture and other debts contracts and liabilities now affecting the same and the said Runcorn Improvement Commissioners do accept the same accordingly.

In witness whereof the Runcorn Weston and Halton Waterworks Company and the Runcorn Improvement Commissioners have hereto set their respective Common Seals this _____ day of _____ one thousand eight hundred and _____

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