



CHAPTER xcii.

An Act to enable the Weaver Navigation Trustees to improve their lift at Anderton and to raise further moneys and to confer further powers upon the Cheshire County Council with reference to such moneys and for other purposes. A.D. 1905.
[11th July 1905.]

WHEREAS an Act was passed in the year 1721 intituled “An Act for making the River Weaver navigable from Frodsham Bridge to Winsford Bridge in the county of Chester”:

And whereas the provisions and powers of that Act have been amended and enlarged by subsequent Acts and by one of such Acts namely the Weaver Navigation Act 1895 the present body of Trustees was constituted and incorporated under the name of the Weaver Navigation Trustees (in this Act referred to as “the Trustees”) and all the powers rights duties and liabilities vested in exerciseable by or imposed on the former body of Trustees under the previous Acts were transferred to and vested in the Trustees;

And whereas under the Weaver Navigation Act 1872 a communication was established between the said River Weaver and the Trent and Mersey Canal of the North Staffordshire Railway Company by means of a lift at Anderton in the county of Chester capable of transferring vessels afloat from one navigation to the other and it is expedient that the Trustees should be empowered to alter and improve and so far as necessary to reconstruct the said lift so as to adapt the same to the increasing requirements of the traffic:

And whereas the Trustees require further moneys for the purposes aforesaid and for otherwise carrying out the objects



CHAPTER xcii.

An Act to enable the Weaver Navigation Trustees to improve their lift at Anderton and to raise further moneys and to confer further powers upon the Cheshire County Council with reference to such moneys and for other purposes. A.D. 1905.
[11th July 1905.]

WHEREAS an Act was passed in the year 1721 intituled “An Act for making the River Weaver navigable from Frodsham Bridge to Winsford Bridge in the county of Chester”:

And whereas the provisions and powers of that Act have been amended and enlarged by subsequent Acts and by one of such Acts namely the Weaver Navigation Act 1895 the present body of Trustees was constituted and incorporated under the name of the Weaver Navigation Trustees (in this Act referred to as “the Trustees”) and all the powers rights duties and liabilities vested in exerciseable by or imposed on the former body of Trustees under the previous Acts were transferred to and vested in the Trustees;

And whereas under the Weaver Navigation Act 1872 a communication was established between the said River Weaver and the Trent and Mersey Canal of the North Staffordshire Railway Company by means of a lift at Anderton in the county of Chester capable of transferring vessels afloat from one navigation to the other and it is expedient that the Trustees should be empowered to alter and improve and so far as necessary to reconstruct the said lift so as to adapt the same to the increasing requirements of the traffic:

And whereas the Trustees require further moneys for the purposes aforesaid and for otherwise carrying out the objects

A.D. 1905. of the several Acts relating to the River Weaver Navigation (herein-after referred to as "the Navigation") and it is expedient to confer upon the Trustees further powers of borrowing for those purposes:

And whereas by the Weaver Navigation Act 1896 (in this Act referred to as "the Act of 1896") the Cheshire County Council (in this Act referred to as "the County Council") were empowered to borrow on the security of the county fund and of any revenues of the County Council and to lend to the Trustees upon mortgage of the rates duties tolls and charges leviable under the Canal Tolls and Charges No. 6 (River Lee &c.) Order Confirmation Act 1894 and any other Acts relating to the Navigation and other the revenue of the Trustees (all of which are in this Act referred to as "the Weaver tolls") or to guarantee the repayment of or the interest upon (inter alia) such sums of money as are in the said Act mentioned and it is expedient that similar powers should be conferred upon the County Council in respect of the moneys which the Trustees now desire to borrow:

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

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

Short title.

1. This Act may be cited as the Weaver Navigation Act 1905.

Incorporation of part of Act.

2. The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners (except section 84) so far as the same are respectively applicable to and not varied by this Act are incorporated with and form part of this Act.

Interpretation.

3. For the purposes of this Act in the said provisions of the Commissioners Clauses Act 1847—

The expressions "the commissioners" and "the clerk to the commissioners" shall mean the Trustees and the clerk to the Trustees;

The words "mortgage" and "mortgagee" shall respectively include a terminable annuity and the holder of a terminable annuity.

A.D. 1905. of the several Acts relating to the River Weaver Navigation (herein-after referred to as "the Navigation") and it is expedient to confer upon the Trustees further powers of borrowing for those purposes:

And whereas by the Weaver Navigation Act 1896 (in this Act referred to as "the Act of 1896") the Cheshire County Council (in this Act referred to as "the County Council") were empowered to borrow on the security of the county fund and of any revenues of the County Council and to lend to the Trustees upon mortgage of the rates duties tolls and charges leviable under the Canal Tolls and Charges No. 6 (River Lee &c.) Order Confirmation Act 1894 and any other Acts relating to the Navigation and other the revenue of the Trustees (all of which are in this Act referred to as "the Weaver tolls") or to guarantee the repayment of or the interest upon (inter alia) such sums of money as are in the said Act mentioned and it is expedient that similar powers should be conferred upon the County Council in respect of the moneys which the Trustees now desire to borrow:

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

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

Short title.

1. This Act may be cited as the Weaver Navigation Act 1905.

Incorporation of part of Act.

2. The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners (except section 84) so far as the same are respectively applicable to and not varied by this Act are incorporated with and form part of this Act.

Interpretation.

3. For the purposes of this Act in the said provisions of the Commissioners Clauses Act 1847—

The expressions "the commissioners" and "the clerk to the commissioners" shall mean the Trustees and the clerk to the Trustees;

The words "mortgage" and "mortgagee" shall respectively include a terminable annuity and the holder of a terminable annuity.

4. The Trustees may alter improve and adapt and so far as necessary reconstruct the lift at Anderton constructed under the authority of the Weaver Navigation Act 1872 and may execute all such works and do all such things (including any interference with and control and regulation of the traffic using the lift) as may be necessary for carrying out such reconstruction or such alteration improvement and adaptation.

A.D. 1905.
—
Power to alter and improve lift at Anderton.

5.—(1) In addition to the moneys which the Trustees are authorised to borrow by the existing Acts relating to the Navigation they may from time to time and on such conditions as they may think fit borrow at interest on the security of the Weaver tolls any sum or sums of money not exceeding in the whole the sum of thirty thousand pounds.

Power to Trustees to borrow.

(2) All moneys which the Trustees are by this Act authorised to borrow on the security of the Weaver tolls may be borrowed either by way of mortgage or by the creation and issue of stock or by way of terminable annuities.

(3) All such moneys shall be borrowed upon the best terms which can be obtained by the Trustees.

6. Section 9 of the Act of 1896 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. The holders of any mortgages granted by the Trustees may enforce payment of principal and interest due on their mortgages by the appointment of a receiver. In order to authorise such appointment the amount owing to the mortgagee or mortgagees by whom the application is made shall be not less than ten thousand pounds in the whole.

For appointment of a receiver.

7. The Trustees may and shall pay off all moneys borrowed by them under or by virtue of the powers of this Act within any period not exceeding sixty years from the borrowing of the same and such repayment shall be effected—

Repayment of moneys borrowed by Trustees.

Either by equal yearly or half-yearly instalments of principal or of principal and interest combined;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

8. Section 11 (Provisions as to sinking fund) and section 12 (Annual return to Board of Trade with respect to sinking fund &c.) and section 13 (Power to borrow under Local Loans Act

Incorporating sections of Act of 1896 as to

4. The Trustees may alter improve and adapt and so far as necessary reconstruct the lift at Anderton constructed under the authority of the Weaver Navigation Act 1872 and may execute all such works and do all such things (including any interference with and control and regulation of the traffic using the lift) as may be necessary for carrying out such reconstruction or such alteration improvement and adaptation.

A.D. 1905.
—
Power to alter and improve lift at Anderton.

5.—(1) In addition to the moneys which the Trustees are authorised to borrow by the existing Acts relating to the Navigation they may from time to time and on such conditions as they may think fit borrow at interest on the security of the Weaver tolls any sum or sums of money not exceeding in the whole the sum of thirty thousand pounds.

Power to Trustees to borrow.

(2) All moneys which the Trustees are by this Act authorised to borrow on the security of the Weaver tolls may be borrowed either by way of mortgage or by the creation and issue of stock or by way of terminable annuities.

(3) All such moneys shall be borrowed upon the best terms which can be obtained by the Trustees.

6. Section 9 of the Act of 1896 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. The holders of any mortgages granted by the Trustees may enforce payment of principal and interest due on their mortgages by the appointment of a receiver. In order to authorise such appointment the amount owing to the mortgagee or mortgagees by whom the application is made shall be not less than ten thousand pounds in the whole.

For appointment of a receiver.

7. The Trustees may and shall pay off all moneys borrowed by them under or by virtue of the powers of this Act within any period not exceeding sixty years from the borrowing of the same and such repayment shall be effected—

Repayment of moneys borrowed by Trustees.

Either by equal yearly or half-yearly instalments of principal or of principal and interest combined;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

8. Section 11 (Provisions as to sinking fund) and section 12 (Annual return to Board of Trade with respect to sinking fund &c.) and section 13 (Power to borrow under Local Loans Act

Incorporating sections of Act of 1896 as to

A.D. 1905. 1875) of the Act of 1896 shall apply to the borrowing of moneys by the Trustees under the powers of this Act as fully and effectually as if those sections were herein repeated and re-enacted with reference thereto.

Application of moneys borrowed.

9. All moneys borrowed by the Trustees under this Act shall be applied in carrying out the necessary works for the adaptation alteration improvement or for the reconstruction of their lift at Anderton by this Act authorised and subject thereto shall be applied either in improving the navigation or in making provision by means of a sinking fund or otherwise for the repayment of moneys borrowed or to be borrowed including moneys borrowed by way of terminable annuities or partly to one of such purposes and partly to the other as the Trustees may determine Provided that a lender of money to the Trustees under this Act shall not be bound to inquire respecting 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 non-application or misapplication of the money lent or any part thereof.

Power to County Council to lend money to Trustees.

10. Subject to the provisions of this Act the County Council may from time to time and on such terms and conditions as they think fit lend to the Trustees and the Trustees may borrow from the County Council all or any of the sum or sums of money by this Act authorised to be borrowed by the Trustees.

Power to County Council to guarantee moneys borrowed by Trustees.

11. The County Council in lieu of lending to the Trustees any sum or sums which they are by this Act authorised to lend or any part thereof may on such terms and conditions as they think fit guarantee the principal of and the interest on or the principal of or the interest on any moneys by this Act authorised to be borrowed by the Trustees and may apply in or towards payment of their guarantee of principal the county fund or any moneys which they are by this Act authorised to borrow and they may charge any of the revenues of the County Council or either such fund or such revenues or any part of such revenues with the payment of any such guarantee of interest Provided always that the aggregate of the sums for the time being lent by the County Council to the Trustees under this Act and the Act of 1896 and of the capital sums in respect of which the County Council shall have given any such guarantee as aforesaid under either of such Acts shall not exceed the sums which the County Council are by this Act and the Act of 1896 authorised to borrow.

A.D. 1905. 1875) of the Act of 1896 shall apply to the borrowing of moneys by the Trustees under the powers of this Act as fully and effectually as if those sections were herein repeated and re-enacted with reference thereto.

Application of moneys borrowed.

9. All moneys borrowed by the Trustees under this Act shall be applied in carrying out the necessary works for the adaptation alteration improvement or for the reconstruction of their lift at Anderton by this Act authorised and subject thereto shall be applied either in improving the navigation or in making provision by means of a sinking fund or otherwise for the repayment of moneys borrowed or to be borrowed including moneys borrowed by way of terminable annuities or partly to one of such purposes and partly to the other as the Trustees may determine Provided that a lender of money to the Trustees under this Act shall not be bound to inquire respecting 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 non-application or misapplication of the money lent or any part thereof.

Power to County Council to lend money to Trustees.

10. Subject to the provisions of this Act the County Council may from time to time and on such terms and conditions as they think fit lend to the Trustees and the Trustees may borrow from the County Council all or any of the sum or sums of money by this Act authorised to be borrowed by the Trustees.

Power to County Council to guarantee moneys borrowed by Trustees.

11. The County Council in lieu of lending to the Trustees any sum or sums which they are by this Act authorised to lend or any part thereof may on such terms and conditions as they think fit guarantee the principal of and the interest on or the principal of or the interest on any moneys by this Act authorised to be borrowed by the Trustees and may apply in or towards payment of their guarantee of principal the county fund or any moneys which they are by this Act authorised to borrow and they may charge any of the revenues of the County Council or either such fund or such revenues or any part of such revenues with the payment of any such guarantee of interest Provided always that the aggregate of the sums for the time being lent by the County Council to the Trustees under this Act and the Act of 1896 and of the capital sums in respect of which the County Council shall have given any such guarantee as aforesaid under either of such Acts shall not exceed the sums which the County Council are by this Act and the Act of 1896 authorised to borrow.

12.—(1) For the purpose of securing the repayment of any loan by the County Council to the Trustees under the Act of 1896 or this Act and the interest thereon and the repayment of any moneys which may become payable by the County Council under any guarantee already given or hereafter to be given by them under the Act of 1896 or to be given under this Act the Trustees shall if required by the County Council mortgage to them the Weaver tolls and section 18 of the Act of 1896 is hereby repealed. Any mortgage to be given as aforesaid for securing the repayment of any moneys which may become payable under any such guarantee shall only stand as a security for the sums actually paid by the County Council under such guarantee and shall not become operative until some payment has actually been made thereunder.

A.D. 1905 .
 Power to
 Trustees to
 mortgage
 tolls.

(2) The County Council may enforce the payment of any moneys due to them under any such mortgage by appointing a receiver in manner herein-before provided.

13.—(1) The County Council may (in addition to any sums which they are now authorised to borrow) from time to time borrow at interest for the purpose of lending money to the Trustees under this Act such sum or sums of money as they think fit not exceeding in the whole thirty thousand pounds and in order to secure the moneys so borrowed they may mortgage the County fund and any revenues of the Council or such fund or revenues or any part of such revenues.

Power to
 County
 Council to
 borrow.

(2) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

(3) Sections 236 to 239 of the Public Health Act 1875 shall apply to all mortgages granted by the County Council under this section. Provided that any application for the appointment of a receiver shall be made to the High Court instead of to a court of summary jurisdiction.

(4) The County Council instead of raising the whole or any part of the moneys which they are authorised to borrow under this section by way of mortgage may raise the same either by county stock issued under the Local Government Act 1888 or by debentures or annuity certificates under the Local Loans Act 1875.

(5) The provisions of section 69 of the Local Government Act 1888 shall not apply to any borrowing by the County Council under this section and in calculating the amount which they may

12.—(1) For the purpose of securing the repayment of any loan by the County Council to the Trustees under the Act of 1896 or this Act and the interest thereon and the repayment of any moneys which may become payable by the County Council under any guarantee already given or hereafter to be given by them under the Act of 1896 or to be given under this Act the Trustees shall if required by the County Council mortgage to them the Weaver tolls and section 18 of the Act of 1896 is hereby repealed. Any mortgage to be given as aforesaid for securing the repayment of any moneys which may become payable under any such guarantee shall only stand as a security for the sums actually paid by the County Council under such guarantee and shall not become operative until some payment has actually been made thereunder.

A.D. 1905 .
 Power to
 Trustees to
 mortgage
 tolls.

(2) The County Council may enforce the payment of any moneys due to them under any such mortgage by appointing a receiver in manner herein-before provided.

13.—(1) The County Council may (in addition to any sums which they are now authorised to borrow) from time to time borrow at interest for the purpose of lending money to the Trustees under this Act such sum or sums of money as they think fit not exceeding in the whole thirty thousand pounds and in order to secure the moneys so borrowed they may mortgage the County fund and any revenues of the Council or such fund or revenues or any part of such revenues.

Power to
 County
 Council to
 borrow.

(2) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

(3) Sections 236 to 239 of the Public Health Act 1875 shall apply to all mortgages granted by the County Council under this section. Provided that any application for the appointment of a receiver shall be made to the High Court instead of to a court of summary jurisdiction.

(4) The County Council instead of raising the whole or any part of the moneys which they are authorised to borrow under this section by way of mortgage may raise the same either by county stock issued under the Local Government Act 1888 or by debentures or annuity certificates under the Local Loans Act 1875.

(5) The provisions of section 69 of the Local Government Act 1888 shall not apply to any borrowing by the County Council under this section and in calculating the amount which they may

A.D. 1905. borrow under that Act the amount borrowed under this Act shall not be reckoned.

Incorporating sections of Act of 1896 as to borrowing by County Council.

14. The following sections of the Act of 1896 viz. Section 20 (Power to re-borrow) section 21 (Sinking fund) section 22 (Application of sinking fund) section 23 (Sinking fund how to be invested) section 24 (Existing mortgages to have priority) section 25 (Annual return to be made to Local Government Board) section 26 (Provision in event of default by trustees in respect of loan guaranteed by County Council) and section 27 (Protection of lenders from inquiry) shall apply to all moneys borrowed by the County Council under this Act and to any loan guaranteed by the County Council as if those sections had been expressly re-enacted in this Act with reference thereto.

Costs of Act

15. All the costs charges and expenses of and incidental to the applying for and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of any moneys for the time being in their hands.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

A.D. 1905. borrow under that Act the amount borrowed under this Act shall not be reckoned.

Incorporating sections of Act of 1896 as to borrowing by County Council.

14. The following sections of the Act of 1896 viz. Section 20 (Power to re-borrow) section 21 (Sinking fund) section 22 (Application of sinking fund) section 23 (Sinking fund how to be invested) section 24 (Existing mortgages to have priority) section 25 (Annual return to be made to Local Government Board) section 26 (Provision in event of default by trustees in respect of loan guaranteed by County Council) and section 27 (Protection of lenders from inquiry) shall apply to all moneys borrowed by the County Council under this Act and to any loan guaranteed by the County Council as if those sections had been expressly re-enacted in this Act with reference thereto.

Costs of Act

15. All the costs charges and expenses of and incidental to the applying for and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of any moneys for the time being in their hands.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.