



CHAPTER cxi.

An Act to substitute for the existing Trustees of the River Weaver Navigation a representative trust and to transfer to such representative trust the powers and duties of the existing Trustees and to repeal and amend certain provisions of the Acts relating to the River Weaver. A.D. 1895.

[6th July 1895.]

WHEREAS an Act was passed in the year one thousand seven hundred and twenty-one 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 all of the said Acts are enumerated in the First Schedule to this Act and are herein-after collectively referred to as "the Weaver Navigation Acts" while each separate Act is herein-after referred to as the Weaver Navigation Act of the year in which it was passed:

And whereas under the said Acts a body of trustees is constituted with powers for preserving and improving the navigation of the River Weaver and for other purposes:

And whereas it is expedient to transfer the control and management of the navigation from the existing trustees to a body of representative trustees to be constituted and elected as in this Act mentioned and also to transfer to such representative trustees the property powers duties and liabilities of the existing trustees and to make new provisions as to the application of the revenue of the trustees and to repeal and amend certain provisions in the Weaver Navigation Acts:

And whereas two Bills were originally introduced into Parliament for effecting the objects aforesaid under the titles of the Weaver Navigation (No. 1) Bill and the Weaver Navigation (No. 2) Bill which during their progress through Parliament were consolidated into this Act:

A.D. 1895. And whereas the objects of this Act cannot be attained without the authority of Parliament:

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:—

I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Weaver Navigation Act 1895 and the Weaver Navigation Acts and this Act may be cited together as the Weaver Navigation Acts 1721 to 1895.

Interpre-  
ation of  
terms.

2. In this Act unless the context otherwise requires—

“The existing trustees” mean the trustees of the River Weaver Navigation as existing immediately before the passing of this Act;

“The trustees” mean the trustees to be appointed elected and incorporated under this Act;

“Toll payers” mean the persons paying tolls for the use of the navigation or for accommodation provided or for services rendered by the existing trustees or the trustees;

“Tolls” include dues and other payments for accommodation provided or services rendered by the existing trustees or by the trustees;

“County council” means the county council of Cheshire;

“Clerk” means the clerk for the time being to the trustees or other the person for the time being by order of the trustees performing the duties of such clerk;

“District councils” mean the urban district council of Winsford and the urban district council of Northwich.

Incorpora-  
tion of part  
of Commis-  
sioners'  
Clauses  
Act.

3. The provisions of the Commissioners Clauses Act 1847 with respect to the contracts to be entered into and the deeds to be executed by the commissioners except section fifty-seven and with respect to the appointment and accountability of the officers of the commissioners and with respect to the accounts to be kept by the commissioners and with respect to the making of byelaws and with respect to giving notices and orders are hereby (except so far as they are respectively varied by or inconsistent with this Act) incorporated with this Act Provided always that the enactments so incorporated shall for the purpose of such incorporation be read as if the word “trustees” had been therein inserted instead of the word “commissioners” and that there were added to section 67 of the said Act the words “Provided that any such officer shall not

“ for the purposes of this section be deemed to be concerned or  
 “ interested in any bargain or contract made by the commissioners  
 “ with a joint stock company by reason only of his being a  
 “ shareholder in such company.”

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II.—CONSTITUTION OF TRUSTEES.

4. For the purposes of the control and management of the River Weaver Navigation and of the execution of the Weaver Navigation Acts there shall be a body of thirty-eight trustees to be appointed and elected pursuant to the provisions for that purpose in this Act contained.

Constitution of representative trust.

5.—(1) The trustees appointed and elected under the provisions of this Act shall be a body corporate by the name of the Weaver Navigation Trustees with perpetual succession and a common seal and with power to acquire and hold lands for the purposes of their constitution without any licence in mortmain.

Incorporation of trustees.

(2) No act or proceeding of the trustees or of any committee appointed by the trustees shall be questioned on account of any vacancy in their body.

6. Of the thirty-eight trustees to be appointed and elected under this Act—

Appointment and election of trustees.

Ten shall in the first instance be appointed for life by and from among the existing trustees but their successors shall subject as herein-after provided be appointed by the county council and shall hold office in the same manner as the other trustees appointed by the county council ;

Twelve (in addition to the trustees whom the county council will be entitled to appoint under the foregoing enactment) shall be appointed by the county council ;

One shall be appointed by the urban district council of Winsford ;

One shall be appointed by the urban district council of Northwich ;

Fourteen shall be elected by the toll payers in manner herein-after provided.

7. A person shall not be qualified to be appointed trustee by the county council or by any district council unless he is a member of the appointing council or is resident within the district of such council or within seven miles therefrom Provided always that of the trustees to be appointed by the county council as successors of the trustees appointed by the existing trustees five at least shall be persons other than members of the said county council and who

Qualification for office of trustee.

A.D. 1895. shall possess the property qualification required in the case of the existing trustees that is to say seizin of an estate of freehold in lands tenements or hereditaments in the county of Chester of the yearly value of at least one hundred pounds.

Disqualifica-  
tion for office  
of trustee.

8. Any trustee who becomes bankrupt or submits his affairs to liquidation by arrangement or compounds with his creditors and any trustee who is absent from meetings of the trustees for more than six months consecutively without special leave from the trustees or who accepts or holds any office or place of profit under the trustees or who being a trustee requiring the property or residential qualification provided by this Act ceases to possess the same shall cease to be a trustee and his office shall thereupon become vacant.

Power to  
county  
council to  
revoke  
appointment  
in certain  
events.

9. In the event of any trustee appointed by the county council who at the time of his appointment was a member of the county council ceasing to be a member thereof the county council may if they think fit revoke his appointment and appoint another person to be a trustee in his place for the remainder of the period during which such first-mentioned trustee would have held office.

Penalty on  
acting when  
disqualified.

10. Any person who not being duly qualified to act as a trustee or being disabled from acting by any provision of this Act acts as such trustee shall be liable to a penalty not exceeding fifty pounds which may be recovered by any person summarily or by action :

Provided that proceedings for the recovery of any penalty under this section shall not be commenced after the expiration of six months from the time of the committal of the alleged offence.

First ap-  
pointments  
of trustees.

11. The first appointments of trustees by the several bodies authorised to appoint trustees under this Act shall be made at meetings of those respective bodies to be held between the thirtieth day of September and the fifteenth day of November in the year one thousand eight hundred and ninety-five.

If for any reason no appointment is made by any of the said respective bodies at a meeting in accordance with the foregoing enactment then the appointment may be made by that body at a meeting to be held on any subsequent date as they may fix.

Notification  
of first ap-  
pointments.

12. The clerk of each of the respective bodies by this Act authorised to appoint trustees shall notify in writing to the clerk of the existing trustees forthwith after such first appointment shall have been made the names and addresses and occupations of the persons appointed by such body.

*Election of Trustees by the Toll Payers.*

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**13.** The first election of trustees by the toll payers shall be made and completed on such day prior to the fourth Thursday in the month of November one thousand eight hundred and ninety-five as may be fixed by the returning officer.

First election of trustees by toll payers.

**14.** No person shall be entitled to vote at any election of trustees by the toll payers unless his name is on the register of persons entitled to vote at such election.

Voters for election of trustees by toll payers.

**15.** Every person partnership firm or company whose name is on the register shall be entitled to vote according to the following scale (that is to say) :—

Scale of votes.

If the amount of tolls payable by the voter in respect of the year ending the thirtieth day of June before the settlement or revision of the register and paid during such year or within thirty days thereafter is not less than fifty pounds he shall have one vote for every fifty pounds so paid :

Every voter may give the vote or votes to which he is entitled to one candidate or may distribute his votes among the candidates as he thinks fit so that he does not vote for more than seven candidates.

**16.** The returning officer for the purposes of the election of trustees by the toll payers shall be the chairman and failing him the vice-chairman of the county council or if he shall be unable or unwilling to act such person as such chairman or vice-chairman as the case may be shall by writing under his hand appoint to act as his deputy and all powers and duties by this Act vested in or imposed on the returning officer and all other powers and duties requisite to be exercised and performed by him in relation to such election shall be exercised and performed by such chairman or vice-chairman or his deputy There shall be paid to any deputy appointed under this section such remuneration out of the funds of the trustees as the chairman or failing him the vice-chairman of the county council shall with the consent of the trustees determine.

Returning officer and deputy.

**17.** If such chairman or vice-chairman or deputy as the case may be dies or becomes from illness or other sufficient cause unable to exercise and perform his powers or duties or is absent or refuses to act some other person shall be appointed by the county council to exercise and perform such powers and duties.

Case of vacancy of office of chairman or deputy.

**18.** The returning officer shall before or during the election appoint a sufficient number of persons to assist him in conducting and completing the same.

Appointment of assistants.

**19.** The rules in the Second Schedule to this Act relating to the registration of voters and to the nomination and mode of election of trustees by the toll payers shall be observed.

Rules as to registration nomination and election.

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Provision in case of difficulties in register &amp;c.

**20.** If any difficulty arises in making out revising and otherwise dealing with the register of persons entitled to vote at any election of trustees by the toll payers or if any difficulty arises as to the appointment or election of the trustees under this Act the returning officer may make such order as may appear to him to be necessary to remove any such difficulty.

*Retirement Casual Vacancies &c.*

Retirement and re-eligibility of trustees.

**21.**—(1) The trustees (other than the trustees appointed for life by the existing trustees) shall go out of office on the appointed day in the month of November in manner following namely:—

The first trustees appointed by the county council and the district councils respectively shall go out of office in the year one thousand eight hundred and ninety-eight;

The first trustees elected by the toll payers shall go out of office in the year one thousand eight hundred and ninety-eight.

(2) The trustees appointed or elected on the second and every subsequent appointment or election as the case may be shall continue in office for three years respectively and shall go out of office on the appointed day except in the case of casual vacancies which shall be filled up in manner herein-after provided.

(3) A person ceasing to be a trustee shall if not disqualified be re-eligible.

Appointed day.

**22.** The appointed day for the purposes of the going out of and coming into office of trustees under this Act shall be the fourth Thursday in the month of November.

Appointments and election to fill vacancies caused by retirement.

**23.**—(1) The trustees to be appointed by the county council and the district councils respectively to supply the places of the persons who go out of office in pursuance of the provisions of this Act shall be appointed at a meeting of the county council or district councils respectively as the case may be to be held next before the fifteenth day of November in the year in which the appointment takes place and the clerk to the council so appointing shall forthwith after the appointment has been made notify in writing to the clerk the names and addresses and occupations of the persons so appointed.

(2) The trustees to be elected by the toll payers to supply the places of persons who will retire from office in pursuance of the provisions of this Act shall be elected on a day to be fixed by the returning officer between the thirtieth day of October and the fifteenth day of November in the year in which the election takes place in accordance with the provisions of the Second Schedule to this Act.

(3) The trustees so appointed or elected shall come into office on the appointed day next after their appointment or election. A.D. 1895.

24. A trustee may resign his office by notifying in writing his intention so to do to the clerk. Resignation of trustees.

25.—(1) Any casual vacancy among the trustees occurring by death resignation or otherwise shall be filled up :— Casual vacancies.

(A) In the case of a trustee appointed by the existing trustees at a meeting of the county council to be held within six months after the occurrence of such vacancy ;

(B) In the case of a trustee appointed by the county council or by any district council (as the case may be) at and by a meeting of such council held within six months after the occurrence of such vacancy ;

(C) In the case of a trustee elected by the toll payers or in the case of the number of trustees nominated by the toll payers being less than the number to be elected at and by a meeting of the other trustees so elected who shall be called together by the clerk for the purpose as soon as practicable after the occurrence of such vacancy by seven clear days notice in writing Provided that in filling up such vacancy regard shall be had to the class of interest in which such vacancy has occurred.

(2) A trustee taking the place of a vacating trustee shall retain his office so long only as the vacating trustee would have retained the same if no vacancy had occurred and a casual vacancy need not be filled up if occurring within three months of the time at which the vacating trustee would have gone out of office Provided that any trustee appointed by the county council in the place of a trustee appointed by the existing trustees shall hold office only until the next appointed day for the going out of office of trustees under this Act.

26.—(1) The first meeting of the trustees shall be held at noon on the fourth Thursday in the month of November one thousand eight hundred and ninety-five at the board room of the existing trustees in Northwich or (if necessary) at some other convenient place in Northwich to be appointed by the clerk of the existing trustees and the annual meetings of the trustees shall be held on the fourth Thursday in November or on some other day between the twenty-second day of November and the tenth day of December in every subsequent year at such place in Northwich as the trustees shall fix. First and annual meetings of trustees.

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General  
meetings.

(2) General meetings of the trustees other than annual meetings shall be held at Northwich or at such other place as the trustees shall from time to time fix.

Chairman  
and vice-  
chairman of  
trustees.

**27.**—(1) The trustees shall at their first meeting and at their annual meeting in every subsequent year choose one of their members to be chairman and one other of their members to be vice-chairman and the members so chosen shall continue in office until the next meeting at which a chairman and vice-chairman are to be chosen pursuant to the above provision.

(2) If any casual vacancy occurs in the office of chairman or vice-chairman the trustees shall as soon as conveniently may be after the occurrence of such vacancy choose one of their members to fill such vacancy and every chairman or vice-chairman so chosen shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

Rules as to  
meetings and  
proceedings.

**28.** Meetings of trustees shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings contained in the Third Schedule to this Act.

Minutes of  
proceedings.

**29.**—(1) A minute of proceedings at a meeting of the trustees or of a committee of their members signed at the same or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting or committee at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved every meeting of the trustees or committee whereof a minute had been so made shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified.

Committees.

**30.** The trustees may from time to time appoint one or more committees for any of the purposes of this Act and may fix the quorum of any committee and prescribe the manner in which the business of a committee shall be conducted and all meetings of committees shall be held at Northwich or such other place as the trustees or the committee may fix. Provided always that not less than one third of the members of every committee shall be trustees who have been elected by the toll payers.

Power to  
appoint  
officers &c.

**31.**—(1) The trustees may continue in their several offices or employments all or any of the officers and servants of the existing trustees as they may see fit and the trustees may from time to time appoint and remove officers and servants at such salaries and remuneration and on such terms as they may think fit.



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(2) If any officer appointed by the existing trustees at a yearly salary shall within one year from the passing of this Act be removed from his office or deprived otherwise than from default or incapacity of the whole or part of the emoluments of his office without being offered any office or emoluments of at least equal value under the trustees the Board of Trade may in default of any agreement between him and the trustees as to compensation appoint an arbitrator who may by order award to such officer such compensation as such arbitrator may think just and such compensation may be by way of annuity or otherwise and shall be paid by the trustees out of any moneys in their hands in the nature of revenue applicable to the general purposes of the Weaver Navigation Acts.

(3) The trustees may from time to time make regulations for defining the duties of any officers or servants of the trustees.

**32.** The trustees individually may out of any moneys in the nature of revenue applicable to the general purposes of the Weaver Navigation Acts be allowed such reasonable out of pocket expenses as may be fixed by the trustees at and in respect of all meetings and committee meetings of the trustees.

Expenses  
of trustees.

**33.** The trustees may invest any moneys for the time being in their hands and not immediately required for the purposes of their trust in any securities in which trustees are for the time being empowered by law to invest trust moneys or may place such moneys on deposit or current account in any bank.

Power of  
trustees to  
invest  
moneys.

### III.—TRANSFER OF POWERS AND DISSOLUTION OF EXISTING TRUSTEES.

**34.** Subject to the provisions of this Act all the powers rights duties and liabilities vested in exercisable by or imposed on the existing trustees under the Weaver Navigation Acts or otherwise at the time of the passing of this Act are on and from the fourth Thursday in the month of November one thousand eight hundred and ninety-five (herein-after referred to as "the day of transfer") hereby transferred to and vested in and shall be exercisable by the trustees.

Transfer of  
powers &c.  
of existing  
trustees.

**35.—**(1) All such property real and personal including all interests and rights in to and out of property real and personal and including obligations and things in action as may immediately before the day of transfer belong to or be vested in the existing trustees or any person for or on behalf of the existing trustees (other than copyhold tenements and any property the legal estate or property wherein is not transferable by deed and any securities or property transferable

Transfer of  
property to  
trustees.

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only by a deed or instrument of a prescribed form or transferable only in the books of any corporation or company which is then vested in the existing trustees or any such person and for the transfer to and vesting of which in the trustees provision is herein-after in this section expressly made) shall on and from the day of transfer pass to and vest in the trustees for all the estate and interest of the existing trustees or of such person therein.

(2) Any person in whom any copyhold tenements or any property the legal estate or interest wherein is not transferable by deed or any securities or property transferable only by deed or instrument of a prescribed form or transferable only in the books of a corporation or company or interests and rights in to and out of the same is immediately before the day of transfer vested for or on behalf of the existing trustees shall at the expense of the trustees on or as soon as conveniently may be after the day of transfer convey assure and transfer to the trustees all such tenements property and securities interests and rights and shall do and concur in doing at the expense of the trustees all acts and things necessary or proper for effectually vesting such tenements property and securities interests and rights in the trustees and until such conveyance and transfer shall hold such tenements property and securities interests and rights upon trust for the trustees.

(3) The existing trustees and every such person as aforesaid shall as from the day of transfer be released and discharged from and indemnified against all claims demands liabilities and obligations arising out of or attached to the office of a member of the existing trustees or the office of trustee for the existing trustees save those arising out of or imposed by sub-section (2) of this section and such (if any) as shall or may arise out of any breach of trust on their or his part respectively.

Savings and  
transitory  
provisions.

**36.** Notwithstanding the transfer effected by this Act—

(1) All agreements assurances contracts conveyances deeds and other instruments acts or things made entered into executed given or done by to or with the existing trustees or by to or with any other person to whose rights and liabilities they have succeeded and in force on the day of transfer shall be as valid and effectual in every respect for against or with reference to the trustees under this Act as they would have been for against or with reference to the existing trustees if the transfer had not taken place and may be proceeded with and enforced accordingly :

(2) Any action arbitration or other proceeding or cause of action arbitration or other proceeding existing or pending on the day of transfer by with against or in favour of the existing trustees

shall not abate or be prejudicially affected by the transfer but the same may be continued and carried on by with against or in favour of the trustees as and when it might have been continued and carried on by with against or in favour of the existing trustees as if the transfer had not taken place :

(3) All tolls rates rents charges penalties debts and sums of money owing to the existing trustees on the day of transfer shall be payable to the trustees with all interest (if any) due or accruing due for the same and may be recovered and enforced by the trustees in like manner and as effectually as they could have been recovered and enforced by the existing trustees :

(4) All debts and sums of money which on the day of transfer are owing by the existing trustees shall be payable by the trustees with all interest (if any) due or accruing due for the same and may be recovered and enforced from and against the trustees in like manner and as effectually as they could have been recovered and enforced from and against the existing trustees :

(5) All byelaws orders and regulations made by the existing trustees and in force on the day of transfer shall so far as they relate to or are in pursuance of the powers and duties transferred to the trustees continue in force as if they had been made by the trustees subject nevertheless to revocation or alteration by such trustees.

**37.** On and after the day of transfer the body of existing trustees shall be dissolved and shall be released from all further duties obligations and liabilities in relation to the navigation and the administration of the Weaver Navigation Acts.

Dissolution  
of existing  
trustees.

#### IV.—REVENUE ACCOUNTS AND AUDIT.

**38.** All tolls and other revenue received by the trustees under this or any other Act of Parliament or otherwise shall be applied annually in the manner following :—

Application  
of tolls and  
other naviga-  
tion revenue.

(1) In providing for the expenses of preserving maintaining and repairing the navigation and of defraying all expenses incident to the management thereof including the annual sums payable under the Weaver Navigation Act 1840 and in providing for the payment of the interest secured or to be secured by any mortgage or assignment and for the payment of any terminable annuity granted or issued by the existing trustees or to be granted or issued by the trustees and in setting apart a sinking fund to be applied in paying off so much of the principal sums

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borrowed or to be borrowed under the Weaver Navigation Acts as shall not be repayable by means of terminable annuities and (if the trustees think fit) in providing for the expenses of improving the navigation :

- (2) In forming a reserve fund by setting aside such money as the trustees from time to time think reasonable and investing the same and the resulting income thereof in securities in which trustees are by law authorised to invest trust moneys and accumulating the same at compound interest which reserve fund shall in the discretion of the trustees be applicable from time to time for improving the navigation and to answer any deficiency at any time happening in the income of the trustees from their undertaking or to meet any extraordinary claim or demand at any time arising against the trustees in respect of the undertaking :

Provided always that while and so long as the reserve fund shall be not more than twenty-five thousand pounds the whole of any surplus which may remain after providing for the aforesaid purposes shall be paid over thereto and while and so long as the reserve fund exceeds twenty-five thousand pounds but is under fifty thousand pounds one moiety of any such surplus shall be paid over thereto and while and so long as the reserve fund is not less than fifty thousand pounds one third of any such surplus shall be paid over thereto :

- (3) Subject as aforesaid any such surplus shall be paid and applied as surplus under the Weaver Navigation Acts.

Audit of  
accounts.

**39.**—(1) The accounts of the existing trustees from the first day of April one thousand eight hundred and ninety-five to the day of transfer and the accounts from time to time of the receipts and the expenditure of the trustees made up to the thirty-first day of March each year or such other day as the trustees may from time to time appoint shall be audited by a competent skilled and disinterested person to be appointed by the trustees for the purpose at their first and each succeeding annual meeting.

(2) There shall be paid to the auditor appointed under this section such remuneration out of the funds of the trustees as the trustees shall assign to him.

#### V.—REPEAL AND MISCELLANEOUS.

Repeal of  
enactments.

**40.** All the provisions of the Weaver Navigation Acts which are inconsistent with this Act are hereby repealed without prejudice nevertheless to the past operation of any enactment hereby repealed or to anything duly done or suffered or to any penalty or liability

incurred or proceedings commenced or cause of action arisen before the day of transfer under any enactment hereby repealed. A.D. 1895.

41. The expenses of and incidental to preparing for and obtaining and passing of this Act including therein the costs of and incidental to the promotion of the Bills No. 1 and No. 2 shall be paid by the trustees out of revenue or any moneys in their hands or out of moneys borrowed or to be borrowed under the Weaver Navigation Acts. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

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**THE FIRST SCHEDULE.**

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**WEAVER NAVIGATION ACTS.**

- The River Weaver Navigation Act 1721 (7 Geo. I. c. 10).
- The River Weaver Navigation Act 1759 (33 Geo. II. c. 49).
- The River Weaver Navigation Act 1807 (47 Geo. III. Sess. 2 c. lxxxii.).
- The River Weaver Navigation Act 1825 (6 Geo. IV. c. xxix.).
- The River Weaver Navigation Act 1829 (10 Geo. IV. c. lxx.).
- The River Weaver Navigation Act 1840 (3 and 4 Vict. c. cxxiv.).
- The River Weaver Navigation Act 1866 (29 Vict. c. xciii.).
- The Weaver Navigation Act 1872 (35 and 36 Vict. c. xcvi.).
- The Weaver Navigation Act 1877 (40 Vict. c. xvi.).
- The Weaver Navigation Act 1893 (56 and 57 Vict. c. clxix.).
- The Canal Tolls and Charges No. 6 (River Lee &c.) Order Confirmation Act 1894 (57 and 58 Vict. c. ccv.).

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**THE SECOND SCHEDULE.**

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**FORMATION OF REGISTER OF PERSONS ENTITLED TO VOTE AND MODE OF ELECTION.**

1. The existing trustees shall previous to the seventh day of August in the year one thousand eight hundred and ninety-five and the trustees shall previous to that date in every subsequent third year furnish the returning officer with a list of the names addresses and occupations of all toll payers who have on or before the preceding thirtieth day of July paid tolls amounting to fifty pounds and upwards in respect of the year ending on the preceding thirtieth day of June together with the total amount of the tolls omitting shillings and pence so paid by each toll payer.

2. The returning officer shall from the materials supplied by such list form a register of toll payers and shall enter therein the names addresses and occupations of all toll payers appearing to him to be entitled to vote at elections of trustees and the number of votes to which each toll payer is entitled and the existing trustees as regards the first of such registers and the trustees as regards all subsequent registers shall forthwith forward by post a copy to each toll payer named therein.

3. As soon as he has completed the formation of the register the returning officer shall give notice by advertisement in two local newspapers circulating in

the county of Chester that the register is provisionally formed and is open to inspection at the principal office for the time of the trustees in the county of Chester by all toll payers during fourteen days to be specified in the notice and that he will attend at the said office on a day and time to be also specified for the purpose of hearing objections and for settling the register.

4. Any toll payer may by notice delivered or sent to the returning officer during the first seven of the fourteen days specified in the notice object to the retention or omission of any name on the register or to any matter or thing entered in or omitted from the register and may claim to have any such matter or thing altered or corrected :

On any such notice being given the returning officer shall inquire into and determine all questions raised by such notice and he shall have full power to decide whether the tolls entered in the books of the navigation as paid by any person claiming to be a toll payer have been actually and bonâ fide paid by him or whether the entry of such payment in the name of such person has been improperly made for the purpose of giving increased voting power and if the returning officer shall find that such payment has been improperly entered as aforesaid he shall disallow the claim of such person but only in respect of such improper entry :

A person making an objection shall at the same time send a copy of his objection to the person firm or company thereby affected.

5. The returning officer shall hear and decide on every objection and for that purpose may examine such persons and call for such evidence as he may think fit No objection shall be heard by the returning officer which shall not have been made and of which notice shall not have been given as by this schedule herein-before required.

6. The returning officer shall expunge from the register the name of any toll payer objected to who shall be proved to his satisfaction not to be entitled to vote at the election and shall settle the register as to the number of votes to which each voter is entitled and otherwise in all respects in accordance with the facts that may be proved to his satisfaction and his decision shall be final and conclusive on all parties without appeal.

7. The returning officer shall sign the register so settled by him and the register so settled and signed shall be the register of toll payers entitled to vote for the election of trustees under the provisions of this Act and shall forthwith forward by post a copy to each toll payer named therein.

#### NOMINATION OF CANDIDATES AND MODE OF ELECTION.

8. The returning officer shall not less than fourteen days before the day appointed by him for delivery to him of the nominations publish by advertisement in two consecutive weeks in two local newspapers circulating in the county of Chester a notice signed by him specifying—

(a) The number of persons to be elected ;

(b) The day on or before which every partnership firm company corporation or statutory body entitled to vote must appoint a person on their behalf as herein-after mentioned ;

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- (c) The place where forms of nomination may be obtained ;
- (d) The place where and the day upon and the hours during which the nominations are to be delivered or sent to him ;
- (e) The day on which in the event of a contest the voting papers will be sent out and the day on or before which and the place where they are to be returned ; and
- (f) The place for the examination and casting up of the votes and shall also cause a copy of such notice to be delivered or sent to every person entitled to vote at the address entered in the register or at the address of the person appointed to vote under the provisions of this Act.

9. Every partnership firm company corporation or statutory body desiring to vote shall appoint some person to vote on their behalf and such appointment shall contain the full name and address of the person appointed and shall in the case of a partnership firm be signed by the firm in its ordinary style and shall in the case of a company be signed by the secretary or a director of such company and in the case of a corporation or statutory body be signed by the clerk or chairman and shall be sent to the returning officer not later than the last day specified in the notice for the delivery or sending in of nominations Provided always that in case of the unavoidable absence or of the death of any such person so appointed to vote it shall be competent for any such partnership firm company corporation or statutory body to appoint some other person at any time previous to the election to vote on their behalf.

10. Any person entitled to vote (including any person appointed by a partnership firm company corporation or statutory body to vote on their behalf) may nominate for the office of trustee himself (if not disqualified) or any other person or persons (if not disqualified) not exceeding the number of persons to be elected.

11. Every such nomination shall be in writing and shall state the name address and occupation of each person nominated and shall be signed by the nominator.

12. Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the returning officer not later than two clear days before the day for sending out the voting papers in the case of a contest.

13. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected such persons (if not disqualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

14. If the number nominated and not withdrawn exceeds the number to be elected the returning officer shall cause voting papers to be prepared and shall insert therein the full name and address of each of the persons nominated and not withdrawn in the alphabetical order of the surnames of such persons and he shall also insert on each of such voting papers the name and address of the person entitled to vote and the number of votes to which such person is entitled.

15. The returning officer shall not less than seven days before the last day on which the voting papers are to be returned to him cause the proper voting



paper to be delivered by persons appointed by him for that purpose or by post at the address stated in the register of every person entitled to vote at the election or in the case of a partnership firm company corporation or statutory body at the address of the person appointed to vote for such partnership firm company corporation or statutory body.

16. Each voter shall place in the proper column of the voting paper against the name of any candidate for whom he votes the number of votes he gives to such candidate and shall sign such voting paper and in case the voter votes on behalf of a partnership firm company corporation or statutory body he shall state the name of the partnership firm company corporation or statutory body for whom he votes.

17. If any person entitled to receive a voting paper has not received a voting paper as aforesaid he shall either on written or personal application to the returning officer on or before the last day for returning the voting papers be entitled to receive a voting paper from him and to fill up the same in his presence and then and there to deliver the same to him.

18. The voter shall send the voting paper to the returning officer so as to reach him on or before the day fixed by him in the notice of the election either by leaving or causing the same to be left at the place named in the notice or by posting the same so as to reach the returning officer not later than noon on the day fixed by the notice.

19. In the case of the voting at any election of any partnership firm company corporation or statutory body such person only as shall have been last appointed shall be entitled to vote.

#### COUNTING OF VOTES.

20. The returning officer shall on the day immediately following the day for returning the voting papers attend at the office of the trustees and he shall cast up such of the votes as he finds to be valid and to have been duly given and shall ascertain the number of such votes for each candidate.

21. A voting paper by which a voter purports to vote for more candidates than the number for which he is entitled to vote shall be void to all intents.

22. Any candidate may himself attend or may appoint any agent to attend the examination and casting-up of the votes and any candidate or agent so attending who obstructs or in any way interferes with the examination and casting-up of the votes may by order of the returning officer be forthwith removed from the place appointed for that purpose and if so removed shall not be permitted to return thereto.

23. The candidates to the number to be elected who have obtained the greatest number of votes shall be deemed and shall be certified by the returning officer under his hand to be elected and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

24. If by reason of equality of votes it is uncertain which of the candidates are elected the returning officer may either by word of mouth or by writing give to any one or more of the candidates having such equality of votes an additional or casting vote.

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25. The returning officer shall also cause to be made a list containing the names of the candidates together with (in case of a contest) the number of votes given to each and the names of the persons elected and shall sign and certify such list and shall publish the list in two local newspapers circulating in the county of Chester and shall deliver such list together with the nomination and voting papers which he has received to the trustees who shall cause the same to be deposited in their office.

#### GENERAL PROVISIONS.

26. The returning officer shall make all his arrangements for the conduct of every election so as to ensure its completion before the fourth Thursday in the month of November.

27. Whenever the day appointed for the performance of any act in relation to any election is a Sunday a bank holiday or any day appointed for public fast or thanksgiving such act shall be performed on the day next following unless it is one of the days excluded as aforesaid and in that case on the day following such excluded day.

28. The reasonable expenses incurred by the returning officer in the preparation and revision of the register of persons entitled to vote or in or about any election including such reasonable remuneration to the persons appointed by the returning officer to assist him for services performed or expenses incurred by them in relation thereto as may be allowed by the returning officer shall be paid by the trustees out of any moneys in their hands.

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### THE THIRD SCHEDULE.

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#### MEETINGS AND PROCEEDINGS OF TRUSTEES.

1. The chairman of the trustees is entitled to preside at every meeting but if at any meeting the chairman is not present at the time appointed for holding the same the vice-chairman shall be entitled to preside and if neither the chairman nor vice-chairman be present the trustees present shall choose some one of their number to be chairman of such meeting.

2. The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose signed by five trustees has been presented to him any five trustees may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting any five trustees may on the expiration of these seven days call a meeting.

3. Three clear days at least before any meeting of the trustees a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk and in the case of any meeting called by five trustees as above provided such summons may be signed by any one of such five trustees

shall be left or delivered by post at the usual place of abode of every trustee  
Want of service of the summons on any trustee shall not affect the validity of  
a meeting.

4. To constitute a meeting of the trustees there must be at least eleven trustees personally present.

5. All acts of the trustees and all questions coming or arising before the trustees may be done and decided by the majority of such trustees as are present and voting at a meeting held in pursuance of this Act:

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

6. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or the next ensuing meeting.

7. Subject to the foregoing provisions of this schedule the trustees may from time to time make standing orders for the regulations of their proceedings and business and vary or revoke the same.

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