



## CHAPTER cliii.

An Act to extend the time for the compulsory purchase of Lands and completion of Works authorised by the Weaver Navigation Act 1893 and for other purposes. A.D. 1896.

[20th July 1896.]

WHEREAS by the Weaver Navigation Act 1893 (in this Act referred to as "the Act of 1893") the Trustees of the River Weaver Navigation (in this Act called "the old trustees") were empowered to construct two opening bridges across the said navigation at or near Northwich in the county of Chester and to make certain roads and other works in connexion therewith :

56 & 57 Vict.  
c. clxix.

And whereas by the Weaver Navigation Act 1895 (in this Act referred to as "the Act of 1895") a new body of trustees was constituted and incorporated under the name of the Weaver Navigation Trustees (in this Act called "the Trustees") and all the powers rights duties and liabilities vested in exercisable by or imposed on the old trustees under the Act of 1893 and all other Acts relating to the River Weaver Navigation were as from the fourth Thursday in November one thousand eight hundred and ninety-five transferred to and vested in the Trustees and the old trustees were as from that date dissolved :

58 & 59 Vict.  
c. cxi.

And whereas it is expedient that the time limited by the Act of 1893 for the compulsory purchase of lands for the construction of the bridges roads and other works thereby authorised and which will expire on the twenty-seventh day of July one thousand eight hundred and ninety-six and also that the time limited by the same Act for the completion of the said works which will expire on the twenty-seventh day of July one thousand eight hundred and ninety-eight should be extended :

And whereas there are now owing by the Trustees in respect of moneys from time to time borrowed under the provisions of the several Acts relating to the Weaver Navigation sums amounting in the aggregate to one hundred and ninety-four thousand pounds

A.D. 1896. which sums have been expended upon works which are permanent works within the meaning of the Public Health Act 1875 :

And whereas the Trustees require further moneys for executing the works authorised by the Act of 1893 and other works for the improvement of the Weaver Navigation between Northwich Bridge and Winsford Bridge all of which works are permanent works within the meaning of the Public Health Act 1875 :

And whereas estimates have been prepared of the cost of such last-mentioned works and such estimates amount to the sum of sixty thousand pounds :

And whereas it is expedient to confer upon the Trustees additional powers of borrowing and of repaying moneys already borrowed and that may hereafter be borrowed :

57 & 58 Vict.  
c. ccv.

And whereas it is also expedient that the Cheshire County Council (in this Act referred to as "the county council") should be enabled to borrow on the security of the county fund and of any revenues of the county council or on either such fund or revenues or any part of such revenues and 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 River Weaver Navigation and other the revenue of the Trustees (all of which rates duties tolls charges and other revenue are in this Act referred to as "the Weaver tolls") or to guarantee the repayment of or the interest upon such sums of money not exceeding sixty thousand pounds as may be required for executing the works comprised in the before-mentioned estimates and such further sums of money (not exceeding two hundred and ten thousand pounds) as the Trustees may from time to time require to borrow to enable them to pay off or redeem any sums now owing by them as aforesaid and which sums the Trustees are authorised to borrow for those purposes by the several Acts relating to the Weaver Navigation :

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 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 :—

Short title.

1. This Act may be cited as the Weaver Navigation Act 1896.

Incorporation of Acts.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 and 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.

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**3.** For the purposes of this Act —

Interpretation.

In Part II. of the Railways Clauses Act 1863—

The expressions “railway” and “railway and works” shall mean the works authorised by the Act of 1893 ; and

The expression “the company” shall mean the Trustees :

And 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 ; and

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

**4.** The time limited by the Act of 1893 for the compulsory purchase of lands for the construction of the works thereby authorised and which will expire on the twenty-seventh day of July one thousand eight hundred and ninety-six is hereby extended to the twenty-seventh day of July one thousand eight hundred and ninety-eight but after that date those powers shall cease and section 13 of that Act shall be read and construed accordingly.

Extension of time for purchase of lands.

**5.** The time limited by the Act of 1893 for the execution of the works thereby authorised and which will expire on the twenty-seventh day of July one thousand eight hundred and ninety-eight is hereby extended to the twenty-seventh day of July one thousand nine hundred but after that date those powers shall cease and section 18 of that Act shall be read and construed accordingly.

Extension of time for completion of works.

**6.** Section 7 of the Act of 1893 the marginal note whereof is “Restriction on taking houses of labouring class” shall apply and have effect as fully and effectually as if such section had been re-enacted in this Act.

Restriction on taking houses of labouring class.

**7.** The Trustees may at any time by agreement with the holder of any terminable annuity—

Trustees may redeem annuities &c.

Redeem or purchase any terminable annuity payable by the Trustees ;

Extend the period for which any such terminable annuity shall be payable for any further period not exceeding sixty years from the date of the creation thereof :

Every such annuity shall on such redemption or purchase be ipso facto cancelled .

**8.—(1)** In addition to the purposes for which they are now authorised to borrow the Trustees may from time to time and on such

Power to borrow.

A.D. 1896. terms and conditions as they may think fit borrow at interest on the security of the Weaver tolls such sum or sums of money as may be necessary for the redemption of any terminable annuities.

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

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

For appointment of a receiver.

9. The holders of any mortgages or terminable annuities granted by the Trustees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages or other securities by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of principal or principal and interest the amount owing to the mortgagees by whom the application is made shall be not less than ten thousand pounds in the whole.

Repayment of moneys borrowed by Trustees.

10. From and after the passing of this Act section 8 (Provision for sinking fund) of the Weaver Navigation Act 1877 shall not apply to any moneys not at the passing of this Act borrowed and owing by the Trustees under the powers of that Act and (except as aforesaid) the Trustees may and shall pay off all moneys borrowed by them under or by virtue of the powers of any Act within any period not exceeding sixty years from the borrowing of the same. And such repayment shall be effected:—

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.

Provisions as to sinking fund.

11. The following provisions shall apply as to the sinking fund (that is to say):—

(1) The Trustees in every year shall appropriate and set apart out of the Weaver tolls such equal annual sums as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys so borrowed within the time for which the moneys are borrowed:

(2) The first payment to the sinking fund shall be made on or before the twenty-fifth day of March next following the time of the borrowing of the moneys in respect of which the payment is to be made:

(3) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the annual income

thereof respectively in any security in which Trustees are by law for the time being authorised to invest trust money other than securities of the Trustees and securities payable to bearer :

- (4) The Trustees may from time to time or at any time apply the whole or any part of the sinking fund in or towards the repayment of the whole or any part of the principal moneys for the discharge of which such fund shall have been established Provided that they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the principal moneys so paid off and discharged.

**12.** The clerk of the Trustees 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 transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by a statutory declaration if so required by them showing the amount which has been 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 the said clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Board of Trade and shall be recoverable by that Board in the same manner as penalties recoverable in a summary manner may be recovered by parties aggrieved within the meaning of the Public Health Act 1875.

Annual  
return to  
Board of  
Trade with  
respect to  
sinking  
fund &c.

If it appear to the Board of Trade by such return or otherwise that the Trustees have failed 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 Board of Trade 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 Board of Trade out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

**13.—(1)** The Trustees as to any moneys which they are authorised to borrow under the powers of any Act of Parliament may if they think fit borrow such moneys under the powers and

Power to  
borrow under  
Local  
Loans Act  
1875.

A.D. 1896.

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 money borrowed by the Trustees in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under such borrowing power and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf.

(2) All moneys paid into any sinking fund formed for the purpose of such discharge shall be invested by the Trustees in the manner in which sinking funds are by this Act authorised to be invested or applied.

Application  
of moneys  
borrowed.

14. All moneys borrowed by the Trustees under this Act shall be applied to the purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose :

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 bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or any part thereof.

Temporary  
advances by  
bankers.

15. The Trustees may obtain such temporary advances from their bankers on current account as they may from time to time require not exceeding in the whole at any one time the sum of five thousand pounds.

Power to  
county  
council to  
lend on  
mortgage to  
Trustees.

16. 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 authorised to be borrowed by the Trustees.

Power to  
county  
council to  
guarantee  
moneys bor-  
rowed by  
Trustees.

17. 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 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 or 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 and of the capital sums in respect of which the county council shall have given any such guarantee as aforesaid shall not exceed the sums which the county council are by this Act authorised to borrow. A.D. 1896.

**18.** For the purpose of securing the repayment of any loan including any interest thereon by the county council to the Trustees under this Act or the repayment of any moneys paid or payable by the county council under any guarantee given by them under the provisions of this Act the Trustees may subject to any existing mortgage thereof mortgage the Weaver tolls. Power to Trustees to mortgage tolls.

**19.—(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 two hundred and seventy 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 sixty-nine 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 borrow under that Act the amount borrowed under this Act shall not be reckoned.

**20.** If the county council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or by appropriations or annual repayments they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall for the purposes of repayment be deemed to form the same loan as the moneys originally borrowed and the obligations of the county council with respect to the repayment of the loan and to the Power to re-borrow.

A.D. 1896. provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Sinking fund.

**21.** The county council shall pay off all moneys borrowed by them under the powers of this Act either by equal annual instalments of principal or of principal and interest combined or by equal annual contributions to a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose.

Application of sinking fund.

**22.** The county council may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund shall have been established. Provided that they pay in each year into the sinking fund and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the principal moneys so paid off or discharged. Provided also that whenever and so long as the value of the securities standing at the credit of the sinking fund shall be equal at the market price of the day to the amount of the principal moneys then outstanding and to be paid off by means of such fund the county council may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Sinking fund how to be invested.

**23.** All sums paid into any sinking fund created by the county council under the powers of this Act shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or on any mortgage bond debenture stock corporation stock or other security not being annuities or securities payable to bearer authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any other local authority within section 34 of the Local Loans Act 1875 other than the county council.

Existing mortgages to have priority.

**24.** All mortgages or securities granted by the county council prior to the passing of this Act and which shall be in force at the time of the passing of this Act shall during the continuance thereof and as to the rates or property comprised therein have priority over all mortgages to be granted by the county council under the powers of this Act and such priority shall extend to all moneys in respect of which the county council shall prior to the passing of this Act have obtained the sanction of the Local Government Board to



borrow although such moneys shall not actually have been borrowed at the time of the passing of this Act. A.D. 1896.

Annual  
return to be  
made to  
Local  
Government  
Board.

**25.** The clerk of the county council 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 thereon 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 the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by the parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the county council 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 if they think fit and after hearing the county council if desiring to be heard 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.

**26.** In the event of the Trustees making default in the repayment of any loan or in the payment of the interest of any loan in respect of which the county council have given any guarantee under this Act it shall be lawful for the county council by agreement with the person entitled to the repayment of such loan or to the payment of such interest to pay to such person the amount due in respect of such loan and the interest due thereon and to take from such a person a transfer of the mortgage or other security granted or given by the Trustees as security for such loan.

Provision  
event of  
default by  
Trustees in  
respect of  
loan gua-  
ranteed by  
county  
council.

A.D. 1896.

For the purposes of providing any sum required for paying any principal sum under this section the county council may from time to time apply such sum or sums as they are by this Act authorised to borrow.

The county council may (subject to any prior charge thereon) apply any of their revenues to the payment of any sum payable by them under this section in respect of interest.

Protection  
of lenders  
from inquiry.

27. A lender of money to the county council 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.

As to  
removal of  
Newbridge  
Locks.

28. The Trustees shall simultaneously with the execution of the works authorised by the Act of 1893 proceed to remove the Newbridge Locks so as to make a clear waterway from Winsford Bridge to Vale Royal Locks on the said navigation.

Costs of Act.

29. 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.

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