ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxxiv.

An Act to authorize the Trustees of the River *Weaver* in the County of *Chester* to apply Part of the Funds arising from the Rates and Duties payable in respect of the Navigation of the said River for the erecting and endowing One or more Church or Churches for the Accommodation of the Watermen, Hawlers, and others employed upon the said River and connected with the Traffic thereof. [4th *August* 1840.]

WHEREAS the Trustees acting under the Authority and Powers of several Acts passed in the Seventh Year of the Reign of King *George* the First, the Thirty-third Year of the Reign of King *George* the Second, the Forty-seventh Year of the Reign of King *George* the Third, and the Sixth and Tenth Years of the Reign of King *George* the Fourth, for making navigable the River *Weaver*, and improving the Navigation of the same from *Frodsham Bridge* to *Winsford Bridge* in the County of *Chester*, and also for making a Communication between the said River near *Frodsham Bridge* and the River *Mersey* near *Weston Point*, have completed the Navigation of the said River according to the Directions of the said Acts, and have made the said Communication

between the said River near *Frodsham Bridge* and the River *Mersey* near *Weston Point*, and have also erected at or near *Weston Point* aforesaid, at a considerable Expence, a Basin, Piers, Lighthouse, Quays, and other Works, to the great Advantage of the Trade and Commerce of the Neighbourhood of the said River *Weaver*, and of the said Communication, and to the Benefit of the Public: And whereas the said River *Weaver* (which flows through the principal Salt Districts of the said County of *Chester*) was so made navigable at the Cost and Risk of a few Individuals, for the Purpose, amongst other things, of rendering convenient the Carriage of Salt and Cheese, employing the Poor, the Increase of Watermen and Seamen, and the Good of the Public at large: And whereas the Tonnage Rates and Duties payable to the said Trustees have for some Years past exceeded the Expences of making, improving, completing, preserving, and keeping in good Order the Navigation of the said River, and the navigable Cuts and Branches thereof, and the Works and other Matters connected therewith, and the Debts and Interest due in respect thereof: And whereas by the said Act of the Thirty-third Year of the Reign of His Majesty King *George* the Second it was enacted, that after all the Payments, Disbursements, Costs, Damages, and Expences made or anywise occasioned by the said Trustees or their Successors relating to the making, preserving, and improving the Navigation of the said River, and the navigable Cuts and Branches thereof, should be paid, together with the Money borrowed on any Assignments or Mortgages of the said Rates and Duties, with such Interest for the same as therein mentioned, then the Produce of the Rates and Duties should from Time to Time be employed for amending and repairing the public Bridges within the said County of *Chester*, and afterwards for the repairing and amending of the Highways in the same County, or such other public Charges or Uses of the said County, and in such Manner as the Justices of the Peace at the Quarter Sessions in the next Week after the Feast of *Saint Michael* for the said County should yearly order and appoint; and in and by the said Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth it is recited, that it might be found expedient that the Trustees of the said River *Weaver* should be empowered to advance for the Repairs of the County Bridges, Highways, and other public Charges or Uses of the said County, out of any surplus Money in their Hands, such Sums as they the said Trustees should from Time to Time deem expedient, reserving to themselves sufficient Funds for the Purposes of the said Navigation as they may deem necessary; and it is by the said last-mentioned Act enacted, that it should be lawful for the said Trustees, so often as they might see fit and deem it expedient, and in pursuance of any Order to be made at any General Quarter Sessions of the Peace for the said County, to advance to the Treasurer for the Time being of the public Stock of the said County any Sum for the said general Purposes of the said County which they might consider unnecessary to retain in their Hands for the Purposes of the preserving, maintaining, repairing, and supporting the Navigation of the said River *Weaver*, and the navigable Cuts and Branches thereof: And whereas, in consequence of the great Traffic on the said River *Weaver* and the Branches thereof,

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the Rates and Duties payable in respect of the same have been highly productive, and the Trustees acting in the Execution of the said Acts, after paying off and satisfying all Debts contracted on account of the said Navigation, and the Expences incident to the carrying on and maintaining the same, have annually paid over to the Treasurer of the said County a Surplus which, on an Average for the last Fifteen Years, has amounted to the Sum of Fifteen thousand Pounds a Year, or thereabouts: And whereas by the said last-mentioned Act the said Trustees have Power and Authority, at any of their General Annual Meetings or Committee Meetings, to make such Rules, Bye Laws, and Orders as to them shall seem right and proper for the ordering and good Government of the Navigation of the said River *Weaver* and of the navigable Cuts and Branches thereof, and of the Basins, Locks, and other Works belonging thereto and connected therewith, and of the Flats, Boats, Barges, Lighters, and other Vessels which may use the same respectively: And whereas in consequence of Petitions and Applications from the Watermen or Flatmen, Hawlers, and others employed upon the said Navigation, praying that they might have the Privilege of resting on the Sabbath Day, and be left at liberty to observe the same, and have an Opportunity of attending Divine Service, which they were then unable to do by reason of the Traffic in the said Navigation continuing on the *Sunday* nearly as much as on any other Day in the Week, the said Trustees at a Committee Meeting made a Bye Law or Order forbidding any Flat, Boat, Barge, Lighter, or other Vessel to pass through any of the Locks on the said Navigation on the Sabbath Day, commencing at Twelve of the Clock on the *Saturday* Night and ending at Twelve of the Clock on the next *Sunday* Night: And whereas the greatest Part of the Flats, Boats, and other Vessels used on the said Navigation are by the said Bye Law stopped during the Sabbath Day, either at some or other of the Locks on the said River and Branches thereof, or at the Salt Works at *Winsford*, at *Northwich*, or at the Terminus of the Navigation at *Weston Point*, at none of which Places is there sufficient Church Accommodation for the Men belonging to the Flats, Boats, and other Vessels so stopped on the said River or Branches thereof, and many of them are left during the Sabbath Day without any fit Opportunity of duly observing the same, or of attending Divine Service and receiving Religious Instruction, to the great Scandal and Inconvenience of themselves and others, and to the Injury of the Neighbourhood and the Public: And whereas the making the said River and the Branches thereof navigable has been the Cause of drawing to certain Places on its Banks a large Population, which is rapidly increasing, and the greater Part of such Population consists of Watermen or Flatmen, Hawlers, Miners, Labourers, and others connected with the Trade and Traffic on the said River and the navigable Branches thereof: And whereas at a Special General Meeting of the Trustees of the said Navigation, held on the Seventh Day of *October* One thousand eight hundred and thirty-nine, it was resolved, "That this Meeting acknowledges the Necessity of providing, out of the surplus Revenue of the River *Weaver*, Church Accommodation and Religious Instruction for the several Parties employed upon that River, and connected with the Traffic thereof:" And whereas, in order to carry the said Resolution into

into effect, it is expedient that One or more Church or Churches (with a Parsonage House or Houses annexed thereto) and other suitable Buildings should be erected in some convenient Place or Places near to the said River *Weaver*, or the navigable Branches thereof, and that Provision should be made for an Endowment for the Minister of each such Church, and for keeping the same in repair, out of the Rates and Duties arising from the said Navigation; but Doubts are entertained whether the Purposes aforesaid can be legally carried into effect, under the Powers and Authorities of the said Acts, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted and declared; and be it enacted and declared 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, That from and after the passing of this Act it shall and may be lawful for the Trustees for the Time being acting under the said Acts, and they are hereby fully authorized and empowered, to raise, retain, and apply, from and out of the Rates and Duties arising and from Time to Time to arise from or in respect of the said Navigation, any Sum or Sums of Money not exceeding in the whole the Sum of Six thousand Pounds Sterling, and with or out of such Sum or Sums of Money to erect or cause to be erected One or more Church or Churches (not exceeding Three in Number), to be situate in the several Parishes of *Runcorn*, *Great Budworth*, *Over*, and *Davenham*, or any of them, with a Parsonage House and suitable Buildings and Conveniences annexed to each such Church and Parsonage House, in or upon some convenient Place or Places within the Distance of Two hundred Yards from the said River *Weaver* or the navigable Branches thereof, and to complete and furnish the same Church or Churches, in order to the Performance of Divine Service therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland* as by Law established, for the Use and Accommodation of the Watermen or Flatmen, Hawlers and others, employed on or frequenting the said Navigation and connected with the Traffic thereof, together with their Families, each such Church to be of such Size and Dimensions as to be capable of containing at least Three hundred Sittings, and all such Sittings to be free and open to all Watermen or Flatmen, Hawlers, and other Labourers connected with the said River *Weaver* and the Traffic thereof who may resort thereto, without any Rent or Payment being demanded or taken from any of them for the Use or Accommodation thereof or on any other Account whatsoever: Provided always, that no larger Sum than Two thousand Pounds shall be paid by the said Trustees for the Erection of any One of the said Churches, with the Parsonage House, Buildings, and Conveniences annexed thereto.

Power to the Trustees acting under the recited Acts to erect One or more Churches near the River Weaver (not exceeding Three), and to apply the Rates and Duties to the Extent of 6,000*l.* for that Purpose.

Tenders for erecting the Churches to be advertized in Two Newspapers.

II. And be it further enacted, That the Trustees for the Time being acting under the said Acts and this Act are hereby required, One Month at least previous to entering into any Contract for the Erection of any Church or Churches and other Buildings by this Act authorized to be erected, to publish, in Two at least of the Newspapers printed within the said County, Proposals for a Tender for

the Erection of each of the said Churches and other Buildings, and no such Church or Buildings shall be erected without such previous Advertisement and Tender as aforesaid.

Each Church when erected to be consecrated by the Bishop, who is to appoint a Minister to officiate therein.

III. And be it further enacted, That when and so soon as each such Church shall have been erected and finished fit for the Celebration of Divine Service it shall be lawful for the Lord Bishop of the Diocese of *Chester* for the Time being to consecrate the same, and thereupon to nominate and appoint a fit Person to be the officiating Minister or Curate of such Church so to be consecrated, and such Person shall thereupon become and be styled the Minister or Curate thereof, and shall have perpetual Succession, and be a Body Politic and Corporate, and may receive hold, and take to him and his Successors such Endowment in Lands, Rents, or other Hereditaments, Monies, or Personal Estate as may be granted or assigned to him or them under the Powers of this Act, or in any other Manner or by any other Person whomsoever, without incurring or being subject to any of the Penalties or Forfeitures of the Statute of Mortmain, or any other Law or Statute whatsoever, to the Intent and Purpose that every such Church, when so consecrated, shall for ever thereafter be set apart and dedicated to the Service of Almighty God as a Place of Divine Worship according to the Liturgy and Usages of the United Church of *England* and *Ireland* as by Law established.

Duties of the Minister.

IV. And be it further enacted, That the Minister or Curate of each such Church, after his Nomination or Appointment thereto, shall and he is hereby required to perform Divine Service, or cause the same to be performed, in such Church at least Twice on every *Sunday* or Lord's Day, according to the Rites and Usages of the United Church of *England* and *Ireland*, under the Direction of the Bishop of the Diocese for the Time being, and also shall visit the Sick and exercise other Pastoral Duties among the Families of the Watermen, Hawlers, and others employed upon and connected with the Navigation of the said River; but it shall not be lawful for such Minister or Curate to publish Banns of Matrimony, or to solemnize Marriages or Burials in any such Church, or to receive or take any Fees or Gratuities in lieu or in respect thereof, or in respect of any Baptisms, Christenings, or Churchings of Women in any such Church, nor in any other Manner to interfere with or prejudice the Right of the Rector, Vicar, or Incumbent of the Parish or Parochial Chapelry in which any such Church shall be situate, to any Surplice Fees, Offerings, Oblations, Obventions, or other Ecclesiastical Dues to which he is or may be legally entitled as such Rector, Vicar, or Incumbent, or would have been entitled if such Church had not been erected.

Each Church to be subject to the Jurisdiction of the Bishop of Chester.

V. And be it further enacted, That from and after the Consecration of each Church to be erected in pursuance of the Powers and Provisions contained in this Act the same Church shall become and be subject to the Visitation and Jurisdiction of the Lord Bishop of *Chester* for the Time being, and the Advowson, Donation, Nomination, and perpetual Right of Patronage of, in, and to each such

Church shall vest in and belong to the said Lord Bishop of *Chester* and his Successors for ever.

Power for the Trustees to make an Endowment for the Minister of each Church to an Extent not less than 100*l.* nor exceeding 150*l.* per Annum for each Minister, out of the Rates and Duties of the Navigation.

VI. And to the Intent that an adequate Income or Salary may be provided for the Minister or Curate officiating in each such Church so to be erected and consecrated as aforesaid, be it further enacted and declared, That it shall be lawful for the said Trustees for the Time being, and they are hereby fully authorized and empowered, at a Special General Meeting convened for the Purpose, to subject and charge the Rates and Duties annually arising from or in respect of the said Navigation with the Payment to the Minister or Curate of each such Church, and his Successors for ever, of such a yearly Sum of Money (not less than One hundred Pounds nor exceeding One hundred and fifty Pounds) as the said Trustees at such Special General Meeting shall think adequate to the Duties to be performed by such Minister or Curate in respect of his said Church; and such yearly Sum of Money, to be paid by equal half-yearly Payments, shall from the Day of the Consecration of such Church be charged upon the Rates and Duties annually arising from or in respect of the said Navigation, and shall be due and payable half-yearly by the said Trustees to the said Ministers or Curates respectively and their Successors, which said yearly Sum so to be charged and provided for the Minister or Curate of each such Church as aforesaid shall be accepted and taken as a full and sufficient Endowment of such Church and of the Minister or Curate thereof for the Time being; and the said Lord Bishop of *Chester* or his Successor shall, and he is hereby authorized and required, when and so soon as each such Church shall have been erected and fit for the Celebration of Divine Service, to consecrate the same Church according to the Usage and Ceremonies of the United Church of *England* and *Ireland*.

Expences of repairing and keeping up the Churches to be defrayed by the Trustees out of their Funds.

VII. And be it further enacted, That the Charges and Expences incident to or attending the sustaining or upholding the Fabric of the said Churches, and the requisite Repairs thereof, and all other necessary Expences incident to the said Churches, or the continuing the same as Places of Divine Worship, shall yearly and every Year for ever hereafter be paid and defrayed by the said Trustees from and out of the Rates and Duties annually arising or payable from or in respect of the same Navigation, and they the said Trustees shall and they are hereby authorized and required from Time to Time to raise, apply, and pay the same accordingly.

Expences of the Churches, and Salary to Ministers to be paid out of annual surplus Funds of the Navigation.

VIII. And be it further enacted, That the Sums of Money so to be paid as aforesaid to the Ministers or Curates of the Churches to be erected in pursuance of this Act, and the Charges and Expences incident to or attending the sustaining or upholding the Fabric of the said Churches, and all other Charges created by this Act, shall be paid and payable by the said Trustees, out of the Rates and Duties annually remaining in their Hands, after Payment of the Costs, Charges, and Disbursements paid, incurred, and expended by the said Trustees in the upholding, sustaining, and maintaining the said Navigation, or in the Alteration and Improvement thereof.

IX. And

School-rooms to be annexed to each of the Churches for the Use of the Children of the Watermen, Hawlers, and other Labourers.

IX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required to provide and erect One or more School-room or School-rooms, to be annexed to each of the said several Churches, for the Use and Convenience of instructing the Children of the said Watermen or Flatmen, Hawlers, and other Labourers connected with the said River *Weaver* and Traffic thereof, in Reading, Writing, and other Branches of elementary Instruction suitable to the State and Degree of such Children, such Instruction to be given by the respective Ministers or Curates in such Manner and at such Times as the Bishop of the Diocese shall direct: Provided always, that no greater Sum than One hundred and fifty Pounds for each such School-room shall be paid out of the Rates and Duties aforesaid, in addition to the said Sum of Six thousand Pounds.

Accounts to be published annually, distinguishing the Sums paid for the Purchase of Lands, and the Amount paid to the Ministers.

X. And be it further enacted, That the said Trustees shall annually publish an Account of all Monies paid, laid out, and expended by them in pursuance of the Powers of this Act, in which Account the Sum or Sums paid for the Purchase of Lands and in the Erection of Buildings shall be distinguished from the Amount annually paid to the Ministers or Curates of the said Churches, and shall cause such Account to be published in any Two Newspapers printed within the County of *Chester* Twice in the Month of *January* in each Year.

Clergymen appointed to be ineligible to act as Trustees.

XI. And be it further enacted, That none of the Clergymen appointed to the said Churches so to be built in pursuance of the Powers of this Act shall be henceforth eligible to act or become a Trustee of the said River *Weaver*.

For paying the Expences of this Act.

XII. And be it further enacted, That out of any Money now in the Hands of the said Trustees, or out of the first Money arising or to arise by virtue of the said Acts or any of them, the said Trustees shall pay and discharge all the Expences and Costs relative to the procuring and passing this Act, in preference to all other Payments whatsoever.

General Saving.

XIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Persons and Person, and Corporation, whether Sole or Aggregate, and to their, his, and her Heirs, Executors, Administrators, and Successors, (other than and except in the Cases expressly provided for by this Act,) all such Estates, Rights, Titles, and Interests as they respectively had, held, or enjoyed before the passing of this Act, or could or might have had, held, or enjoyed if this Act had not been passed.

Public Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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