



CHAPTER xxxiv.

An Act for transferring to the Ecclesiastical Commissioners certain churches parsonages and other properties now vested in the Weaver Navigation Trustees to confer further borrowing powers on the Trustees and for other purposes.

A.D. 1928.

[2nd July 1928.]

WHEREAS by the River Weaver Navigation Act 1721 as enlarged and amended by subsequent Acts a body of trustees was constituted for making preserving and improving the navigation of the river Weaver and for other purposes :

And whereas by the River Weaver Navigation Act 1840 the said trustees were empowered to apply part of the funds arising from the rates and duties payable in respect of the navigation of the said river for the erection and the maintenance of the fabric and the repair of one or more church or churches for the use and accommodation of the watermen haulers and others employed upon the said river and connected with the traffic thereof together with a parsonage house and suitable buildings and conveniences annexed to each such church and parsonage house and in the payment of an annual sum not less than one hundred pounds or more than one hundred and fifty pounds to the minister of each of such churches and further to provide and erect one or more schoolroom or schoolrooms to be annexed to each of the said several churches :

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— And whereas under the powers of the said last-mentioned Act the said trustees erected churches situated respectively at Weston Point in the present ecclesiastical parish of All Saints Runcorn at Northwich in the present ecclesiastical parish of Witton and at Winsford in the present ecclesiastical parish of Over St. Chad all in the said county of Chester and the diocese of Chester together with parsonage houses and suitable buildings and conveniences and schoolrooms annexed thereto :

And whereas the said churches were in the years 1841 1842 and 1844 respectively duly consecrated by the bishop of the said diocese :

And whereas by the River Weaver Navigation Act 1866 the said trustees were authorised subject to the conditions and upon the terms in the said Act set out to enter upon and take the said church so erected as aforesaid at Weston Point and to provide a site for and erect thereon another church in the place thereof and with the consents and upon the terms and conditions in the said Act mentioned also to take and remove the schoolhouse and buildings attached to the said church at Weston Point And it was by the same Act provided that the new church and schoolhouse and buildings to be erected by the said trustees in accordance with the said terms and conditions in place of the said church at Weston Point and the schoolhouse and buildings attached thereto should be vested in the person or persons in whom the existing church and schoolhouse and buildings were respectively vested and should be for all intents and purposes deemed identical with the said schoolhouse and buildings :

And whereas the said rates and duties were by three several deeds dated respectively the sixth day of December one thousand eight hundred and forty-one the thirteenth day of June one thousand eight hundred and forty-two and the first day of April one thousand eight hundred and forty-four charged by the said trustees with the payment of the annual sum of one hundred and fifty pounds to the minister of each of the said churches :

And whereas by the Weaver Navigation Act 1895 the control and management of the said navigation was transferred from the said trustees to a body of

trustees to be constituted and elected as provided by that Act and who are thereby a body corporate by the name of the Weaver Navigation Trustees (hereinafter referred to as "the Trustees") with perpetual succession and a common seal : A.D. 1928.

And whereas the said church accommodation and the ministrations of the ministers of the said churches are no longer specially used by or required for persons employed on the said river or connected with such traffic as aforesaid :

And whereas the Trustees are desirous of being relieved of their obligations under the said River Weaver Navigation Act 1840 and the Bishop of Chester is satisfied that it is expedient that the particular status of the three churches before mentioned and of the ministers thereof resulting from the provisions of the said last-mentioned Act should be brought to an end and that the position of the said churches should be assimilated to that of churches built within the parish or parishes in which the same are situate under the provisions of the Church Building Acts 1818 to 1894 and that the arrangements hereinafter in this Act set out in relation to the said churches and their ministers and the parsonage houses schools and other buildings attached thereto and in relation to the payments heretofore made by the Trustees for the stipends of the ministers and to other matters should be made :

And whereas the Ecclesiastical Commissioners have consented to the provisions of this Act :

And whereas the Bishop of Chester and the Reverend Howard Nasmith Perrin vicar of the said ecclesiastical parish of All Saints Runcorn the Reverend Alfred William Maitland Wood vicar of the said ecclesiastical parish of Witton and the Reverend John Reginald Spencer vicar of the said ecclesiastical parish of Over St. Chad respectively have consented to the provisions of this Act :

And whereas it is expedient to enable the Trustees to borrow further moneys :

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 King's most

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A.D. 1928. 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 1928 and the Weaver Navigation Acts 1721 to 1895
and the Weaver Navigation Act 1896 and this Act may
be cited together as the Weaver Navigation Acts 1721
to 1928.

Interpre- 2. In this Act unless the context otherwise re-
tation. quires—

“the Trustees” means the Weaver Navigation
Trustees;

“the Commissioners” means the Ecclesiastical Com-
missioners;

“the three churches” and “the three parsonage
houses” mean the churches and parsonage
houses at Weston Point Northwich and Winsford
erected pursuant to the provisions of the River
Weaver Navigation Act 1840 and the grounds
buildings and appurtenances attached to the
said churches and parsonage houses other than
the schoolrooms or schoolhouses and their
appurtenances.

Conveyance 3.—(1) The Trustees shall as soon as may be after
to Commis- the passing of this Act grant and convey to the
sioners. Commissioners the three churches and the three par-
sonage houses by a deed or deeds of conveyance made in
accordance with the provisions of the Church Building
Acts 1818 to 1894 and without other consideration than
the provisions of this Act In the event of any difference
between the Trustees and the Commissioners as to the
form of any such deed such difference shall be referred to
and settled by a barrister-at-law agreed upon between
them or failing such agreement by a barrister-at-law
nominated by the President of the Law Society and the
deed shall be framed in accordance with the decision of
such barrister-at-law unless the parties otherwise agree
Subject to the provisions of this Act the deed or deeds
shall have effect in accordance with the provisions of the
said Church Building Acts as if the said churches and
parsonage houses had never been subject to the provisions
of the River Weaver Navigation Act 1840.

(2) The said church at Weston Point shall be granted and conveyed to the Commissioners subject to the right of the Trustees under the River Weaver Navigation Act 1866 to enter upon and take the same and in the event of the Trustees exercising this right in accordance with the provisions of the Act of 1866 the site for the new church referred to in section 27 (New church to be erected within two years) of the said Act of 1866 shall be conveyed to the Commissioners under the provisions of the said Church Building Acts or those Acts and any statutory modification thereof for the time being in force. A.D. 1928.

(3) Notwithstanding anything contained in the Weaver Navigation Acts 1721 to 1895 the Commissioners or any parties claiming under or by virtue of any grant to the Commissioners provided for by this Act or having any interest in the parsonage house erected by the Trustees and annexed to the said church at Weston Point and any buildings or premises held with such parsonage house may if so required by the Trustees sell the same to the Trustees for such consideration and otherwise on such terms and conditions as shall be agreed between the Commissioners or any such parties as the case may be and the Trustees or as failing such agreement shall be determined subject to and in accordance with the provisions of the Arbitration Act 1889 as if the sale were a sale by a willing buyer to a willing seller by an arbitrator to be agreed upon by the Commissioners or any such parties as the case may be and the Trustees or failing agreement appointed on the application of either the Commissioners or any of such parties as the case may be or the Trustees by the President of the Surveyors' Institution and subject as aforesaid the provisions of the Ecclesiastical Leasing Act 1858 and the Glebe Lands Act 1888 shall extend and apply for the purposes of any such sale.

4. The Commissioners shall as from the date of the deed or deeds referred to in the section of this Act of which the marginal note is "Conveyance to Commissioners" or the date of the payment to the Commissioners of the sum of nine thousand pounds referred to in the section of this Act of which the marginal note is "Payment to Commissioners" whichever date may be the later out of and as a charge only upon the said sum of nine thousand pounds and in respect to each of the

Duties and obligations of Commissioners and discharge of Trustees.

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A.D. 1928. — three churches during the incumbency of the present minister thereof and no longer bear and discharge the liability for the maintenance of the fabric and repair of the three churches and for the payment of an annual sum of one hundred and fifty pounds to the minister of each of the said churches charged by the Trustees on the rates and duties arising out of the navigation of the river Weaver by three deeds dated respectively the sixth day of December one thousand eight hundred and forty-one the thirteenth day of June one thousand eight hundred and forty-two and the first day of April one thousand eight hundred and forty-four and all other obligations (if any) of the Trustees in relation to the said churches and parsonage houses under the River Weaver Navigation Act 1840 and the said deeds And as from the same date all obligations of the Trustees under the River Weaver Navigation Act 1840 or the said deeds or any of them or otherwise with reference to the said churches and parsonage houses and to the payment of the said annual sums shall for ever cease and determine.

Provisions
to apply
on cesser of
office of
ministers.

5. As from the date of the present minister of each of the three churches ceasing to be such minister the following provisions shall take effect viz. :—

- (a) The office of minister of that church and the perpetual curacy and ecclesiastical corporation sole created by the provisions of the River Weaver Navigation Act 1840 shall be abolished and dissolved;
- (b) The Commissioners shall apply the income arising from the said sum of nine thousand pounds (or of the residue thereof in their hands after the discharge of all other liabilities to be discharged thereout) in the payment to the incumbents of all or some one or more of the ecclesiastical parishes respectively in which the three churches are for the time being situate of such annual sums and upon such conditions as may be determined by the Commissioners with the approval of the bishop of the diocese with a view to the maintenance of such services in all or any of the three churches as the bishop may from time to time and at any time consider adequate and to provide for the pastoral superintendence of the areas served by such church or churches;

(c) The parsonage house attached to that church with the buildings wall fences and appurtenances thereto belonging shall become buildings which the incumbent of the ecclesiastical parish in which that church is situate is by law bound to maintain in repair within the meaning of subsection (2) of clause 4 of the Ecclesiastical Dilapidations Measure 1923. A.D. 1928. —

6. Save so far as is expressly provided by this Act nothing in this Act shall affect any right interest or obligation of any person who at the passing of this Act is a minister of any of the three churches in respect of the church or of the parsonage house with its appurtenances annexed to the same church and nothing in subsection (3) of the section of this Act of which the marginal note is "Conveyance to Commissioners" shall allow the sale of the parsonage house annexed to the said church at Weston Point during the incumbency of the present minister of that church without the consent in writing of such minister. Saving rights of existing ministers.

7. Within six months after the passing of this Act the Trustees shall pay to the Commissioners the sum of nine thousand pounds. The Commissioners shall out of the said sum of nine thousand pounds pay the costs charges and expenses of the Commissioners and of the Lord Bishop of Chester and of the vicars of the parishes of All Saints Runcorn Witton and Over St. Chad of and incidental to the Bill for this Act and shall pay to the Trustees the sum of one hundred and fifty pounds towards the costs charges and expenses of the Trustees of preparing for obtaining and passing of this Act. Payment to Commissioners.

8. In addition to the moneys which they are now authorised to borrow the Trustees may from time to time and on such terms and conditions as they think fit borrow at interest on the security 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 such sum or sums of money in the whole not exceeding thirty thousand pounds as they may think fit for the purposes of this Act and of their undertaking. Power to borrow.

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Repayment
of moneys
borrowed
by Trustees
&c.

9. The following provisions of the Weaver Navigation Act 1896 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

Section 10 (Repayment of moneys borrowed by Trustees);

Section 11 (Provisions as to sinking fund);

Section 12 (Annual return to Board of Trade with respect to sinking fund &c.);

Section 13 (Power to borrow under Local Loans Act 1875);

Section 14 (Application of moneys borrowed);

but for the purposes of this section the provisions of the said section 12 shall be read as if the references therein to the Board of Trade were references to the Minister of Transport.

Priority of
mortgages
guaranteed
by Cheshire
County
Council.

10. Notwithstanding anything in section 75 of the Commissioners Clauses Act 1847 or in the Weaver Navigation Acts 1721 to 1928 or in any enactment incorporated with any of those Acts all mortgages of which the principal and interest or either the principal or interest has been or shall under the terms of any agreement between the Trustees and the Cheshire County Council (in this section referred to as "the county council") made prior to the date of this Act be hereafter guaranteed by the county council in pursuance of the provisions of the Weaver Navigation Act 1896 and the Weaver Navigation Act 1905 and all mortgages of the Weaver Tolls (as defined in the said Act of 1905) granted to the county council under section 12 of the said Act of 1905 shall both as to principal and interest rank and the repayment of all sums paid under any such guarantee by the county council as aforesaid shall also rank in priority to the principal and interest of all mortgages bonds or other securities to be granted or issued by the Trustees for the purpose of securing any moneys borrowed under the powers of this Act other than—

- (1) moneys borrowed for paying the sum of nine thousand pounds mentioned in the section of this Act of which the marginal note is "Payment to Commissioners"; and

(2) moneys borrowed with the consent of and for purposes approved by the county council under their common seal as to which the county council by such consent have agreed that the mortgages bonds or other securities for the moneys so borrowed shall rank *pari passu* with the mortgages which have been so guaranteed by the county council as aforesaid. A.D. 1928.

11. Notwithstanding anything in any Act relating to the Trustees the Trustees may lease for such term or terms and on such conditions as they may deem expedient or otherwise dispose of any lands which have from time to time been purchased or acquired by the Trustees and which lands are not immediately or may not hereafter be required for the purposes of their undertaking. Power to Trustees to lease or dispose of lands.

12.—(1) The owner of every vessel shall be answerable to the Trustees for any damage done by such vessel or by any person employed about or in charge of the same to any works of the Trustees and the master or person having or taking the charge of such vessel through whose wilful act or negligence any such damage is done shall also be liable to make good the same. Damage by vessels to docks &c.

(2) If the owner of any vessel makes good any such damage as aforesaid done through the wilful act or negligence of the master or person having or taking the charge of such vessel or if the owner of any vessel in any other case shall have been compelled to pay any damages or costs by reason of any act or omission of any other person the master or person having or taking the charge of such vessel through whose wilful act or negligence the damage was done or as the case may be the person by reason of whose act or omission the damage was done shall repay to the owner of such vessel the amount of the damages and costs together with the costs of the proceedings to enforce such repayment and if such damages and costs do not exceed fifty pounds the sum may be recovered before a court of summary jurisdiction.

(3) For the purpose of this section the expression "works of the Trustees" includes docks basins cuts locks entrances canal works warehouses buildings wharves quays lands estates and other landed property now or at

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(4) Section 49 of the River Weaver Navigation Act 1829 is hereby repealed.

Submission
of accounts
to Minister
of Transport.

13. The Trustees shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts relating to their undertaking.

Repeal.

14. As from the date of the payment to the Commissioners of the sum of nine thousand pounds referred to in the section of this Act of which the marginal note is “Payment to Commissioners” the River Weaver Navigation Act 1840 shall be and is hereby repealed.

Costs of
Act.

15. All costs charges and expenses of and incident to the preparing for obtaining 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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