ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XXXVII.

An Act for altering an Act, passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for making the Rivers* Mercy *and* Irwell *navigable from* Liverpool *to* Manchester, *in the County Palatine of* Lancaster, by incorporating the Proprietors of the said Navigation; and to declare their respective Shares therein to be Personal Estate. [28th *March* 1794.]

WHEREAS, by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for making the Rivers* Mercy *and* Irwell *navigable from* Liverpool *to* Manchester, *in the County Palatine of* Lancaster, certain Persons therein nominated as Undertakers were authorized and impowered, at their own Costs and Charges, to make the said Rivers *Mercy* (now called *Mersey*) and *Irwell* navigable, passable, and portable, for Boats, Barges, Lighters, and other Vessels, from *Liverpool* to a Place called *Hunt's Bank*, in *Manchester* aforesaid, and certain Tonnage Rates and Duties were thereby granted to the said Undertakers, their Heirs and Assigns, Preamble. Act 7 Geo. I.

in Conſideration of the great Charges and Expences they ſhould be at in making the ſaid Rivers navigable, and divers Perſons in the ſaid Act named were appointed Commiſſioners for putting the ſaid Act into Execution: And whereas, in purſuance of the ſaid Act, the ſaid Rivers were many Years ſince made navigable for Boats, Barges, and other Veſſels, at a very great Expence to the ſaid Undertakers, and the ſaid Rivers are now navigable between *Liverpool* and *Mancheſter* aforeſaid, and are of great publick Utility: And whereas, by Reaſon of the great Increaſe of the Trade and Manufactures of the ſaid County of *Lancaſter*, ſince the making of the ſaid recited Act, the Navigation upon the ſaid Rivers hath become very conſiderable, and the Shares of and in the ſaid Navigation being now divided into Five hundred, and the preſent Proprietors thereof being very numerous, they are deſirous that they may be incorporated into a Body Politick and Corporate, and that the ſaid Navigation, and the Tonnage Rates and Duties, Meſſuages, Buildings, Warehouſes, Wharfs, Quays, Lands, Tenements, Hereditaments, Boats, Barges, Veſſels, and other Effects, Matters, and Things, belonging to the ſaid Proprietors as aforeſaid, may become veſted in ſuch Body Corporate, for the Benefit of the ſaid ſeveral Proprietors, according to their ſeveral and reſpective Shares therein, and that ſuch Shares may be deemed Perſonal Eſtate, and that the ſaid Body Corporate may be impowered to have, hold, uſe, exerciſe, and enjoy, all and every the Powers, Authorities, Liberties, and Privileges, which in and by the ſaid recited Act were given or granted unto the Undertakers therein named; but inaſmuch as the ſame cannot be effected without the Aid and Authority of Parliament; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Fourth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, *Mary Hamilton* Widow, *Henry Atherton* Eſquire and *Ann* his Wife, *Eleanora Byrom* Spinſter, *Martin Marſhall*, *Jonathan Hatfield*, *Joſeph Tipping*, *William Marſden*, *Edward Swan*, *Peter Wright*, *Thomas Hatfield*, *Henry Norris* Eſquire, *John Birch*, *Peter Finney*, *Walter Kerfoot*, *Thomas Patten* Eſquire, *John Sedgwick* and *James Sedgwick*, *Iſaac Hadwen*, *John Wright*, *John Blackburne* Eſquire, *William Croſbie* and *John Urmſon*, *Thomas Golightly*, the Deviſees under the Will of *Richard Kent* Eſquire, deceaſed, *Mary Rathbone* Widow, *George Booth*, the Heir at Law or Deviſee under the Will of *John Fiſher* deceaſed, *Charles Bromfield*, *William Gregſon*, *Thomas Tarleton*, *John Tarleton* and *Daniel Backhouſe*, *Thomas Marſhall*, *Benjamin Heywood*, *Benjamin Arthur Heywood* and *Nathaniel Heywood*, *John Waſhington*, *Charles Lees*, *Matthew Prieſtnall*, *William Hardman*, *Thomas Hilton*, the Deviſee under the Will of *Joſeph Gough* deceaſed, *James Barton*, *William Wood*, *Samuel Jones*, *James Wilde* the younger, *John Marſden*, *John Stanton*, *Samuel Norris*, the moſt Noble *Francis* Duke of *Bridgewater*, the Heir at Law or Deviſee under the Will of *John Brown* deceaſed, the Deviſees under the Will of *Thomas Heginbotham* deceaſed, *Joſhua Bruckſhaw*, *Peter Thorniley*, and *Ralph Kinder*, *John Hancock*, *William Hardy*, *Thomas Lyon* Eſquire, the Aſſignees of the Eſtate and Effects of *John Dumbell* a Bankrupt, *John Meller*, *Matthew Fletcher*, *Jonadab Mort*, *Peter Bantroft* and *Elizabeth Formaſſon*,

Proprietors Names.

maſſon, *Thomas Aliſon*, *James Aliſon*, and *Richard Aliſon*, the Aſſignees of the Eſtate and Effects of *Gill Slater* a Bankrupt, *Thomas Voce*, the Deviſees under the Will of *Henry Haughton* deceaſed, *William Lings*, *Arthur Clegg*, *William Wright*, *Samuel Swire*, *Benjamin Hallworth*, *Samuel Hope* and *John Hope*, the Deviſees under the Will of *Richard Helſby* deceaſed, *John Pilkington*, *Thomas Walker*, *Michael Shaw*, the Heir at Law or Deviſee under the Will of *Thomas Sharpe* the younger deceaſed, *Thomas Tipping*, *Thomas Alcock*, *William Rawlinſon*, the Aſſignees of the Eſtate and Effects of *John Teaſdale* and *Iſaac Teaſdale* Bankrupts, *Thomas Earle* Eſquire, *Daniel Vawdrey*, the Heir at Law or Deviſee under the Will of *William Hill* deceaſed, and *James Carliſle*, and their reſpective Executors, Adminiſtrators, and Aſſigns, are and ſhall be united into a Company for the better managing, carrying on, and maintaining, the ſaid Navigation, according to the ſaid recited Act, and the Rules, Orders, and Directions, herein-after mentioned expreſsly or by Reference, and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Merſey and Irwell Navigation*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and ſhall and may ſue and be ſued; and that the ſaid Navigation, and the Tonnage Rates and Duties ariſing and to ariſe from the ſame, and the Meſſuages, Buildings, Warehouſes, Wharfs, Quays, Lands, Tenements, and Hereditaments, whereof or wherein the ſaid ſeveral Proprietors, or any Perſon or Perſons in Truſt for them, or any of them, is or are ſeiſed or poſſeſſed of any Eſtate of Freehold, or for One or more Life or Lives, or for any Number of Years determinable on the Deceaſe of One or more Life or Lives, or for any Number of Years certain, either in Poſſeſſion, Reverſion, Remainder, Uſe, Truſt, or Expectancy, and alſo all and every the Boats, Barges, Veſſels, and other Effects, Matters, and Things, belonging to the ſaid Navigation, or held, uſed, and enjoyed therewith, or accepted, reputed, had, taken, or known, as Part, Parcel, or Member thereof, or belonging to the ſame, or any Part thereof, ſhall be veſted in the ſaid Company of Proprietors, for the Benefit of the ſaid ſeveral Proprietors, according to their ſeveral and reſpective Shares and Intereſts therein; and that all ſuch Shares ſhall be Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch to the Executors, Adminiſtrators, and Aſſigns, of ſuch Proprietors reſpectively, and ſhall not be of the Nature of Real Property; and that the ſaid Company of Proprietors ſhall and may have, hold, and enjoy, the Meſſuages, Buildings, Warehouſes, Wharfs, Quays, Lands, and Hereditaments, belonging to the ſaid Proprietors as aforeſaid, and alſo ſhall and may have Power and Authority to purchaſe Lands, Tenements, or Hereditaments, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or any of them; and any Perſon or Perſons, or Body Politick or Corporate, may give, grant, bargain, ſell, or convey, to the ſaid Company of Proprietors any Lands, Tenements, and Hereditaments, for the Uſe and Benefit of the ſaid Navigation, without Licence of Alienation in Mortmain.

Incorporated.

Property veſted in the Company of Proprietors, and deemed Perſonal Eſtate.

II. And be it further enacted, That the ſaid Company of Proprietors, and their Agents, Servants, Workmen, and Labourers, and all and every other Perſon and Perſons, Commiſſioner and Commiſſioners, Bodies Politick, Corporate, or Collegiate, whatſoever, ſhall have and be ſeiſed and poſſeſſed of, and is and are hereby inveſted with ſuch and the like

The Proprietors inveſted with the Powers of the former Act.

like Eſtates, Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be, and is and are hereby made ſubject and liable to ſuch and the like Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controul, Payments, Penalties, Forfeitures, and Puniſhments, as are mentioned, directed, given, granted, preſcribed, eſtabliſhed, and inflicted, in and by the ſaid recited Act, to every Intent and Purpoſe whatſoever, with reſpect to the Undertakers therein named; and that the ſaid Company of Proprietors ſhall have and be entitled unto the full Benefit and Advantage of, and be ſubject to all and every the Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Puniſhments, Matters, and Things, contained in the ſaid recited Act (except ſuch Parts thereof as are hereby varied or altered) in ſuch and the ſame Manner and as fully and effectually, to all Intents and Purpoſes, as if the ſaid Company of Proprietors incorporated by this Act had been the Undertakers or Proprietors named in the ſaid recited Act, and as if all the ſaid Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Puniſhments, Matters, and Things, were herein repeated and re-enacted, but that this Act, or any Clauſe, Matter, or Thing, herein contained, ſhall not extend or be conſtrued to extend to defeat or affect certain Indentures of Leaſe and Releaſe bearing Date reſpectively the Twenty-third and Twenty-fourth Days of *June* in the Year of our Lord One thouſand ſeven hundred and ſeventy-nine, the Releaſe being Tripartite, and made or mentioned to be made between *Robert Hamilton* and the ſeveral other Perſons therein named (the then Undertakers and Proprietors of and in the ſaid Navigation), of the Firſt Part, *William Marſden* and the ſeveral other Perſons therein named (being, together with the before-mentioned *Robert Hamilton* and others therein named, the Purchaſers of the ſaid Navigation, as therein mentioned), of the Second Part, and *Samuel Clowes* the younger, *Thomas Tipping*, and *William Rigby* Eſquires (Truſtees named and appointed by and on the Behalf of the then Purchaſers of the ſaid Navigation), of the Third Part, or to defeat or affect certain Articles of Agreement indented, bearing equal Date with the ſaid Indenture of Releaſe, and made or mentioned to be made between the ſaid *Robert Hamilton* and the ſeveral other Perſons therein named (the Purchaſers of the ſaid Navigation), of the One Part, and the ſaid *Samuel Clowes* the younger, *Thomas Tipping*, and *William Rigby* (Truſtees as aforeſaid), of the other Part, or to defeat or affect any of the Declarations, Covenants, or Agreements in the ſaid Indenture of Releaſe, or in the ſaid Articles of Agreement mentioned, expreſſed, and contained, in anywiſe howſoever, ſave only ſo far as the ſame are altered by the incorporating the ſaid Proprietors into a Body Corporate, and veſting their Eſtates in ſuch Body Corporate, and the declaring their reſpective Shares therein to be Perſonal Eſtate, as in and by this Act before mentioned and enacted.

Publick Act.

III. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without the ſame being ſpecially pleaded.

FINIS.