



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 20.

An Act for enabling the Company of Proprietors of the *Rochdale Canal* more effectually to provide for the Discharge of their Debts ; and to amend the several Acts passed for making and maintaining the said Canal. [21st April 1806.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for making and maintaining a Navigable Canal from The Calder Navigation at or near Sowerby Bridge Wharf, in the Parish of Halifax in the West Riding of the County of York, to join the Canal of his Grace the Duke of Bridgewater, in the Parish of Manchester, in the County of Lancaster, and also certain Cuts from the said intended Canal,* certain Persons in the said Act named, and their Successors, were incorporated by the Name, Style, and Title of *The Company of Proprietors of the Rochdale Canal*, for making and completing the said Canal and Cuts, and the several other Works necessary for carrying the said Act into Execution ; and the said Company of Proprietors were thereby authorized to raise and contribute amongst themselves a competent Sum of Money for making and completing the said Canal, Cuts, and Works, not exceeding the Sum of Two hundred and ninety-one thousand nine hundred Pounds (except as therein-after mentioned), which was to be divided into Two thousand nine hundred and nineteen Shares of One hundred Pounds each ; and that in case the said Sum of Two hundred and ninety-one thousand nine hundred Pounds should be found insufficient for the

[Loc. & Per.] 40 making

34G.3.c.78.

making and completing of the said Canal, Cuts, and Works, the said Company were thereby empowered to raise and contribute amongst themselves, in such Shares and Proportions as to them should seem meet, any further or other Sum for the completing and perfecting of the said Undertaking, not exceeding One hundred thousand Pounds; and that in case the said Company should be desirous of raising the same by Mortgage of the said Undertaking, they were empowered to borrow and take up at Interest all or any Part of the said One hundred thousand Pounds on the Credit of the said Undertaking, as to them should seem meet, and to assign the Property of the said Navigation, and the Rates, Tolls, and Duties arising therefrom, as a Security for any Sum or Sums to be so lent and advanced, to the Person or Persons who should advance the same in the Manner therein expressed: And whereas by an Act passed in the Fortieth

40 G. 3. c. 36. *Year of the Reign of His said present Majesty, intituled An Act for better enabling the Company of Proprietors of the Rochdale Canal to raise Money for completing the said Canal, and to vary the Line of the said Canal; and to alter, explain, and amend the Act passed in the Thirty-fourth Year of the Reign of His present Majesty for making the said Canal, the said Company of Proprietors were authorized and empowered to raise, in Manner therein mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred thousand Pounds, over and above the said Sum of Two hundred ninety-one thousand nine hundred Pounds, authorized to be raised by the said first recited Act: And whereas the said Company of Proprietors have raised on Promissory Notes, under the Common Seal of the said Company, in the Manner and on the Terms and Conditions specified and directed in and by the said last recited Act, the Sum of Eighty thousand Pounds only, or thereabout, in part of the Sum of One hundred thousand Pounds thereby authorized to be raised, but have not hitherto been able to raise the Residue thereof: And whereas an Act was passed in the Forty-fourth Year of the Reign of His said present Majesty, intituled*

44 G. 3. c. 9. *An Act for enabling the Company of Proprietors of the Rochdale Canal more effectually to provide for the Discharge of their Debts, and to complete the Whole of the Works to be executed by them, in pursuance of the several Acts passed for making and maintaining the said Canal, reciting the said Two former Acts, and alledging that the Whole of the Money raised under the said Acts had been expended, and that a further Sum was wanted to complete the said Canal, Cuts, and Works; and the said Company of Proprietors were by the said last recited Act authorized and empowered to borrow the further Sum of Seventy thousand Pounds, in addition to the several Sums raised under the former Acts, by the Creation of additional Shares in the said Undertaking: And whereas the said Company of Proprietors did, by Subscription among themselves, at the Rate of Twenty Pounds upon each Share, raise under the Authority of the said last recited Act upwards of Fifty-seven thousand Pounds, and create a proportionable Number of additional Shares among themselves, whereby the Sum actually subscribed on each Share amounted to the Sum of Sixty Pounds: And whereas the said Company of Proprietors have completed the opening of the said Canal; but a considerable Sum of Money will still be required for finishing the same, and building and making the necessary Warehouses and Wharfs, and they have expended therein not only the Whole of the said Sum of Two hundred ninety-one thousand nine hundred Pounds, authorized to be raised by the said first recited Act (after deducting the Interest by the said Act directed to be paid or allowed to the Subscribers,*

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and

and the Calls and Proportion of sundry Persons who are become insolvent and in arrear) but also the Whole of the said herein-before mentioned Sums of Eighty thousand Pounds and Fifty-seven thousand Pounds, so as aforesaid raised under or by virtue of the said Acts of the Fortieth and Forty-fourth Years of the Reign of His present Majesty respectively: And whereas, from the very great and continued Advance in the Price of Labour and of all Sorts of Materials wanted for the Purposes of the said Undertaking, the Expences of the said Company have increased very considerably beyond the Estimates made by their Surveyors or Engineers, whereby they have contracted Debts to a large Amount, which are now due and owing, and which they are at present unable to discharge; and it is expedient that the said Company of Proprietors should be authorized not only to provide for the Discharge of their said Debts, but should also be enabled to build, make, and complete Warehouses, Wharfs, and other Works necessary for the carrying on the said Undertaking, and also that they should be enabled to make Provision for the Discharge of the said Promissory Notes: And whereas the Powers and Provisions of the aforesaid Acts are insufficient for those Purposes: And whereas the said recited Acts have, in other Respects, been found defective, and the Powers and Provisions thereof require to be in some Respects altered and amended: May it therefore 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 it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise such Sum or Sums of Money as shall from Time to Time be found necessary for the Purposes herein-after mentioned, not exceeding in the Whole the Sum of One hundred and forty-three thousand and fifty Pounds, over and above the before-mentioned Sums of Money, or so much thereof as the said Company of Proprietors have been or shall be able to get in and receive, and notwithstanding that the same Sums have not been wholly raised and received as aforesaid; any thing in the said Acts, or any of either of them, contained to the contrary thereof notwithstanding.

Authorizing the Company to raise a further Sum of Money for the Discharge of their Debts, &c.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any General or Special Assembly to be held or convened in the Manner and agreeably to the Directions contained in the said recited Acts, or any of either of them, or for their Committee for the Time being, from Time to Time to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Canal Navigation, in order to raise the said Sum of One hundred and forty-three thousand and fifty Pounds, not exceeding Twenty-five Pounds *per* Share, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned, so that no one Call shall exceed the Sum of Five Pounds for each Share in the said Navigation, and no Calls shall be made at a less Distance than Three Calendar Months from each other, and so that no more than Ten Pounds upon and in respect of each Share shall be raised within Six Calendar Months after the passing of this Act, and the Remainder of such Calls not until the Year One thousand eight hundred and eight; which Money so to be called for shall be paid to such Person or Persons, and in such Manner as the said General or Special Assembly or

Prescribing the Mode of raising the Money.

or Committee shall from Time to Time direct and appoint; and all and every the Owners and Owner of One or more Share or Shares in the said Undertaking shall pay his, her, and their Share and Shares, or Proportion of the Monies to be called for as aforesaid, at such Time and Place and in such Manner as shall be appointed as aforesaid, and of which Time and Place Thirty Days Notice shall be given; by publishing the same in some Two Newspapers usually or then circulating in the Country through which the said Canal passes, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint; and such Sum or Sums of Money, as shall be paid in respect of every Share in the said Undertaking, shall be and the same is and are hereby declared to be consolidated with every such Share, and shall entitle the respective Owners thereof to a proportionably increased Share of the Profits and Advantages of the said Undertaking, and every Share in the said Undertaking shall for all Purposes whatsoever be considered as so much Stock in the said Undertaking, as shall from Time to Time be the Quotient arising from a Division of the whole Money which hath been or shall be raised under and by virtue of the said recited Acts and this Act, by the whole Number of Shares in the said Undertaking; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money, to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Person's Estates and Effects.

Application
of the
Money.

III. And be it further enacted, That the Money, so raised within the said Six Calendar Months after the passing of this Act, shall in the first place be applied and disposed of in the Payment of all Sums of Money remaining due to the Owners and Occupiers of Land, which shall have been taken by or sold to the said Company for the Purposes of the said Canal; and in the next place, in the Discharge of the Debts, Sum and Sums of Money now owing or payable by the said Company of Proprietors; and the Remainder thereof in the building, making, or completing any Warehouses, Wharfs, or other Works necessary for the carrying on the said Undertaking; and the remainder Part of such Twenty-five Pounds *per* Share as aforesaid shall be applied in the Payment of the Money raised on the said Promissory Notes under the said Act of the Fortieth Year aforesaid, or such of them as shall not then have been or be converted into Shares in the said Undertaking; and if any Surplus of such Twenty-five Pounds *per* Share shall then remain, the same may be laid out and applied in such Manner, for the Benefit of the said Undertaking, as any General or Special Meeting of Proprietors shall direct.

Manner of
enforcing
Payment of
Calls.

IV. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, and who shall not have given Notice in Manner in this Act directed, of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Six Calendar Months after such Call or Calls shall have been made and published as aforesaid, then and in such Case, all and every the Share

Share and Shares of such Person or Persons so refusing or neglecting as aforesaid, shall be vested in the said *Rochdale* Canal Company, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Navigation shall vest in or accrue to the said Company by reason of any such Neglect, until Twenty-eight Days Notice in Writing thereof shall have been given by the Treasurer or Clerk of the said Company of Proprietors to the Owner or Owners of such Share or Shares, or Person or Persons in whose Name or Names such Share or Shares shall, at the Time of giving such Notice, stand registered or entered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, or until the Expiration of Twenty Days after such Notice shall have been published Three Times in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said *Rochdale* Canal passes; and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking; and that such Share or Shares shall not be vested in the said *Rochdale* Canal Company if the Owner or Owners thereof, or such Person or Persons, shall pay up what shall appear by such Statement to be due, together with Interest on the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any thing contained in the said recited Acts or any or either of them, or in this Act, to the contrary notwithstanding.

V. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become vested in the said Company of Proprietors as aforesaid, then and in any such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby empowered to sell or cause to be sold by public Auction to the best Bidder, at such Time and Place as the said Company of Proprietors or their Committee shall direct (of which Sale Twenty-eight Days Notice at the least shall be given by publishing the same in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said Canal passes); and it shall be lawful for the said Company or their Committee to assign and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares as the said Company or their Committee shall from Time to Time find necessary and direct, in order to make good the Deficiency and Deficiencies of such Defaulter or Defaulters as shall not pay his, her, or their Call or Calls, pursuant to the Directions of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators, or Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares; and such Assignment and Transfer shall be good, valid, and effectual against the Owner and Owners of every such Share or Shares so vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by Sale of any such Share or Shares shall be more than sufficient to pay such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, and the Expences attending such Sale, shall be paid on demand to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that no such Share or Shares shall be sold or advertised for Sale until the Expiration of Twenty-eight

The Company empowered to sell Shares that shall become vested in them by the Default of the Owners not paying Calls thereon.

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Days

Days next after Notice in Writing shall have been given by the Treasurer or Clerk to the said Company to the Owner or Owners thereof, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, or until the Expiration of Twenty Days after such Notice shall have been published Three Times in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said Canal passes, in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking: Provided likewise, that the said Company or their Committee shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls of such Defaulter or Defaulters, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly paid.

Shares may be relinquished and sold after Notice.

VI. Provided nevertheless, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall, within Six Calendar Months next after the passing of this Act, give Notice in Writing to the Treasurer, or Law Clerk or Law Clerks of the said Company, of his, her, or their Intention of relinquishing any such Share or Shares, then and in such Case such Shares shall not be forfeited or vested in the said Company by the Non-payment of any Call; but such Shares shall, within One Calendar Month after such Notice, be sold by public Auction to the highest Bidder, in manner aforesaid; and the Monies arising from such Sale, after deducting the necessary Charges and Expences attending the same, and the Arrears of Calls before that Time made, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

The Company not to sue for Calls on forfeited Shares.

VII. Provided likewise, and be it further enacted and declared, That nothing in the said recited Acts contained shall empower the said Company to sue for any Call or Calls for Money directed to be made by virtue of this Act, or to forfeit or declare forfeited any Share or Shares on Non-payment of any such Call or Calls, or in any Manner to recover or enforce Payment of the same, other than by selling such and so many of the Shares of the said respective Proprietors as shall be necessary for the Purposes, and under the Regulations and according to the true Intent and Meaning of this Act; any thing in the said recited Acts, or any or either of them, contained to the contrary notwithstanding.

Persons having particular Interests only in Shares,

VIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, being possessed thereof or entitled thereto for Life, or for any other limited Estate or Interest, and who

who shall be compelled or compellable in pursuance of this Act to advance any Sum or Sums of Money over and above the original Subscriptions, and for the Husbands, Guardians, Trustees, Committees, and Attornies of any such Proprietors, being under Coverture, Minors, Lunatics, beyond Seas, or under any Disability or Incapacity of acting for themselves, and who shall be compelled or compellable to advance as aforesaid, to borrow and take up at Interest, upon the Credit of such Shares, such Sum or Sums of Money as they shall so respectively advance or be compellable to pay, and by Writing under their Hands and Seals to grant and assign over such Shares unto the Person or Persons who shall advance and lend Money thereon, his, her, or their Executors, Administrators, and Assigns; and the Money so to be borrowed shall be paid to the Treasurer or Treasurers to the said Company of Proprietors, for the Purpose of answering and paying the Sum or Sums of Money which such Proprietors respectively may be compelled or compellable to pay as aforesaid: Provided always, that in every such Grant or Assignment there be contained a Proviso or Condition to make the same void, or an express Trust to re-assign the Interest, Benefit, and Advantage thereby granted, when the Money thereby secured, with the Interest thereof, shall be fully paid and satisfied; and that where the same shall be made by or on behalf of any Proprietor, interested in or entitled to such Share or Shares for Life, or for any other limited Estate or Interest, there be contained a Covenant or Proviso that the Person or Persons entitled to such Share or Shares in Remainder or Reversion shall not be liable, upon becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to the Possession to such Estate or Interest in Reversion or Remainder shall commence, provided that any Interest, Dividends, or Profits of the said Undertaking shall have been paid, in respect of such Share and Shares, equal to the Discharge of such further Arrear of Interest, but not otherwise: Provided also, that no such Grant or Assignment, or any Transfer or Assignment thereof, shall be valid, unless the same be produced and notified to the Clerk or Clerks to the said Company of Proprietors within Twenty-one Days next after the Date thereof, who shall enter the same in a Book to be kept for that Purpose, for which he or they shall be paid the Sum of Two Shillings and Sixpence, and no more; but that no such Grant or Assignment, or any Transfer or Assignment thereof, shall entitle any Person to a Right of voting at any Assembly or Meeting of the said Company of Proprietors.

may mortgage such Shares for the Calls.

IX. Provided always, and be it further enacted, That the Holders of such Promissory Notes as aforesaid for the Time being shall be entitled to the Option, at any Time before the Thirtieth Day of *May* One thousand eight hundred and eight, instead of receiving back such Principal Monies, to be admitted to become Proprietors of the said Undertaking, and receive Shares therein at the Rate or Sum of Money which shall at the Time of declaring such Option have been advanced upon each Share, considering the Sum now advanced on each Share to be Sixty Pounds, for every like Sum of Money due on such Notes; and if, after converting the Notes in the Hands of any Holder thereof into such Shares as aforesaid, any fractional Sum shall remain, not amounting to the Sum so then advanced on each Share as aforesaid, such fractional Sum shall be paid to the Holder of the Notes on which such fractional Sum shall arise, or it shall be lawful for such Holder to advance such further Sum as will make up such Sum of Money

Option to Holders of Promissory Notes to become Proprietors of Shares.

Money as aforesaid, and to receive another Share in such Undertaking for the same; and the Holders of such Notes declaring such Option, and accepting such Shares in lieu of the Money on such Notes, shall thereon become Proprietors of such Undertaking, in like Manner as any Person purchasing any original Shares in the said Undertaking; any thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

Mode of raising Money by Notes instead of Calls.

X. Provided also, and be it further enacted, That if it shall appear to the Proprietors of the said Undertaking, assembled at any General or Special Meeting for the Purpose of taking into Consideration the most eligible Mode of raising Money under the Provisions of this Act, of which due Notice shall have been given according to the Provisions of this Act, that it may not be expedient to raise the Money wanted for the said Undertaking by such Calls of Twenty-five Pounds on each Share as aforesaid, then it shall be lawful for the said Company to raise such Sum of Money, or any Part thereof, upon Promissory Notes, under the Common Seal of the said Company, of not less than Twenty-five Pounds each, and such Notes shall be transferrable by Indorsement, and bear Interest payable Half-yearly at the Rate of Five Pounds *per Centum per Annum*; and the Person lending Money on such Notes shall be entitled to and shall receive the full Interest of Five Pounds *per Centum* before any Division of Profits shall be made on the Shares of the said Undertaking among the Proprietors thereof; and when or as soon as the Dividends of Profit on the said Undertaking shall amount to Five Pounds *per Centum* on the Value of the Shares, at the Sum then actually advanced on each Share, then and in such Case the Holders of such Promissory Notes shall be entitled to an equal Division of all Profits over and above such Five Pounds *per Centum* Profit as aforesaid, in proportion to the Amount of their Notes, valuing always each Share at the Sum then actually advanced thereon: Provided also, that the Option of lending such Sums as may be wanted on such Notes shall be first given to the Holders of Shares in the said Undertaking; and One Calendar Month's Notice shall be given of the Determination of any such General or Special Assembly as to the borrowing of the Money on such Notes, and shall be published in the *London Gazette* and in Two or more Newspapers usually circulated in that Part of the Counties of *York* and *Lancaster* near to the Line of the said Canal, in order that the Proprietors of the said Undertaking may have Time to declare such Option; and such Notes shall be distributed among the Proprietors who shall have declared or shall declare, on the Day fixed for that Purpose, their Intention of lending Money on any such Notes, as equally as may be, rateably according to the Amount of Shares held by such Proprietors respectively.

In case the whole of the Money shall not be raised within the Time limited, the Remainder to be raised by Calls, &c.

Surplus Money may be applied in buying up Shares.

XI. Provided always, and be it further enacted, That if the Whole of the Money allowed to be raised by this Act for the Purposes aforesaid, either within such Period of Six Calendar Months as aforesaid, or in the Year One thousand eight hundred and eight, cannot be raised by such Promissory Notes as aforesaid, then and in such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, to raise the Remainder of such Money by Calls in manner in this Act before directed.

XII. Provided also, and be it further enacted, That if the Proprietors of the said Undertaking shall deem it expedient out of any Surplus Monies,

or otherwise to buy up any Shares which may be offered for Sale by any of the said Proprietors, then and in such Case it shall be lawful for any such General or Special Assembly either to direct that any such Share so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company, in Trust for the said Undertaking; and such Shares may in such Case at any Time thereafter be sold for the Benefit of the said Undertaking, and for the raising of any Sum of Money which may be wanted for the erecting or repairing of any Buildings or Works belonging to the said Canal, or any other Purpose necessary for the carrying on the same.

XIII. And whereas by reason of the great Increase of the Expence of the said Canal and Works, beyond the Sum at which the same was estimated, either in the Commencement or Progress thereof, the Rates allowed by the said recited Acts may not be sufficient, and it is therefore expedient that Power should be given to the said Company to increase the same; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter, over and above the Rates of Tonnage which they are entitled to take and receive by virtue of the said recited Acts, to ask, demand, take, and receive, to and for their own proper Use and Behoof, for the Tonnage of all Stone, Timber, and other Goods, Merchandize, and Things which shall be navigated, carried, or conveyed upon or through all or any Part of the said Canal or Cuts, or any of them, the several additional Rates of Tonnage herein-after mentioned; (that is to say),

Company empowered to receive additional Rates of Tonnage.

For every Ton of Coal, Lime, Dung, Manure, Marl, Clay, Sand, Gravel, and other Minerals, (except Stone and Limestone), whether passing or not passing through any Lock, the Sum of One Halfpenny *per* Mile:

Rates of Tonnage.

And for every Ton of Timber, Goods, Wares, and other Merchandize and Commodities, passing through any Lock or Locks, the Sum of One Penny *per* Mile.

XIV. And be it further enacted, That the said additional Rates of Tonnage hereby granted, shall and may be lessened and afterwards again advanced and raised from Time to Time, as may become necessary, and shall and may be ascertained, collected, levied, and recovered by such and the like Ways and Means, and in such and the like Proportion and Manner, and shall be subject to such and the like Exemptions, as the Rates of Tonnage granted and made payable to the said Company of Proprietors in and by the said recited Acts are thereby directed to be lessened, advanced, raised, ascertained, collected, levied, recovered, and are subjected to; and that the said additional Rates hereby granted shall be applicable and applied to such and the like Purposes, and shall be liable to and charged with all such Charges, Payments, Rents, Debts, Dues, and Sums of Money as the said Rates granted by the said Acts are applicable or liable to or charged with by virtue of the said Acts, or are or shall be by Law applicable or liable to or charged with, in the same Manner as if the said additional Rates were Part of the said original Rates, and the Whole thereof had been granted by the said Acts.

Rates to be ascertained and recovered in like Manner as former Rates, and subject to the like Charges, &c.

XV. And whereas Disputes have arisen and may arise as to the Exemptions granted by the said first recited Act, in respect of certain Articles
[*Loc. & Per.*]

For regulating Exemption from Tonnage Rates.

therein specified; for Prevention thereof be it therefore enacted, That no such Exemption shall be claimed or allowed in respect of any such Articles passing through any Lock on the said Canal or Cuts, but at such Times when the Water shall flow over the Waste Weir or Weirs of such Part of the said Canal, or any of the Pools as shall be above the Lock, through which such Article or Articles shall pass into the adjoining Brooks, Rivulets, or other Passages for carrying off such Waste Water.

Allowing an additional Rate of Wharfage on Minerals.

XVI. And be it further enacted, That the several Rates of Wharfage charged and allowed by the said first recited Act, shall be charged and payable, and demanded, taken, and received for the Wharfage of all such Articles as are therein specified and made liable to Wharfage, which shall be loaded, landed, or discharged from, upon, or at any Wharf or Quay belonging to the said Company of Proprietors, or any Lord or Lady of a Manor, or the Owner of any Lands adjoining or near to the said Canal and Cuts, or any of them, in like Manner as if the same had been deposited on such Wharf or Quay; and that it shall from and after the passing of this Act be lawful for the said Company of Proprietors, or any Lord or Lady of a Manor, or the Owner of any Lands adjoining or near to the said Canal and Cuts, or any of them, and they are hereby authorized from Time to Time and at all Times to ask, demand, take, and receive, to and for their own Use and Behoof, the additional Sum of One Penny *per* Ton for the Wharfage of Coal, Lime, Clay, Iron, Ironstone, Timber, Stone, (except Limestone) Bricks, Tiles, Slates, Sand, and Gravel, over and above the Sum of One Penny by the said Act allowed to be charged thereon, and that no such Articles shall be allowed upon Payment of the said Two Pence *per* Ton, to remain on any such Wharf for any longer Period than Ten Days; any thing in the said recited Act contained to the contrary notwithstanding.

Restraining the Owners of Lands adjoining the Canal from erecting Cranes and other Works, &c.

XVII. And be it further enacted, That nothing in the said Acts contained, or any or either of them, shall extend, or be deemed or construed to extend, to give Power to the Lord or Lady of any Manor, or the Owner of any Lands adjoining to any Part of the Lands of the said Company of Proprietors, which shall not be by them occupied as the Site of the said Canal or Cuts, or the Banks thereof, or the Towing Path thereto belonging, to erect any Crane, Weigh Beam, or Warehouse, in or upon such Lands of the said Company, or to make therein any Place for any Boat, Barge, or Vessel to lie in, or turn or pass by any other Vessel, or to make any Cut or Road into or through the same, unless with the Consent of the said Company of Proprietors: Provided nevertheless, that nothing in this Act contained shall prevent the Owners of any Lands adjoining to the said Canal, or to the Banks thereof, or to the Towing Path belonging to the said Canal, from erecting any Warehouses on their own Lands, or adjoining to the Banks of the said Canal, or its Towing Path, and making Quays and Landing Places, and erecting Cranes for the loading and unloading of Boats on the said Canal, over the Banks and Towing Path thereof, or making Communications by means of Side Cuts and Railways with the said Canal, through the Banks or Towing Path thereof, in such Manner as by the said recited Acts or any of them are authorized.

Agents, Collectors, &c. to give Pos-

XVIII. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock-keeper, or other Servant of the said *Rochdale* Canal Company,

Company, occupying any House, Offices, or Buildings belonging to the said *Rochdale* Canal Company without paying any Rents for the same, shall be discharged from his Office by or by the Order of the said *Rochdale* Canal Company or their Committee, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said *Rochdale* Canal Company, in his Custody, Power, or Possession, within One Calendar Month after Notice of such Discharge shall be given to him or left at such House, Offices, or Buildings; or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock-keeper, or other Servant who shall happen to die while in the Service of the said *Rochdale* Canal Company, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said *Rochdale* Canal Company, in his, her, or their Custody, Power, or Possession, within One Calendar Month after another Person shall have been appointed in the place and stead of the Person so dying, then, and in either of the said Cases it shall be lawful for any Justice of the Peace for the Limit where such House, Offices, and Buildings shall be, by Warrant under his Hand and Seal to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said *Rochdale* Canal Company which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters and Things found therein belonging to the said *Rochdale* Canal Company, to the new appointed Agent, Toll Collector, Wharfinger, Lock-keeper, or other Servant, or to such other Person or Persons as the said *Rochdale* Canal Company or their Committee shall appoint to receive the same.

session of
Houses, &c.
when re-
moved.

XIX. And whereas it is necessary to prevent the wantonly disturbing and unnecessarily opening of any Swivel Bridge or Draw Bridge, across or over the said Canal, when not required for the Purposes of permitting Vessels to pass through, although the same may not interrupt the Passage thereof; be it therefore further enacted, That every Person who shall wilfully and wantonly disturb, or unnecessarily open any Swivel Bridge or Draw Bridge on the said Canal, when no Vessel is to pass through the same (although the free Passage of Travellers, Cattle, or Carriages may not be interrupted thereby), shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be recovered and applied as any Penalty for wilfully opening Swivel Bridges and Draw Bridges may be recovered and applied under the said first recited Act.

Penalty on
Persons wil-
fully or wan-
tonly opening
Swivel or
Draw Brid-
ges.

XX. And be it further enacted, That in every Case in which any Damage done by any Boat, Barge, or other Vessel, or any Boatman, Waterman, or other Person employed by any Master or Owner, and for which such Master or Owner is by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty made answerable, shall not exceed Five Pounds, then and in such Case the same may be demanded and sued for in a summary way before any Justice of the Peace, by Information before any such Justice on the Oath or Oaths of One or more credible Witness

Manner of
recovering
Amount of
Damage done
by Boatmen.

Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered to administer), and may be recovered against such Master or Owner by Conviction in the Form in the said recited Act mentioned, and levied in like Manner in every Respect as any Penalty may be recovered and levied before any Justice of the Peace under the said Act.

Penalty on Masters, &c. of Boats.

XXI. And be it further enacted, That the Master or Person having the Care of any Boat, Barge, or other Vessel navigating on the said Canal and Cuts, or any of them, shall give such exact and true Account in Writing signed by him, as is in the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty specified, to the Collector or Wharfinger of the Office or Wharf nearest to the Place of Discharge of every Boat, Barge, or Vessel, before any of the Cargo shall be discharged, under the like Penalties as are in the said recited Act contained, for not delivering in the Account therein specified in Manner therein directed; any thing in the said Act to the contrary notwithstanding.

Increasing the Penalty for drawing Cloughs.

XXII. And whereas the Penalty of Twenty Shillings inflicted by the said first recited Act for the drawing of any Cloughs contrary to the Regulation therein contained, is not sufficient for enforcing Attention to such Regulation; be it therefore further enacted, That every Person who shall draw any Clough contrary to the Regulation of the said Act, shall for every such Offence forfeit any Sum not exceeding Five Pounds; any thing in the said Act contained to the contrary notwithstanding.

For explaining the Provisions relating to the taking of Water for condensing of Steam, &c.

XXIII. And whereas the Power of taking Water for the condensing of Steam in the Engines near to the said Canal and Cuts, granted by the said recited Act made in the Thirty-fourth Year of the Reign of His present Majesty, may be abused, and it is expedient that the Provision relating thereto should be explained and amended; be it therefore further enacted, That from and after the passing of this Act it shall be lawful for any Agent or Servant, or Agents or Servants, appointed by the Committee of the said Company for that Purpose, (on making Information in Writing on Oath, to be administered by any Justice of the Peace residing in the Neighbourhood of the Place where such Water shall be taken, that such Agent or Servant, or Agents or Servants, suspects or believes or suspect or believe that such Power is abused, and on depositing in the Hands of such Justice the Sum of Twenty Pounds for the Purposes herein-after mentioned, and delivering to the Person or Persons using such Water a Copy of such Information), at all seasonable Times to enter into any Building containing such Steam Engine, for the Purpose of examining any Pipe used for the conveying of such Water, and ascertaining the Use made of such Water, and that the same is not applied to any other Purpose than that of condensing the Steam of any such Engine; and in case it shall appear that such Water is applied to no other Purpose than that of condensing Steam, then such Justice shall, by and out of the said Sum of Twenty Pounds, pay unto the Owner or Owners, or Occupier or Occupiers, of such Steam Engine, all such Costs, Charges, and Expences as he or they shall have sustained, or been put unto, in laying open and shewing such Pipe or Pipes, and in covering the same, and restoring the Works connected therewith to their former State, or in any Manner relating to such
View,

View, and pay the Residue of such Monies, or (in case it shall appear that such Water is applied to any other Purpose than that of condensing Steam) the Whole of such Monies to the said Company of Proprietors: Provided nevertheless, that the Working of any such Steam Engine or Steam Engines shall not for the Purposes of such View be stopped or in anywise impeded between the Hour of Six in the Morning on *Monday* and the Hour of Six in the Evening of *Saturday* in any Week.

XXIV. And whereas the said Company have, since the passing of the said recited Act of the Fortieth Year of His present Majesty's Reign, been obliged to contract for and purchase other Lands for the said Canal, Cuts, and Works, and it is expedient to authorize the Resale of such Parts thereof as may not be wanted for the Purposes of the said Navigation and Undertaking; be it therefore further enacted, That it shall be lawful for the said Company to resell, either absolutely or in Fee Farm or Demise, according to the Nature of the Property, all such Lands, in like Manner as they are authorized to sell any Lands purchased or contracted for before the passing of the said recited Act: Provided always, that it shall not be necessary, after the passing of this Act, for the said Company to offer to resell any Lands to any Person or Persons from whom the same were purchased under any of the said recited Acts, if such Person shall not be within the United Kingdom before the Resale; any thing in the said recited Act to the contrary notwithstanding: Provided also, that every Person from whom any such Lands shall have been purchased, who shall, by any Agent or Attorney authorized to treat for him, have given Notice of his Intention to claim his Right of Pre-emption, and that he is authorized to repurchase the same for such Person, shall be entitled to such prior Right of Repurchase, in like Manner as if he was residing within the United Kingdom.

For Sale of
overplus
Land.

XXV. And be it further enacted, That in all Grants, Demises, and Conveyances hereafter to be made by the said Company, under or by virtue and in pursuance of the several Powers and Authorities to them given in the said recited Acts, or hereby given to them, the Words "Grant, Bargain, and Sell," shall amount to and be construed and adjudged to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Grant, Lease, or other Conveyance, respectively seised of the Hereditaments, Rents, and Premises thereby granted, bargained, and sold, of an indefeazible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company and their Successors, from the said several Yearly Rents or Annual Sums to be so respectively reserved or limited in use and made payable by the said Company, their Successors and Assigns, for and in respect of the said Lands and Buildings so purchased and conveyed as aforesaid; and for further Assurance of such Hereditaments, Rents, and Premises thereby bargained and sold, to be made by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Grants, Demises, or other Conveyances, or any of them; and that such Grantees, Lessees, or other Purchasers, and his, her, and their

Declaring
the Words
"Grant,
Bargain, and
Sell," to operate as Covenants for the
Title.

[*Loc. & Per.*]

4 R

several

several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Grants, Demises, or Conveyances respectively.

One Part of
an Assign-
ment of
Shares to be
sufficient.

XXVI. And whereas in and by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, it is enacted, that the Purchaser or Purchasers of a Share or Shares in the said Undertaking shall have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made to him, her, or them, and executed by such Person or Persons from whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers, one Part whereof so executed shall be delivered to the said Committee, or their Clerk or Clerks, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk or Clerks for that Purpose, and the said Clerk or Clerks is and are thereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Clerk or Clerks as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation or Undertaking, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be entitled to a Vote as a Proprietor or Proprietors of the said Navigation and Undertaking: And whereas the Expences of Duplicates of such Deeds of Assignment or Conveyance tend greatly to hinder the Sale of Shares in the said Undertaking; be it therefore further enacted, That it shall not be necessary that a Duplicate or Duplicates of the Deed of Assignment or Conveyance of any Share or Shares in the said Undertaking shall be executed as in the said recited Act is directed, but that one Part only of any such Deed of Assignment or Transfer, in case the Purchaser or Purchasers shall be satisfied therewith, shall be filed and kept for the Use of the said Company; and such Purchase or Purchases shall be as valid and effectual, to all Intents and Purposes, as if a Duplicate of the Deed of Assignment or Conveyance had been executed and delivered unto the Committee of the said Company, or their Clerk or Clerks, as in the said recited Act is directed; any thing in the same Act contained to the contrary notwithstanding.

For Reco-
very and Ap-
plication of
Penalties,
&c.

XXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures, hereby or by the said recited Act inflicted or authorized to be imposed, or which shall be inflicted or imposed by virtue of any Rule, Order, or Bye-Law made or to be made in pursuance of the said recited Acts or this Act (of which Rule, Order, or Bye-Law, when produced, all Justices are hereby required to take Notice), the Manner of levying and recovering whereof is not otherwise hereby or by the said recited Acts particularly directed, shall upon Proof of the Offences respectively before any Justice of the Peace for the Place wherein the Offence shall be committed, or the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice of the Peace is hereby empowered and required to administer) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending or liable to pay the same, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus, after such Fines, Penalties, and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted,

ducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels ; and the Monies arising from such Fines, Penalties, and Forfeitures, when levied, shall be (if not otherwise directed to be applied by this Act) paid into the Hands of the Treasurer to the said Company of Proprietors, to be applied and disposed of for the Use of the said Undertaking, and to and for no other Use or Purpose whatsoever ; and in case sufficient Distress shall not be found, and such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fines, Penalties and Forfeitures, with all reasonable Charges, shall be sooner paid and satisfied ; any thing in the said first recited Act contained to the contrary notwithstanding.

XXVIII. And be it further enacted, That all and every the Provisions and Clauses in this Act shall, in the Execution of the said recited Acts, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said recited Acts ; and all and every the Provisions and Clauses of the said recited Acts shall in the Execution of this Act (except where the same are hereby expressly varied or altered) be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Extending
the Provisions
of the former
Acts to this
Act.

XXIX. And be it further enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all Costs, Charges, and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors of the *Rochdale* Canal, out of any Money received or to be received by virtue of the said Acts and this Act.

For paying
the Expences
of passing this
Act.

XXX. 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, without being specially pleaded.

Declaring the
Act Public.

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