



ANNO QUINQUAGESIMO SECUNDO.

GEORGI III. REGIS.

Cap. 16.

An Act to alter and increase the Rates of Tonnage, authorized to be taken by the Company of Proprietors of *The Grand Western Canal*; and to amend the several Acts passed for making the said Canal. [20th March 1812.]

WHEREAS by an Act of Parliament made in the Thirty-sixth 36 G. 3. c. 45. Year of the Reign of His present Majesty, intituled, *An Act for making a Navigable Canal from the River Exe, near the Town of Topsham, in the County of Devon, to the River Tone near the Town of Taunton, in the County of Somerset; and for cleansing and making navigable a certain Part of the said River Tone, and for making certain Cuts from the said Canal*; the several Persons therein named, and their Successors, together with such other Persons as should be nominated in manner therein mentioned, and their Successors, were incorporated by the Name of *The Company of Proprietors of the Grand Western Canal*, and were authorized to make the said Canal and Cuts in manner therein mentioned, and to raise and contribute, amongst themselves, certain Sums of Money for the Purposes of the said Act, and the said Company of Proprietors were thereby authorized to demand and receive for the Tonnage of all Goods, Wares, Merchandizes and Things, which should be navigated, carried or conveyed upon the said Canal and Cuts, or any

[*Loc. & Per.*] 4 E Part

51 G. 3.
c. 168.

Company
have pro-
ceeded in
making cer-
tain Parts of
Canal.
Expences of
Works will
far exceed
the Estimates.

Further Rates
necessary.

Further Pro-
visions neces-
sary.

Former
Rates re-
pealed.

Other Rates
in lieu
thereof.

Part thereof, such Rates as should be fixed by the said Company of Proprietors at any General Assembly, to be held as therein mentioned, not exceeding the respective Sums therein mentioned: And whereas another Act was passed in the Fifty-first Year of the Reign of His present Majesty, intituled, *An Act to vary and alter the Line of a Cut authorised to be made by an Act of the Thirty-sixth Year of His present Majesty, for making a Canal from the River Exe, near Topsham, in the County of Devon, to the River Tone, near Taunton, in the County of Somerset, and to amend the said Act*: And whereas the said Company of Proprietors have proceeded in making certain Parts of the said Canal and Cuts, and have expended large Sums of Money thereon: And whereas since the making the Estimates upon which the Expence of forming and making the said Canal and Cuts were calculated in the Year of our Lord One thousand seven hundred and ninety-five, and in consideration of which the Rates of Tonnage mentioned in the said first recited Act were granted to the said Company of Proprietors, the Prices and Value of Land, Labour and Materials, and of all other Articles necessary for making the said Canal and Cuts have greatly increased, by reason whereof the Amount of the Sum originally estimated to be sufficient for those Purposes will be very inadequate thereto, and the Rates, Tolls, and Duties authorized to be taken by the said first recited Act are not likely to produce a fair Remuneration to the said Company of Proprietors proportionate to the great Expences of the Undertaking: And whereas it would tend to the better carrying the Purposes of the said recited Acts into Execution, if some of the Powers and Provisions thereof were 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 from and after the passing of this Act the several Rates, Tolls and Duties authorized by the said first recited Act to be demanded and taken by the said Company of Proprietors, for the Tonnage of all Goods, Wares, Merchandizes and Things whatsoever, which should be navigated, carried or conveyed upon the said Canal and Cuts or any Part thereof, shall cease and determine.

II. And be it further enacted, That in lieu of the said Rates, Tolls, and Duties hereby repealed, it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times for ever, after the passing of this Act, to ask, demand, take, sue for, recover and receive, to and for their own Use and Benefit, for the Tonnage of all Goods, Wares, Merchandizes and Things whatsoever, which shall be navigated, carried or conveyed upon the said Canal and Cuts or any Part thereof respectively, of and from the Owner or Owners of such Goods, Wares, Merchandizes or Commodities, or of or from the Owner or Owners or Person or Persons having the Care, Custody or Charge of, or navigating the said Boats, Barges or Vessels conveying the same, at the Option of the said Company of Proprietors, the respective Rates, Tolls and Duties herein-after mentioned, that is to say:

For all Coals, Culm, Coke, Cinders, Lime, Lime-stone, Iron-stone,
Iron-ore, Lead-ore, and all other Ores, Stones, Tiles, Slates,
Bricks,

Bricks, Flag-stones, Clay and Sand, and all Articles to be used for Manure, and for repairing Roads, Three-pence per Ton per Mile :

For all rough Timber, Iron in Pigs and Bars, Lead in Pigs and Sheets, Tin in Lumps and Bars, Charcoal, Salt, Corn, Hay and Straw, Four-pence per Ton per Mile :

For all Wrought Metals, Oils, Wines, Liquors, Groceries, Cheese, Earthen-wares, and all other Goods, Wares, Merchandize and Things whatsoever not before specified, which shall be navigated, carried, or conveyed upon the said Canal and Cuts, or any Part thereof, Sixpence per Ton per Mile :

And in all Cases where there shall be a Fraction of a Mile in the Distance, which any Boat, Barge or other Vessel shall be navigated or passed upon the said Canal and Cuts or any of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of lading in any Boat, Barge, or other Vessel so to be navigated upon the said Canal and Cuts, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors, for such Fraction, according to the Number of the Quarters of a Ton contained therein: which said Rates hereby granted shall and may be ascertained, collected, levied and recovered by such and the like Ways and Means, and in such and the like Proportions and Manner, and 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 first recited Act are hereby directed to be ascertained, collected, levied and recovered, and are subject to, save and except only as the same are hereby expressly varied or altered.

III. Provided always, and be it further enacted, That nothing herein contained shall repeal, alter or affect, or be deemed or taken to repeal, alter or affect the Powers given to the said Company of Proprietors by the said first recited Act for receiving Allowances for Wharfage for Goods remaining upon any Wharf belonging to the said Company of Proprietors for above the Space of Twenty-four Hours, nor for making Bye-Laws for ascertaining the Sum or Sums of Money which the said Company may take for the Carriage of Persons and Cattle, and for Parcels not exceeding Twenty-eight Pounds Weight upon the said Canal and Cuts or either of them, as therein mentioned, or the Regulations and Provisions relating thereto.

Act not to
repeal certain
Duties.

IV. And whereas it is by the said first recited Act provided, That no Boat, Barge or other Vessel laden with Hay, Straw or Corn in the Straw, Materials for the Repair of Roads, or any kind of Manure, shall pass through any Lock to be made by virtue of that Act, except at such Times only as the Water shall flow over the Waste Weir next such Lock, without the Consent of the said Company of Proprietors, or some Committee of the said Company: And whereas it is desirable that the said Provision should be altered, be it therefore enacted, That from and after the passing of this Act no Boat, Barge or other Vessel of less Burthen than Thirty Tons shall pass through any of the Locks or Stop Gates

Regulations
as to Vessels
laden with
Hay, &c.

to be made upon the said Canal or Cuts, except at such Times only as the Water shall flow over the Waste Weir next such Lock or Stop Gate without the Consent of the said Company of Proprietors, or some Clerk or principal Agent acting for the said Company of Proprietors, unless the Owner, Master or other Person having the Care of such Boat, Barge or other Vessel passing through any such Lock or Stop Gate shall pay the same Tonnage throughout every such Voyage as for a Boat, Barge or Vessel containing Thirty Tons Burthen.

New Rates
may be
lowered.

V. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time at any General Meeting or Assembly of the said Company, to be held pursuant to the Directions of the said recited Acts or either of them, or for the Committee of Management of the Affairs of the said Company, at any Meeting of the said Committee to lower or reduce such of the said Rates, Tolls, and Duties to be paid as aforesaid, as the said Company, or the said Committee shall think proper, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, That the Rates, Tolls, and Duties so to be advanced and raised as aforesaid, shall not in any Case exceed the respective Sums and Measures hereinbefore authorized.

For defining
Approaches
to Bridges.

VI. And whereas in and by the said first recited Act, the said Company of Proprietors is made liable to be indicted at Common Law, for not making and keeping in Repair, Bridges for all Highways and Roads leading to, and passing over the said Canal and Cuts, together with proper Wing-walls, Ramparts, Side-banks and Approaches thereto: And whereas Doubts may arise as to what shall be deemed an Approach to such Bridges; be it therefore enacted, That the said Company of Proprietors shall be liable from Time to Time to make and keep in Repair all Roads over every such Bridge as aforesaid, so far only as the Wing-walls, Arches and Abutments thereof shall extend and no farther.

No Person to
act as Com-
missioner un-
less previous-
ly qualified.

VII. And be it further enacted, That no Person shall act as a Commissioner at any Meeting of Commissioners, to be held by virtue of the said recited Act, unless he shall have taken the Oath by the same Act prescribed to be taken by Commissioners at some other Meeting of the said Commissioners, Six Calendar Months at least previous to the Time of his claiming to act as such Commissioner.

For making
the Register
Book Evi-
dence of
Ownership.

VIII. And whereas the said Company of Proprietors have caused a List of all the known Proprietors of Shares in the said Undertaking to be entered, and their Names and Additions to be registered in a Book kept in the Office of the Clerk to the said Company of Proprietors, under the Common Seal of the said Company, intituled, "An Alphabetical List or Register Book of the Names and Additions of Proprietors of Shares in *The Grand Western Canal*, with the Numbers by which the said Shares are distinguished;" which said List hath been, and is intended to be altered from Time to Time, as the Proprietorship of and in such Shares hath

hath been or shall be altered or varied ; but in Cases where any Subscriber for or Proprietor of One or more Share or Shares in the said Undertaking, hath transferred or shall transfer his Right and Interest to some other Person or Persons, and such Person or Persons hath neglected or shall neglect to deliver the Bargain and Sale of such Right and Interest, or a Duplicate thereof to the Clerk to the said Company of Proprietors, to be filed, and kept for the Use of the same Company, as directed by the said first recited Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares, and to maintain any Action or Actions against him, her or them for the Recovery of the same, or of the Penalty imposed by the said recited Acts for Non-payment of Calls, or for the Purpose of paying safely to him, her or them the Interest and Dividends to which he, she or they may be entitled by virtue of the said Acts, or either of them ; for Remedy whereof, be it enacted, That the Bodies Politic and Corporate, and all and every Person and Persons, whose Names do or at any Time hereafter shall stand in the said Register Book or List of Proprietors of the said Company, as Proprietor of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assigns of or Purchasers from Subscribers, shall be deemed and taken to be the Proprietors of the several Shares from Time to Time standing in the said Book, in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made, and to be made thereon, and to all Actions, Suits, Forfeitures and Penalties to which Proprietors of Shares in the said Undertaking are made subject and liable by the said recited Acts, or either of them, and that all Payments of Interest and Dividends due, and to grow due on any such Share or Shares, shall be made to such Persons as by the said Register Book shall so appear to be Proprietors thereof, and that no Assignment, Transfer, Bargain or Sale of any Share or Shares, unless the same or a Duplicate thereof duly executed shall have been delivered to the Clerk of the said Company as aforesaid, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors, to recover any of the said Calls, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends, to any other Person or Persons than such as do or shall appear by the said Register Book to be Proprietors of the said Shares, but that in all Cases except where it shall be expressly proved that the said Register Book is defective in the particular Case in Dispute, by reason of some Neglect or Default of the said Clerk or other Officer authorized by the said Company, the same Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

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

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X. And

Costs of obtaining Act.

Public Act.

X. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1812.