



Canal (Carriers) Act 1847

1847 CHAPTER 94

An Act to amend an Act to enable Canal Companies to become Carriers upon their Canals. [22d July 1847]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to enable Canal Companies to become Carriers of Goods upon their Canals*, whereby, upon the Recital that by divers Acts of Parliament Railway Companies had been empowered to convey upon their Railways all such Goods, Wares, Merchandize, Articles, Matters, and Things as might be offered to them for that Purpose, and that greater Competition for the public Advantage would be obtained if similar Powers were granted to Canal and Navigation Companies, it was enacted, that it should be lawful to the Proprietors, Trustees, or Undertakers of any Canal, River, or Navigation, or their respective Committees, Directors, or Managers, or their superintendents or other Agents, to carry as Common Carriers for their own Profit upon their respective Canals, Rivers, or Navigations, and upon any Railways or Tramways belonging thereto, and upon other Canals, Rivers, and Navigations communicating directly or indirectly therewith, all such Goods, Wares, Merchandize, Articles, Matters, and Things as might be intrusted to them for that Purpose, and to purchase, hire, and construct, and to use and employ, any Number of Boats, Barges, Vessels, Rafts, Carts, Waggons, Carriages, and other Conveniences, and to establish and furnish Haulage, Trackage, or other Means of drawing or propelling the same by Steam, Animal, or other Power, or for the Purpose of collecting, carrying, conveying, warehousing, and delivering such Goods, Wares, Merchandize, Articles, Matters, and Things : And whereas the Proprietors, Trustees, and Undertakers of many Canals, Rivers, and Navigations are unable to avail themselves of the Provisions of the said recited Act by reason of their having, no statutory Power of raising Money to be applied to the Purposes of the same, and it is expedient that the said recited Act should in that respect be amended, and that Powers -should be granted to such Proprietors, Trustees, and Undertakers to raise Money for the said Purposes, but that Object cannot be effected without the Aid of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act incorporated with this Act.

That the said recited Act shall be incorporated with this Act.

II Canal Companies empowered to borrow Money as prescribed by 8 & 9 Vict. cc.16 and 17, and apply the same to Purposes of recited Act. Saving Rights of existing Creditors.

And be it enacted, That it shall be lawful to the Proprietors, Trustees, and Undertakers of any Canal, River, or Navigation who shall have in the Manner provided by the said recited Act adopted the Powers and Provisions of the same to borrow on Mortgage or Bond in the Manner or as nearly as may be in the Manner prescribed by the Companies Clauses Consolidation Act, 1845, or the Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may be, any Sum or Sums of Money not exceeding in all at any One Time One Tenth Part of the paid-up Capital Stock of such Proprietors, Trustees, or Undertakers respectively, and to apply the Monies so raised to the Purposes of the said recited Act, or any of such Purposes: Provided always, that the Monies so borrowed shall not be applied to any other Purposes whatsoever: Provided also, that the Monies so to be borrowed, together with any Monies otherwise borrowed by any such Proprietors, Trustees, or Undertakers as aforesaid, shall not in all exceed One Third Part of the paid-up Capital of such Proprietors, Trustees, or Undertakers respectively ; and that no Mortgage or Bond to be granted for any Monies borrowed in virtue of this Act shall prejudice or affect any Security previously granted for any Monies borrowed by virtue of any other Act or Acts of Parliament relating to any such Canal, River, or Navigation.

III 8 & 9 Vict. cc.16 and 17 incorporated with this Act.

And for the Purposes of this Act, be it enacted, That such of the Clauses and Provisions of the Companies Clauses Consolidation Act, 1845, and of the Companies Clauses Consolidation (*Scotland*) Act, 1845, respectively, as the Case may be, as relate to the borrowing of Money by Companies, on Mortgage or Bond, and to the Conversion of borrowed Money into Capital, shall be incorporated with this Act.

IV Companies not exempt from Provisions of any future general Act.

And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who have adopted or shall adopt the Powers of the said recited Act from the Operation of any general Act regulating the Manner of charging Tolls and other Charges upon Canals or Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description that may be passed in the course of this or any future Session of Parliament.

V Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.