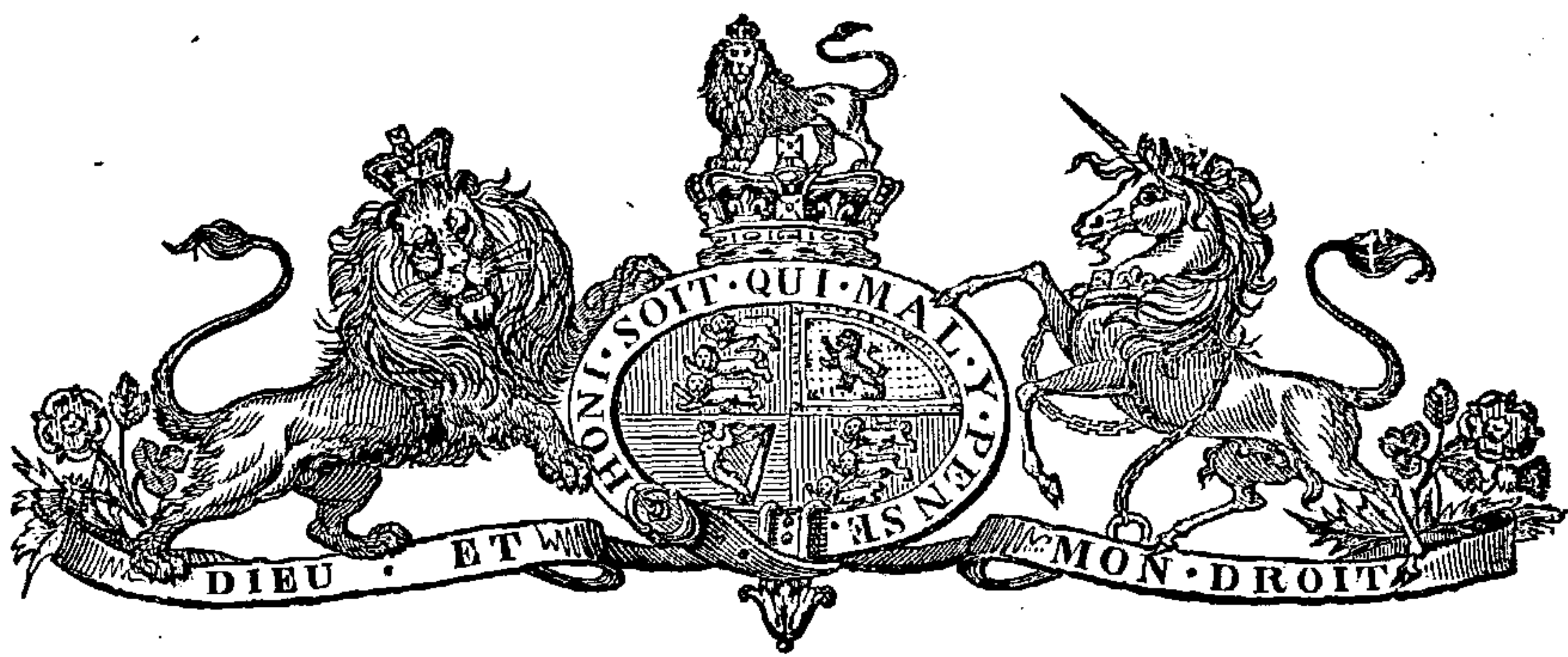




ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act to transfer the *Sheffield* Canal to the Company of Proprietors of the Navigation of the River *Dun*.
[28th July 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining* 55 G. 3. c. 65.
a navigable Canal from Sheffield to Tinsley in the West Riding of the County of York, whereby the "Company of Proprietors of the *Sheffield* Canal" was incorporated, and by virtue whereof the same Company constructed the *Sheffield* Canal, and acquired Lands and other Hereditaments and Personal Property connected therewith: And whereas by "The *Sheffield* Canal Purchase Act, 1848," the 11 & 12 Vict. c. 94.
Sheffield Canal, and all the Lands, Tenements, and Hereditaments, Personal Estate and Effects, Rights, Powers, and Privileges of the said Company of Proprietors, or belonging to or enjoyed with the said Canal, were transferred to and vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company: And whereas an Act was passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act for making the River Dun in the West Riding in the County* 12 G. 1. c. 38.
of York navigable from Holmstile in Doncaster up to the utmost Extent of Tinsley Westward, a Township within Two Miles of Sheffield; and another Act was passed in the Thirteenth Year of the
[Local.] 12 Q same

13 G. 1. c. 20. same Reign, intituled *An Act for improving the Navigation of the River Dunn from a Place called Holmes-stile in the Township of Doncaster in the County of York to Wilsick House in the Parish of Barmby Dunn in the said County*: And whereas the Provisions of such Acts have been amended and enlarged by certain Acts of Parliament passed respectively in the Sixth and Thirteenth Years of the Reign of King *George* the Second, and in the Sessions of Parliament held in the First and Second Years and in the Seventh Year of the Reign of King *George* the Fourth: And whereas by the said Act passed in the Sixth Year of the Reign of King *George* the Second a Company was incorporated under the Style of "The Company of Proprietors of the Navigation of the River *Dun*:" And whereas the *Sheffield* Canal forms the Water Communication between the Navigation of the River *Dun* and the Town of *Sheffield*, and it would tend greatly to the public Convenience, and to the economical Conduct of the said Canal and Navigation, if those Two Undertakings were placed under One Management: And whereas the *Manchester, Sheffield, and Lincolnshire* Railway Company have agreed to transfer the said Canal and Works, and all the Lands, Tenements, and Hereditaments, (excepting a certain Portion thereof in the Town of *Sheffield*,) and all the Rights, Powers, and Privileges, Estate and Effects, which they derived under "The *Sheffield* Canal Purchase Act, 1848," to the Company of Proprietors of the Navigation of the River *Dun*; but such Transfer cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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, That from and after the passing of this Act the *Sheffield* Canal and Works, and all the Lands, Tenements, and Hereditaments, (excepting therefrom certain Land, Tenements, and Hereditaments at *Sheffield* reserved or mentioned and intended to be reserved to the said Railway Company in and by the Agreement herein-after mentioned,) and all Rights, Powers, Benefits, and Privileges, Monies, Goods, Chattels, Securities, Books, Evidences, Writings, (except such Evidences and Writings, if any, as by virtue of the said Agreement are to be retained by the said Railway Company, and excepting all Certificates of Shares in the said Canal not delivered to the Proprietors thereof before the passing of "The *Sheffield* Canal Purchase Act, 1848," and all Register and Transfer Books, Dividend Lists, and other Books, Papers, and Documents showing the Transmission of Shares in the said Canal, and the Proprietors thereof or the Titles thereto,) Personal Estate and Effects, which before the passing of "The *Sheffield* Canal Purchase Act, 1848," were held, used, exercised, possessed, or enjoyed by the Company of Proprietors of the *Sheffield* Canal, and which were by the said Act transferred to and vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company, shall by virtue of this Act be and the same are hereby vested in, and shall be held, used, exercised, possessed, and enjoyed by and become Part of the Undertaking of the Company of Proprietors of the Navigation of the River *Dun*, as fully and effectually as if under the Powers of the same Act they the same Company of Proprietors had by the last-mentioned Act been the Purchasers of the said

Sheffield
Canal vested
in Dun
Navigation
Company.

said Canal, instead of the Railway Company: Provided always, that nothing herein contained shall be deemed to invalidate a certain Agreement bearing Date the Twenty-third Day of *May* One thousand eight hundred and forty-eight, made between the said Railway Company on the one Part, and the said Navigation Company on the other Part, whereby the Appropriation by the said Companies respectively of certain Land and Property at *Sheffield* is defined, but, on the contrary, the said Agreement, so far as the same is not altered or varied by the Indorsement thereon, and such Indorsement, shall be valid and effectual, and shall bind the said Companies.

II. And be it enacted, That the Provisions enacted and contained in "The *Sheffield* Canal Purchase Act, 1848," touching any Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions theretofore attaching to the Canal Company, and touching any Deeds, Agreements, Contracts, or Bonds entered into by the Canal Company for referring Matters in dispute to Arbitration, and touching the Purchase and Conveyance of Lands contracted for or entered upon by the Canal Company, and Monies paid into the Bank of *England*, or to any Trustees, for the Purchase of Land, and touching the Maintenance of any Actions or Suits pending between the Canal Company and others at the passing of the same Act, and any Penalties from or to the said Company, and touching the Tolls, Rates, Charges, and Duties imposed by or payable by virtue of the herein-before first-recited Act, and touching the keeping open and maintaining the said Canal and every Part thereof in good Order and Condition, and touching any Requisitions by the Commissioners of Railways, and, lastly, touching the Rules, Bye Laws, Regulations, and Orders made by the Canal Company, and the Penalties and Forfeitures imposed thereby, shall be extended and shall apply to the Company of Proprietors of the Navigation of the River *Dun*, instead of the said Railway Company, as fully and effectually as if the same Company of Proprietors had been named in "The *Sheffield* Canal Purchase Act, 1848," in relation to the same Matters, instead of the said Railway Company, and the said Navigation Company shall indemnify the said Railway Company, their Successors and Assigns, their Undertakings, Property, and Effects, from and against all such Matters, and all Costs, Charges, and Expenses to be occasioned or incurred by reason thereof, or of the Nonperformance or undue Performance of the same or any of them.

Certain Provisions of *Sheffield* Canal Purchase Act extended.

III. And be it enacted, That all the Provisions, Enactments, Matters, and Things which by the first-recited Act are to be obeyed, done, and performed by the said Company of Proprietors of the *Sheffield* Canal, the Committee of Management, or the Clerk or other Officers or the Servants thereof, and which are not repealed or rendered unnecessary by "The *Sheffield* Canal Purchase Act, 1848," or this Act, or any other Act passed or to be passed in the present Session of Parliament, or otherwise, shall from and after the passing of this Act be applicable to, and shall be obeyed, done, and performed by, the said Navigation Company, and the Committee, Law Clerk, or other Officers and the Servants thereof, as though the same Provisions, Enactments, Matters, and Things had been originally prescribed and enacted concerning the

Provisions of 55 G.3. c. 65. extended to this Act.

last-

last-named Company instead of the Canal Company; and the Seal of the said Navigation Company may be used in all Matters requiring the same, in like Manner as the Seal of the said Canal Company was by the said first-recited Act authorized to be used.

Annual Sum
to be paid
by the Navi-
gation Com-
pany to the
Railway
Company.

IV. And be it enacted, That the said Navigation Company, their Successors and Assigns, shall pay or cause to be paid unto the said Railway Company, for ever, a fixed Annuity or yearly Sum of One thousand seven hundred and sixty Pounds, and that such Annuity or yearly Sum shall be computed and reckoned as from the passing of this Act, and shall from Time to Time be paid in net Monies, free and clear of all Deductions and Abatements whatsoever (except any Income or Property Tax, or other Tax in the Nature thereof, legally chargeable thereon), in manner following; that is to say, a proportionate Part of such Annuity calculated from the passing of this Act to the First Day of *July* or the First Day of *January*, whichever of these Days shall first happen after the passing of this Act, shall be paid to the said Railway Company on that Day, and from and after the Payment of such proportionate Part the said Annuity shall be paid by equal half-yearly Payments on the First Day of *January* and the First Day of *July* in each and every Year, the first of such half-yearly Payments to be made on such of the said last-mentioned Days as shall next happen after Payment of the said proportionate Part as aforesaid.

Annuity to
be a Charge
on the Navi-
gation Com-
pany.

V. And be it enacted, That the said Annuity of One thousand seven hundred and sixty Pounds shall be charged and chargeable upon the said Navigation Company, and the Navigation, Works, Undertaking, Property, and Effects for the Time being of the said Navigation Company, and upon the Tolls, Gains, Revenues, and Profits thereof, and shall be a Charge ranking next in succession after the Incumbrances on such Undertakings and Property existing at the Time of passing of this Act.

Means of
recovering
Annuity.

VI. And be it enacted, That if the said Annuity of One thousand seven hundred and sixty Pounds, or the said proportionate or any half-yearly Part thereof, shall be in arrear and unpaid for Thirty Days after any of the Days herein-before appointed for the Payment thereof, it shall be lawful for the said Railway Company to enforce the Payment from the said Navigation Company, their Successors and Assigns, of the Amount so in arrear, together with such Costs, Charges, and Expenses as they may incur in enforcing such Payment, by Action or Suit in any of the Superior Courts of Law or Equity at *Westminster*, or by entering into and upon the Works for the Time being of the said Navigation Company, their Successors or Assigns, and distraining all or any of the moveable Stock, Goods, Chattels, or Effects of or belonging to the said Navigation Company, their Successors or Assigns; and the Distress or Distresses then and there found the said Railway Company, their Successors or Assigns, are hereby authorized to detain, manage, sell, and dispose of in the same Manner in all respects and upon the same Terms as Distresses for Rents reserved upon Leases for Years may be and are or ought to be managed,

managed, sold, and disposed of, or by the Appointment of a Receiver in manner herein-after mentioned.

VII. And be it enacted, That if the said Railway Company shall demand Payment of the said Annuity of One thousand seven hundred and sixty Pounds, or any half-yearly Instalment thereof, by Notice in Writing under the Hand of their Clerk or Secretary, or of any Two of their Directors for the Time being addressed to the said Navigation Company, their Successors or Assigns, and left at one of their Offices, or delivered personally to their Law Clerk, Secretary, or Manager, and if Default shall be made for Twenty-one Days next after the Delivery of such Notice in the Payment thereof or of any half-yearly Part thereof, it shall be lawful for the said Railway Company, their Successors and Assigns, and without Prejudice to their Right to proceed for the Sum or Sums mentioned in the said Demand by any such Action or Suit as aforesaid, to require from Time to Time and as often as any such Default shall happen the Appointment of a Receiver, by an Application to be made as herein-after mentioned.

As to Ap-
pointment of
Receiver.

VIII. And be it enacted, That every Application for a Receiver in the Cases aforesaid shall be made by the Secretary, Solicitor, or any One of the Directors for the Time being of the said Railway Company, and on behalf of the same Company, to Two of Her Majesty's Justices of the Peace for the West Riding of the County of *York*, and on any Application so made it shall be lawful for such Justices by Order in Writing to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of the said Annuity payable to the said Navigation Company, their Successors or Assigns, in respect of their Undertaking, until the Sum or Sums mentioned in such Demand as aforesaid, and also all such further Sum or Sums (if any) as shall during such Perception have become due to the said Railway Company, together with all Costs, Charges, and Expenses which shall have been lawfully incurred by or by reason of any such Default as aforesaid, including the Charges of receiving the Tolls or Sums aforesaid first herein-before mentioned, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the said Railway Company, their Successors and Assigns, and after such Sum or Sums, Costs, Charges, and Expenses, have been so received, the Power of such Receiver shall cease.

As to
Powers of
Receiver.

IX. And be it enacted, That at all reasonable Times after the Appointment of any Receiver under the Powers aforesaid, and during such Time as the Appointment shall continue in force, the Books of Accounts of the said Navigation Company, their Successors and Assigns, shall be open to the Inspection of such Receiver, with Liberty to take Extracts therefrom, without Fee or Reward.

Books to be
open to Re-
ceiver.

X. And be it enacted, That the said Navigation Company shall within Six Months after the passing of this Act pay to the Commissioners of Stamps for *Great Britain* such a Sum of Money, for and in

Stamp Duty
to be paid
on Purchase.

[*Local.*]

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respect

respect of the Purchase or Transfer by this Act effected, as would have been payable by way of Stamp Duty if the same Sale or Transfer had been made by Deed duly stamped for denoting the proper Stamp Duty payable thereon by Law.

Power to
raise Money
on Mortgage
for paying
off Debt on
the Canal.

XI. And whereas there is a Mortgage Debt of Twenty-five thousand five hundred Pounds on the said Canal: Be it enacted, That it shall be lawful for the said Navigation Company, for the Purpose of paying off the said Mortgage Debt, to borrow on Mortgage or Bond any Sum or Sums not exceeding in the whole Twenty-five thousand five hundred Pounds, and to secure the Payment thereof, with Interest, in the same Manner as any Sum or Sums which the said Navigation Company may have been authorized to raise on Mortgage or Bond; and all the Powers in "The *Sheffield* Canal Purchase Act, 1848," contained, enabling the Railway Company to borrow such Sum of Money on the said Account, shall upon the passing of this Act cease and determine.

Canal dis-
charged from
Annuity.

XII. And be it enacted, That from and after the passing of this Act the said Canal by this Act vested in the said Navigation Company, and the Tolls, Gains, and Profits thereof, shall be freed and discharged from the Annuities granted by the *Sheffield* Canal Purchase Act, 1848; and in lieu thereof that the said Annuity of One thousand seven hundred and sixty Pounds shall be held by the said Railway Company as a Sum liable to the Payment of the Annuities under the *Sheffield* Canal Purchase Act, 1848, and such Annuities shall be a first Charge thereon: Provided always, that nothing in this Clause contained shall make it necessary for the said Navigation Company to see that the said Annuity of One thousand seven hundred and sixty Pounds is applied in manner aforesaid, or make them responsible for the Misapplication or Nonapplication thereof.

Reduction
of Rates to
be taken on
Canal.

XIII. And whereas by a certain Section or Clause of the said first-recited Act the said Canal Company were empowered to ask, demand, take, and recover the several Rates therein mentioned for Tonnage of the several Articles, Matters, and Things which should be carried or conveyed upon the said Canal, and by other Provisions of the said Act the said Canal Company were also empowered to ask, demand, charge, take, and receive the several Rates or Charges therein respectively mentioned for Craneage and Porterage, and Wharfage or Warehouse-room respectively, all which Rates and Charges the Committee of the said Canal Company had by the said Act Power to reduce: And whereas it is expedient to make such Provisions in respect of the said Rates and Charges as are herein-after contained: Be it therefore enacted, That the said Navigation Company, their Successors and Assigns, shall and they are hereby required, from and immediately after the passing of this Act, so to reduce the said Rates for Tonnage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Canal as that the said Rates shall never exceed the Amounts specified in Schedule (A.) to this Act annexed, and also so to reduce the Rates or Charges for the Use of their Cranes and Wharf on landing or putting on board as that the said Rates and Charges shall never exceed the Amount of One Penny *per* Ton, and the

the Rates or Charges for Labourage or Porterage, if done by the Company, so that they shall never exceed Three-pence *per* Ton, and the Rates or Charges for Wharfage or Warehouse-room after the first Three Days so that they shall never exceed One Halfpenny *per* Ton *per* Day, anything in the said first-recited Act or in this Act contained to the contrary thereof notwithstanding.

XIV. Provided always, and be it enacted, That the Provisions contained in the said first-recited Act touching Fractions of Miles, Tons, and Quarters of Tons, and fixing the Tonnage Rate for Vessels laden with less than Twenty-five Tons, shall extend and apply to the Rates and other Charges to be demanded and received by the said Navigation Company, their Successors and Assigns.

Extending certain Provisions of first-recited Act to such Rates.

XV. And whereas it is by the said first-recited Act enacted, that the Lands, Dwelling Houses, Wharfs, Warehouses, Lock-houses, and other Houses of and belonging to the Company of Proprietors of the *Sheffield* Canal, shall be rateable and chargeable to the Maintenance of the Poor and to all other parochial Rates and Taxes in the several Townships where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Warehouses, Lock-houses, and other Houses according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Warehouses, Lock-houses, and other Houses of a like and similar Size, Nature, Dimension, or Description in the respective Townships where the same shall be situate are or shall be assessed and charged, and that the Rates, Duties, and other Personal Property of the said Company liable to be rated to the Poor or other parochial Taxes in any such Townships shall be rated and assessed in like Manner and in the same Proportion as other Personal Property rateable in the said Townships respectively shall be rated and assessed, and according to the Length of the Line of the Canal and Side Cut in such respective Townships, and not otherwise or in any other Manner; provided that before such Personal Property shall be rated Thirty Days Notice shall be given in Writing to the Clerk to the said Company of Proprietors by the respective Overseers of the Poor of such Townships of their Intention so to do: And whereas it is expedient that the said Enactment should be repealed: Be it therefore enacted, That the same shall be and is hereby repealed.

Certain Provision in first-recited Act touching Mode of rating Lands and Buildings repealed.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration made under the Authority of Parliament of the Tolls, Rates, and Duties authorized to be taken by this Act.

Nothing to exempt Canal from Provisions of future general Acts.

XVII. And be it enacted, That the Costs, Charges, and Expenses of applying for and obtaining this Act shall be paid by the said Navigation Company.

Expenses of Act.

XVIII. And

Interpre-
tation of
Terms.

XVIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" or the Word "Party" shall include Corporation:

The Expression "the Railway Company" shall mean the *Manchester, Sheffield, and Lincolnshire* Railway Company, and their Successors and Assigns:

The Expression "the Navigation Company" shall mean the Company of Proprietors of the Navigation of the River *Dun*, and their Successors and Assigns:

The Expression "the Canal Company" shall mean the Company of Proprietors of the *Sheffield* Canal.

Short Title
of Act.

XIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *Sheffield* Canal Transfer Act, 1849."

Public Act.

XX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE referred to in the foregoing Act.

SCHEDULE (A.)

For Coal, Culm, Charcoal, Road Materials, Manures, Lime, and Limestone, One Halfpenny per Ton per Mile:

For Iron, Slate, Stone, Bricks, Tiles, and Clay, One Penny per Ton per Mile:

For Grain, Timber, general Merchandize, and all other Articles not before enumerated, One Penny Halfpenny per Ton per Mile.

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