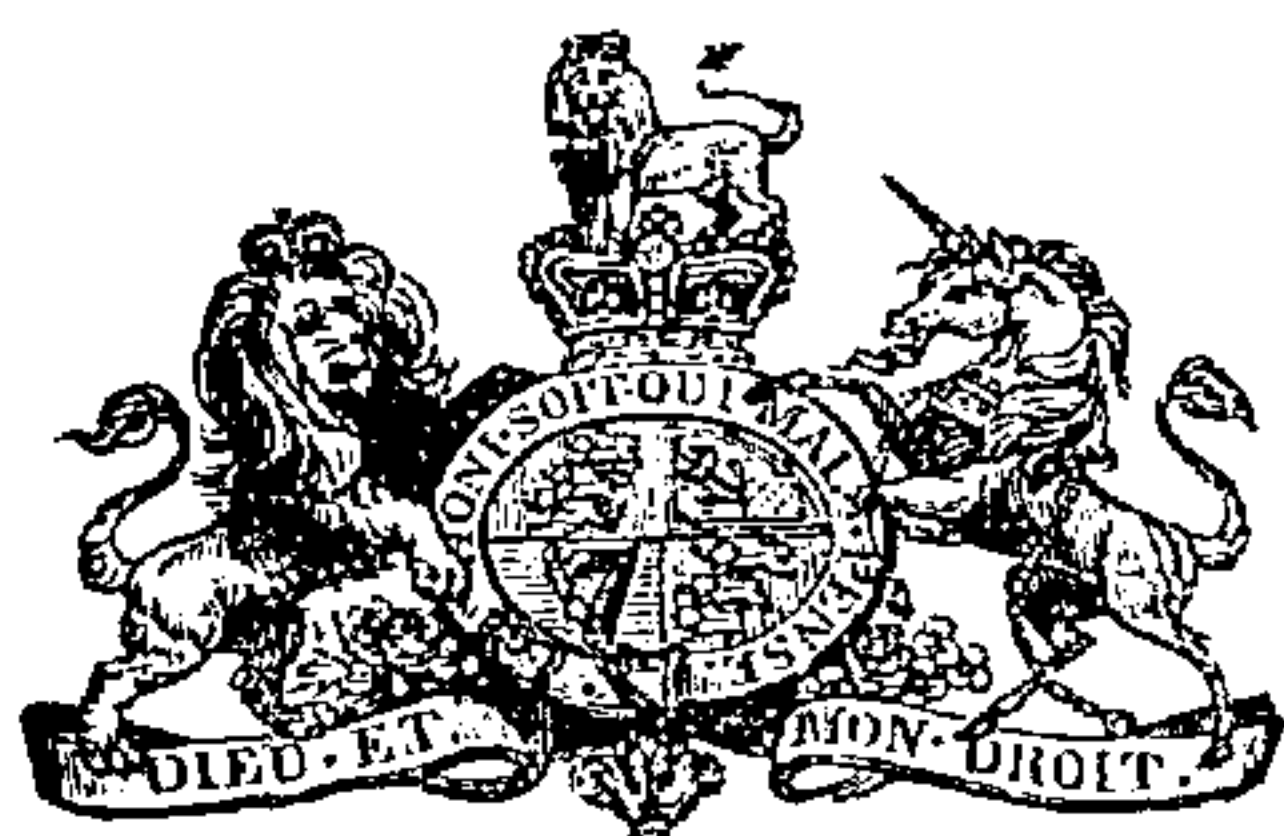


**CHAPTER clxxviii.**

An Act for authorising the Company of Proprietors of the
Grand Junction Canal to make a Branch Canal to
Slough; and for other purposes. A.D. 1879.
[21st July 1879.]

WHEREAS by an Act passed in the thirty-third year of the reign of His Majesty King George the Third, chapter eighty, the Company of Proprietors of the Grand Junction Canal (herein-after called "the Company") were incorporated and authorised to make a canal from the Oxford Canal at Braunston to the River Thames at Brentford, and by an Act passed in the thirty-fifth year of His said Majesty, chapter 43, they were authorised to make a canal from the said canal at Norwood to Paddington, and it is expedient that they should be empowered to make a branch canal from their main line, near Cowley, to Slough:

And whereas the capital of the Company now consists of eleven thousand three hundred ordinary shares of one hundred pounds each, fully paid up, and of nine thousand three hundred and seventy preference shares of ten pounds each, also fully paid up, and the Company have not borrowed any money on mortgage or bond, and it is expedient that they should be authorised to raise capital by shares or borrowing for making the said branch canal and to apply their funds to that purpose:

And whereas plans and sections showing the line and level of the branch canal by this Act authorised and books of reference containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Middlesex and the clerk of the peace for the county of Buckingham, which plans, sections, and books of reference are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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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, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the Grand Junction Canal Act, 1879.

Incorporation of
General
Acts.

8 & 9 Vict.

c. 18.

23 & 24 Vict.

c. 106.

32 & 33 Vict.

c. 18.

8 & 9 Vict.

c. 20.

8 & 9 Vict.

c. 16.

26 & 27 Vict.

c. 118.

32 & 33 Vict.

c. 48.

Interpreta-
tion of terms.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,) the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and also the clauses of that Act numbered 18 to 24 both inclusive, 50 to 58 both inclusive, 65, 66, and 67, and the provisions thereof with respect to works for the accommodation of lands adjoining the railway, with respect to mines lying under or near the railway, with respect to the settlement of disputes by arbitration, and with respect to the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices; the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for non-payment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the making of byelaws, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested; and Part I. (relating to the cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863; and the Companies Clauses Act, 1869.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the words "toll" and "tolls" include rates for wharfage, and the word "person" or "persons" includes any incorporated company or other corporation aggregate or sole; and in the Acts wholly or

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partially incorporated with this Act the expression the "special Act" means this Act, the expressions "the Company," "the Railway Company," and "the undertakers," and "the promoters of the undertaking," mean the Company of Proprietors of the Grand Junction Canal, the expression "the directors" includes the general committee and any other committee of the proprietors of the Company, the expressions "general meeting" and "special meeting" and "meeting" mean respectively general assembly and special assembly of the proprietors of the Company, the expressions "the railway" and "work" mean the new canal and the works connected therewith, the expression "the centre of the railway" means the centre of the new canal, the expression "the undertaking" in the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and in the clauses and provisions incorporated with this Act of the Railways Clauses Consolidation Act, 1845, means the new canal and the works connected therewith, and in the provisions incorporated with this Act of the Companies Clauses Consolidation Act, 1845, and of the Companies Clauses Act, 1863, and in the Companies Clauses Act, 1869, means and includes the whole undertaking of the Company as existing at the time of the passing of this Act and the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

4. If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described on the deposited plans or in the deposited books of reference respectively, it shall be lawful for the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission and in what respect any such matters shall have been misstated or erroneously described, and such certificate shall be deposited with the clerk of the peace of the county in which the lands affected thereby shall be situate and be kept by him with the other documents to which it relates, and thereupon the deposited plans or books of reference shall be deemed to be corrected accord-

Errors, &c
in plans to
be corrected

A.D. 1879. ing to such certificate; and the plans or books of reference so corrected shall thenceforth be deemed the plans or books of reference respectively deposited for the purposes of this Act.

Copies of
plans, &c. to
be evidence.

5. True copies of the deposited plans and books of reference, or of any alteration or correction thereof or extract therefrom, certified by the clerk of the peace for the time being for the county in which the lands affected thereby are situate (which certificate such clerk of the peace shall, when required, give to all parties interested), shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Power to
make canal,
&c.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the canal (herein-after called "the new canal") and works herein-after described, and may make and maintain and from time to time alter and repair all necessary and convenient feeders, wells, reservoirs, stanks, levels, perforations, valves, weirs, culverts, aqueducts, soughs, and drains, steam and other engines, water wheels and other machinery for the purposes of supplying the new canal or any part thereof with water, and for conveying water to or from the same, and bridges, piers, arches, locks, stop gates, gates, staunches, flood gates, dams, tanks, aqueducts, culverts, banks, wharfs, quays, basins, side ponds, docks, laybys, landing-places, ways, roads, towing paths, passages, fences, houses, warehouses, storehouses, sheds, weighing machines, cranes, and other works and conveniences, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The canal herein-before referred to and authorised by this Act is a branch canal (four miles seven furlongs and twenty-nine chains in length), commencing in the parish of Cowley, in the county of Middlesex, by a junction with the main line of the Grand Junction Canal, on the western side thereof, at a point about one thousand five hundred yards, measured in a southerly direction, from the lower gates of Cowley Lock, on the said main line, and terminating (notwithstanding anything shown on the deposited plans) in the parish of Upton-cum-Chalvey, in the county of Buckingham, on the eastern side of the public road leading from Slough to Stoke Poges.

Power to
raise addi-
tional capital.

7. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in nominal amount eighty thousand pounds, by the issue, at their option, of new ordinary shares or stock or new preference

shares or stock, or wholly or partially by any one or more of these modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

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8. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company; and the capital in new shares or stock so created shall form part of the capital of the Company.

New shares or stock to be subject to the same incidents as other shares or stock of the Company.

9. Every person who becomes entitled to new shares or stock of the Company under this Act shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend either preferential or ordinary, as the case may be, with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock, as the case may be.

Dividends on new shares or stock.

10. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him: Provided always, that, except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

Right of voting in respect of new shares or stock.

11. In lieu of raising the whole of the said additional capital of eighty thousand pounds or of raising any part thereof (as the case may be) by the issue of shares or stock, the Company may from time to time borrow on mortgage any sums not exceeding in the whole eighty thousand pounds, or if any portion of the said additional capital of eighty thousand pounds shall have been raised by the issue of shares or stock then not exceeding the amount of the additional capital which shall not have been so raised.

Power to borrow on mortgage.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to

Appointment of receiver.

A.D. 1879. — authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the whole sum at the time borrowed on mortgage by the Company.

Debenture
stock.

13. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, and of the Companies Clauses Act, 1869; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of
mortgages
over other
debts.

14. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application
of moneys.

15. All moneys raised under this Act, whether by shares or stock, or debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Power to
apply other
funds of the
Company.

16. The Company may apply to the purposes of this Act any funds belonging to them which may not be required for the purposes for which the same were authorised to be raised.

Lands for
extraordi-
nary pur-
poses.

17. The Company may, in addition to the lands authorised to be compulsorily taken by them under the powers of this Act, contract with any owner willing to sell the same for the purchase of any

lands adjoining or near to the new canal, not exceeding in the whole twenty acres, for extraordinary purposes ; that is to say, A.D. 1879.

For the purpose of making and providing spoil banks, sidings, winding places, yards, wharfs, taiths, and places for receiving, depositing, and loading or unloading goods or cattle conveyed or to be conveyed upon the new canal, and for the erection of weighing machines, cranes, toll houses, offices, warehouses, and other buildings and conveniences :

For the purpose of making convenient approaches to the new canal, or for any other purpose which may be requisite or convenient for the formation of the new canal or for the use thereof.

18. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

19. The Company may cross, divert, break up, alter, or stop up, either temporarily or permanently, any turnpike or other roads, highways, bridle paths, footways, tunnels, bridges, streets, railways, tramroads, canals, cuts, rivers, navigations, streams, brooks, water-courses, drains, pipes, or sewers within lands described on the deposited plans and in the deposited books of reference, so far as may be necessary or desirable for the purposes of the new canal and works by this Act authorised: Provided always, that in the exercise of any of the powers of this Act the Company shall do as little damage as may be, and shall make full compensation to all parties interested for all damage by them sustained by reason of the exercise of such powers, the amount thereof to be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the last-mentioned Act shall be applicable to determining the amount of any such compensation and to enforcing the payment or other satisfaction thereof. Power to cross, divert, &c. roads, &c.

20. When any new portions of road authorised by the provisions of the Railways Clauses Consolidation Act, 1845, as incorporated with this Act, to be formed in lieu of existing roads altered or diverted are respectively completed and opened, the Company may permanently stop up those portions of existing roads for which such new portions of road are respectively substituted, and the sites of the said portions of existing roads so stopped up, so far as the same shall be bounded on both sides by property of the Company, shall belong to and be vested in the Company: Provided always, that When diversions of roads completed and opened Company may stop up corresponding portions of existing roads.

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where any such new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes, the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for the new portion of road.

New portions
of roads to
be subject to
same provi-
sions as ex-
isting roads.

21. All new portions of road authorised by the provisions of the Railways Clauses Consolidation Act, 1845, as incorporated with this Act, to be formed in lieu of roads altered or diverted shall, as respects management and maintenance and in all other respects, be held as parts of and be subject to the same provisions as the existing roads so altered or diverted respectively.

Limits of
vertical
deviation.

22. In making the new canal and works by this Act authorised, the Company shall not deviate from the levels thereof as referred to the common datum line described in the deposited sections and as marked on the same to any extent exceeding in any place five feet, or in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made, or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the like consent of the trustees or commissioners, or other authority having the control of such street or public highway, or, if there be no trustees or commissioners or other authority, without the like consent of two or more justices of the peace in petty sessions assembled for that purpose and acting for the county in which such deviation is intended to be made: Provided always, that notice of every petty sessions to be holden for the purpose of obtaining such consent as aforesaid shall, fourteen days previous to the holding of such petty sessions, be given in some or one of the newspapers circulating in the county in which such deviation is intended to be made: Provided also, that in making any part of the new canal or works connected therewith the Company shall not, without the previous consent in writing of the Company of Proprietors of the Regent's Canal, construct the banks or other works of the new canal, or of any branch canal, dock, or laybye communicating therewith, so as to prevent the water in the Paddington Long Level being maintained at the height of six inches above the mark or water gauge referred to in section 32 of the Local and Personal Act 7 George IV., cap. 140.

23. The Company, in the construction of the new canal and works by this Act authorised, may deviate from the lines delineated on the deposited plans to any extent within the limits of lateral deviation in that behalf delineated on those plans: Provided that the canal and works by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the deposited books of reference without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake and the fact that such omission proceeded from mistake shall have been certified in manner herein provided.

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Limits of
lateral deviation.

24. In all places where the line of the new canal crosses any road such road shall, except as herein-after provided, be carried over the canal by means of a bridge, and for that purpose the Company may raise the level of any road, whether a turnpike or public or an occupation road, approaching any such bridge; and after the road approaching any such bridge shall have been first made and used for one year, and then put in good and sufficient repair by the Company, they shall not be liable to repair or amend any part thereof beyond or further than the extremity of the wing walls of any such bridge, but nothing herein contained shall be construed to exonerate the Company from the future repairs of such bridge to the extremity of and including the wing walls, ramparts, and fences thereof respectively: Provided always, that bridges to be constructed by the Company for carrying occupation roads across the new canal, and for the accommodation of the owners and occupiers of lands adjoining the new canal, may be constructed as opening or swing bridges, and if so constructed shall, as respects the use thereof, be subject to the same regulations as those to which similar bridges in use on the other canals of the Company are subject.

As to bridges
over canal.

25. The new canal shall be carried over the River Colne and the River Frays and the Colne Brook by good and sufficient aqueducts, at such a level above the said rivers respectively as to leave space under such aqueducts for the free and uninterrupted passage of the waters of the said rivers respectively.

Canal to be
carried by
aqueducts
across the
Rivers Colne
and Frays
and Colne
Brook.

26. If the new canal is not completed within four years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the canal, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for
completion
of works.

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Power to
take water.

27. Subject to the provisions herein-after contained the Company may, for the purposes of this Act, at any time or times take water into the new canal, or into any branch canal, dock, or laybye to be made communicating therewith, from the Paddington Long Level of the Grand Junction Canal and Regent's Canal.

As to filling
new canal.

28. The Company shall, during the time that they are filling the new canal, or any branch canal, dock, or laybye communicating therewith, cause to be discharged through their Cowley Lock into the Grand Junction Canal below that lock a quantity of water equal to the quantity so taken for the purpose of such filling, and shall deliver into the River Colne from their reservoir at Aldenham or other reservoirs of the Company a quantity of water equal to the quantity so discharged through their Cowley Lock for the purpose aforesaid, in addition to any other quantity of water which they may at the time be legally liable to deliver into the said river; and not less than seven days before the Company commence to take water from the Paddington Long Level into the new canal, or any branch canal, dock, or laybye communicating therewith, they shall give notice thereof to the Company of Proprietors of the Regent's Canal, and the Company shall permit the last-mentioned Company to gauge and ascertain, in such manner as the respective engineers of the Company and of the Company of Proprietors of the Regent's Canal shall agree upon, or if they differ, then in such manner as shall be determined by an engineer to be appointed by those two engineers, or if they differ as to such appointment, then by an engineer to be appointed, on the application of either party, by the Board of Trade, the quantity of water to be discharged under the provisions of this section; and any reasonable costs, charges, and expenses incurred by the last-mentioned Company or their engineer in gauging or ascertaining the quantity of water to be so discharged, or otherwise in relation thereto, shall be repaid to them by the Company.

Periods
during which
Paddington
Long Level
may be
closed, and
penalty if
closed other-
wise.

29. If in the execution of any of the powers by this Act conferred it be found necessary to close or to interrupt or obstruct the free navigation or use of any part of the Paddington Long Level no part thereof shall be closed without the consent in writing of the Company of Proprietors of the Regent's Canal, nor the free navigation or use of any part thereof be interrupted or obstructed for a longer period than ten days at any one time, nor oftener than once in each period of four months, and in each case the Company shall give to the Company of Proprietors of the Regent's Canal not less than seven days previous notice in writing of their intention to

close or to interrupt or obstruct the free navigation or use of the said Paddington Long Level; and if at any time, by reason or in consequence of any works, operations, or proceedings of the Company in the execution of any of the powers conferred by this Act, any part of the said Paddington Long Level shall be closed, or the free navigation or use thereof shall be interrupted or obstructed, except from unavoidable accident, without such previous notice, or for a longer period than ten days at any one time, or more frequently than is herein-before provided, then and in every such case the Company shall pay to the Company of Proprietors of the Regent's Canal, as and by way of liquidated damages, the sum of five pounds for each of the first forty-eight hours and the sum of ten pounds for each subsequent hour during which such closing, interruption, or obstruction shall continue after the termination of the said period of ten days, or if such closing, interruption, or obstruction occurs more frequently than is herein-before provided or without notice as aforesaid, then after the commencement of such closing, interruption, or obstruction; and such liquidated damages, with costs of suit, may be sued for and recovered by the last-mentioned Company in any court of competent jurisdiction: Provided always, that nothing herein contained shall prevent the last-mentioned Company from recovering, in addition to the amount of such liquidated damages, any special damage that may be sustained by them by reason or in consequence of any such closing, interruption, or obstruction, or of any other acts, neglects, or defaults of the Company: Provided nevertheless, that nothing herein contained shall be held to prevent the Company from exercising any powers now vested in them of closing any part of the Grand Junction Canal for the purposes of repairing or cleansing the same.

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30. The Company shall, before they take any water from the Paddington Long Level into the new canal, erect stop gates at the junction of the new canal with the main line of the Grand Junction Canal, and shall at all times after the new canal has been filled with water cause such stop gates to be closed at any time or times when, by reason of accident or other extraordinary circumstance, any waste or loss of water from the new canal, or any branch canal, dock, or laybye communicating therewith, would arise, and shall keep such stop gates closed until the cause of such waste or loss of water has been removed; and if the Company neglect to close or to keep closed such stop gates at such time or times as aforesaid, it shall be lawful for the Company of Proprietors of the Regent's Canal to cause the said stop gates to be closed and to be kept closed

Stop gates to be erected at junction of new canal with main line of Grand Junction Canal.

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in the manner and during the time in and during which the Company are herein-before required to close and keep closed the said stop gates; and the said stop gates and all the works belonging thereto shall be erected under the supervision and to the reasonable satisfaction of the engineer for the time being of the Company of Proprietors of the Regent's Canal, according to plans and specifications previously submitted to such engineer by the engineer of the Company, and shall at all times be maintained by the Company in good and perfect working order and condition; and if the engineer of the Company and of the Company of Proprietors of the Regent's Canal differ concerning the said plans and specifications, or concerning the execution or maintenance of the said works, every such difference shall be settled by an engineer to be appointed by the said two engineers, or if they differ as to such appointment, then by an engineer to be appointed, on the application of either party, by the Board of Trade; and the Company shall pay the reasonable costs, charges, and expenses of the engineer of the Company of Proprietors of the Regent's Canal in supervising the erection and maintenance of the stop gates, and of any engineer appointed as aforesaid for the purposes above mentioned, and any other expenses reasonably incurred by the last-mentioned Company in relation thereto.

Company to
keep new
canal water-
tight.

31. The Company shall make and at all times thereafter maintain or cause to be made and maintained the new canal, and any branch canal, dock, or laybye communicating therewith, and all the works thereof respectively, up to the level of six inches above weir level, in good watertight condition, and so that the water shall not be allowed to leak or escape from the same, and if the said canal, or any such branch canal, dock, or laybye, or the works thereof respectively, up to the level aforesaid, shall not be so made and maintained, and the water shall in consequence leak or escape, and notice thereof in writing shall be given by any officer or agent of the Company of Proprietors of the Regent's Canal to the Company or their secretary, and if the Company shall not for the space of fourteen days after such notice shall have been given, or forthwith if the nature of the case shall require it, prevent such leakage or loss of water it shall be lawful for the said Company of Proprietors to perform such repairs as may be necessary to prevent such leakage or loss of water; and the Company shall from time to time pay to such Company of Proprietors, within fourteen days after demand, all the costs and expenses which may be incurred by them from time to time in and about the superintendence and performance of such repairs.

32. It shall be lawful for the Company of Proprietors of the Regent's Canal from time to time to inspect and test all parts of the new canal, and of any branch canal, dock, or laybye communicating therewith, and for that purpose to use the said stop gates, and to construct dams or other works at such places as they think necessary for ascertaining the fact and place of leakage, escape, or waste of water: Provided—

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Power to
Regent's
Canal Com-
pany to in-
spect and
test new
canal.

- (1.) That the traffic on the new canal, or any branch canal, dock, or laybye communicating therewith, shall not be stopped or interfered with under the powers of this section oftener than once in two years, such stoppage or interference to take place during the seven days of Whitsun week, or for the same number of days at such other time as shall be agreed upon by the respective engineers of the Company and of the Company of Proprietors of the Regent's Canal, or in case of difference, then as shall be determined by an engineer to be appointed on the application of either party by the Board of Trade:
- (2.) That not less than one month's notice of intention to stop or interfere with the traffic on the said new canal, or any branch canal, dock, or laybye communicating therewith, shall be given to the Company.

If upon any such inspection and testing it is found that the condition of the new canal, or any branch canal, dock, or laybye communicating therewith, so inspected and tested is materially defective the same shall be made good at the expense of the Company, and all expenses of the inspection and testing shall be paid by the Company, otherwise all expense occasioned to the Company by such inspection and testing thereof shall be paid by the Company of Proprietors of the Regent's Canal to the Company.

Any dispute as to whether the condition of the new canal, or any branch canal, dock, or laybye communicating therewith, so inspected and tested is materially defective, or as to the sum to be paid by either Company, shall be determined by arbitration according to the provisions of the Lands Clauses Consolidation Act, 1845, with respect to cases in which a railway company is a party to an arbitration.

It shall be lawful for the Company of Proprietors of the Regent's Canal from time to time, by their engineer or any one of their officers or servants, at any time or times after the new canal, or any branch canal, dock, or laybye communicating therewith, has been filled with water, to visit and inspect any part or parts of the new canal, or of any branch canal, dock, or laybye communicating

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therewith, and the valves, weirs, aqueducts, stop gates, flood gates, and other works connected therewith respectively.

Compensa-
tion water.

33. In compensation for any loss of water from the Paddington Long Level occasioned by evaporation and soakage of water from the new canal, the Company shall, in each period of twelve calendar months after the opening of the new canal for public traffic, cause to be discharged through their Cowley Lock into the Grand Junction Canal below that lock, at such times between the first day of June and the first day of November, and in such proportions (but not exceeding fifty locks of fifty-six thousand gallons each in any one day) as shall be directed by the Company of Proprietors of the Regent's Canal, such quantity of water as shall be equal in the aggregate to two hundred locks of fifty-six thousand gallons each; and in the event of any loss of water from the Paddington Long Level being occasioned by reason of any accident or other extraordinary circumstance which may happen to the works of the new canal, or any branch canal, dock, or laybye communicating therewith, or by reason of refilling the new canal, or any branch canal, dock, or laybye communicating therewith, which may have been wholly or partially emptied for repairs, cleansing, or any other purpose, or by the negligent or improper construction, management, or use of any valve, weir, sluice, pipe, or other work in connexion with the new canal, or any branch canal, dock, or laybye communicating therewith, the quantity of water so lost shall be ascertained by the respective engineers of the Company and of the Company of Proprietors of the Regent's Canal, or in case of difference then by an engineer to be appointed, on the application of either party, by the Board of Trade, and the Company shall make good such loss of water so ascertained by causing to be discharged through their Cowley Lock into the Grand Junction Canal below that lock a quantity of water equal to the quantity so ascertained to have been lost, and any reasonable costs, charges, and expenses incurred by the Company of Proprietors of the Regent's Canal or their engineer in relation to the matters aforesaid shall be repaid to them by the Company; and the Company shall deliver into the River Colne from their reservoir at Aldenham or other reservoirs of the Company a quantity of water equal to any quantity thereof which, in pursuance of this section, shall be discharged by them through their Cowley Lock in addition to any other quantity of water which they may at the time be legally liable to deliver into the said river: Provided always, that if the Company fail to discharge through their Cowley Lock any quantity of water which they are by this Act required to discharge through the same they shall in respect of each lock of water of

fifty-six thousand gallons which they shall so fail to discharge pay to the Company of Proprietors of the Regent's Canal as and by way of liquidated damages the sum of one pound eight shillings.

A.D. 1879.

If at any time or times the depth of water in the Paddington Long Level is reduced below the mark or water gauge referred to in section 32 of the Local and Personal Act 7 George IV., cap. 140., and if such reduction of depth has, in the opinion of the Company of Proprietors of the Regent's Canal, been caused by reason of any such accident or other extraordinary circumstance, or refilling, or negligent or improper construction, management, or use as in this section mentioned, that company may apply to the Board of Trade to appoint an engineer, who shall inquire and determine whether such reduction of depth has been so caused, and if so caused shall grant a certificate thereof to that company and to the Company, and thereupon the provisions of the said section 32 of the said Act 7 George IV., cap. 140., shall be suspended until the quantity of water lost by reason of such accident or other extraordinary circumstance, or refilling, or negligent or improper construction, management, or use shall have been made good by the Company as herein-before provided, in which event the said provisions of the said section 32 of the said Act 7 George IV., cap. 140., shall ipso facto again come into operation, and the reasonable costs, charges, and expenses of both of the Companies in relation to such application and inquiry shall, if the reduction of depth shall be found to have been occasioned by any of the causes aforesaid, be paid by the Company, but if otherwise shall be paid by the Company of Proprietors of the Regent's Canal.

34. And whereas it may happen, from floods or accidents, that the works of the new canal may be injured or destroyed, and the adjacent lands may thereby suffer damage, and it may be necessary that the said works should be immediately repaired to prevent further damage therefrom, the Company may, when and so often as such case may happen, from time to time, by their servants, agents, or workmen, without any delay or interruption from any person whomsoever, enter into any lands, grounds, or hereditaments adjoining or near to the new canal (not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion house of the owner of any such lands than five hundred yards therefrom), and dig for, work, get, and carry away and use all such stones and gravel and other materials as may be necessary or proper for the purposes aforesaid, without the consent of the owner or occupier of or other person interested in such lands,

Works
damaged by
floods may be
repaired by
the Com-
pany.

A.D. 1879.

doing as little damage thereto as the nature of the case will admit of, and making full compensation to the owner and occupier, or other person interested in such lands, for all damages which may be done by digging for, working, getting, and carrying away and using all such stones, gravel, and other materials, which compensation shall, in every case of difference, be determined and recovered in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof: Provided always, that nothing in this Act contained shall prevent the owner, occupier, or other person interested in any lands which may be injured by reason of the escape of water from the new canal caused by the neglect of the Company or the insufficiency or want of repair of any of the works of the new canal from recovering from the Company in any court of competent jurisdiction any loss or damage in respect of the injury which such owner, occupier, or other person may sustain, and which he would, but for the other provisions of this Act, be entitled to recover from the Company.

Power to
construct
wharfs,
warehouses,
&c.

35. The Company may erect or otherwise provide such wharfs, warehouses, storehouses, sheds, or other buildings, machinery, works, and conveniences for the loading, unloading, depositing, or keeping any goods, merchandise, or other things carried or conveyed, or intended to be carried or conveyed, upon the new canal, or that may be necessary or convenient for the accommodation thereof, and may lease or grant the use or occupation of any such wharfs, warehouses, storehouses, sheds, buildings, machinery, works, and conveniences at such rents and upon such terms and conditions as shall be agreed upon between them and the persons taking the same.

New canal
to be part of
the under-
taking of the
Company.

36. The new canal and works by this Act authorised shall be part of the undertaking of the Company and, subject to the provisions of this Act, shall for all purposes be treated and dealt with as if the same had been part of the Grand Junction Canal authorised by the first recited Act, and shall be controlled and managed by the Company and their general committee and other committee or committees and officers and servants accordingly.

Owners, &c.
of lands ad-
joining not
prevented
from making
branches or
docks with
consent of
Company.

37. Nothing in this Act contained shall be held to prevent the owners or occupiers of lands adjoining the new canal, who shall obtain the consent of the Company thereto, from making and maintaining any branch canal, dock, or laybye to communicate with the new canal for the purpose of traffic to or from the new canal:

Provided that any such branch canal, dock, or laybye shall be constructed and maintained under the supervision and control of the Company in accordance with the provisions of this Act. A.D. 1879.

38. It shall be lawful for the Company from time to time and at all times hereafter to ask, demand, take, and recover any tolls not exceeding the tolls herein-after specified for the tonnage of all minerals, merchandise, and other goods, matters, and things whatsoever which shall be carried or conveyed upon the new canal, and for wharfage; (that is to say,) Tolls.

For all lime and limestone, the sum of one halfpenny per ton per mile :

For all bricks, flints, and other stones, ironstone, manure, slates, and tiles, the sum of three farthings per ton per mile :

For all coals, fuller's earth, iron in pigs, lead in pigs, and sand, the sum of one penny per ton per mile :

For all coke, and all cattle, sheep, pigs, and other beasts, one penny farthing per ton per mile :

For all ashes, breeze, clay, cast iron, iron for re-smelting, wrought iron, nails, and timber, the sum of one penny halfpenny per ton per mile :

For all other goods, wares, merchandise, and things, the sum of one penny three farthings per ton per mile :

For wharfage of all goods, wares, merchandise, and things landed or shipped, loaded or unloaded over the towing-paths, wharfs, or banks of the new canal, or in the waterway thereof, two-pence per ton.

39. It shall be lawful for the Company to demand and recover for all animals, goods, or things conveyed on the new canal for a less distance than four miles, tolls as for four miles; but the short distance charge hereby authorised shall not be made in respect of any animals, goods, or things conveyed partly on the new canal and partly on the main line of the Grand Junction Canal in respect of which any other short distance charge shall be made for conveyance on the said main line. Short distances.

40. In all cases where there shall be a fraction of a mile in the distance which any boat or vessel shall be navigated or pass upon the new canal, such fraction shall, in ascertaining the tolls payable on goods conveyed in such boat or vessel, be deemed and considered as a whole mile, and where there shall be a fraction of a ton in the weight of lading in any boat or vessel so to be navigated or pass upon the new canal, a proportion of the tolls herein-before made payable shall be demanded and taken by the Company for such fraction according to the number of quarters of a ton contained therein. Fractional parts of a mile and of a ton.

A.D. 1879.

Canal to be
measured and
milestones
set up.Additional
rates for
wharfage.

41. As soon as conveniently may be after the new canal shall be completed, the Company shall cause the same to be measured, and stones with proper inscriptions to be erected on the side thereof, at distances from each other of not more than one mile.

42. If any minerals, merchandise, or other goods, matters, or things shall lie or remain upon any wharf or quay belonging to the Company on the new canal above the space of twenty-four hours, then and in such case the Company may demand and recover in respect thereof such reasonable rates over and above the rates herein-before authorised to be taken as they may from time to time determine upon.

Tolls may be
reduced, &c.
by general
committee.

43. It shall be lawful for the general committee for the time being of the Company from time to time to lower or reduce all or any of the tolls by this Act authorised to be taken either upon the whole or any particular portion of the new canal and works by this Act authorised as they shall think fit, and afterwards from time to time to raise the same again to such sums as they shall think proper, not exceeding the tolls by this Act authorised to be taken.

Recovery of
tolls.

44. All tolls becoming due to and for the benefit of the Company by virtue of this Act shall be paid to such person or persons, at such place or places near to the canals and works for the time being of the Company or some of them, in such manner, and under such regulations as the Company at some general or special assembly or assemblies shall direct or appoint; and in case of denial or neglect of payment of any such tolls or any part thereof on demand to the person or persons appointed to receive the same as aforesaid, the Company may sue for and recover the same in any court of competent jurisdiction, or the Company or the person or persons to whom such tolls ought to have been paid may seize and distrain the goods or other things for or in respect of which any such tolls ought to have been paid, or any part thereof, or the boat or other vessel laden therewith, or, if the same shall have been removed from the premises of the Company, may seize and distrain any other goods or things, boats or other vessels, upon the premises of the Company, belonging to the party liable to pay such tolls, and may detain the same until payment of such tolls shall be made, together with reasonable charges for such seizure and distress, and if such distress shall not be redeemed within five days next after the taking thereof may sell any such distress, and out of the moneys arising from such sale may retain the tolls payable as aforesaid and all charges and expenses of such distress and sale, rendering the overplus (if any) of the moneys arising by such sale,

and such of the goods or things, boats or other vessels, as shall remain unsold, to the person entitled thereto. A.D. 1879.

45. The person having the care, charge, or management of any boat or other vessel navigating the new canal or any part thereof shall give to the collector of the tolls, or to any other officer of the Company demanding the same, a just account in writing, signed by the person or persons sending or consigning such goods and other things as shall be embarked in such boat or other vessel, or by his or their known clerk or agent, which account shall contain a statement of the quantities and weight of such goods and other things, and of their nature, sort, or kind, from whence the same shall be brought, and where the same is intended to be landed; and if the goods or other things contained in any such boat or vessel shall be liable to the payment of different tolls, then such account shall specify the quantities liable to the payment of each of the said tolls; and in case the person having the care, charge, or management of such boat or vessel shall neglect or refuse to give such account, or if the person or persons sending or consigning such goods or things, or his or their known clerk or agent, shall knowingly sign a false account thereof, every person so offending shall forfeit and pay to the Company the sum of twenty shillings for every ton of goods or other things (and so in proportion for any less quantity than a ton) which shall be in or be conveyed by such boat or other vessel respectively over and above the tolls which shall be payable for the same.

Masters of
boats to give
an account
of their
lading.

46. If any difference shall arise between any collector of tolls and the master or other person having the care, charge, or management of any boat or other vessel, or the owner of any goods, wares, merchandise, or other matters or things loaded or embarked therein, concerning the measure, weight, or quantity thereof, the collector may stop and detain and unload any such boat or other vessel, and weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such boat or other vessel, and all such goods, wares, and merchandise, or other matters or things, and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater measure, weight, or quantity than the account given thereof by such master, owner, or other person, then the master, owner, or other person giving in such account shall pay the costs and charges of such weighing, measuring, and gauging, which costs and charges, upon refusal of payment upon demand, shall and may be recovered and levied in the same manner as the tolls are hereby appointed to be recovered and levied; but if such goods, wares, merchandise, or other matters or things shall appear to be of the same or of

In case of
difference
concerning
the weight
collector
may weigh,
&c.

A.D. 1879. — a less measure, weight, or quantity than the account given thereof by the said master, owner, or other person, then the collector shall pay the costs and charges for such weighing, measuring, and gauging, and shall also pay to such master, owner, or other person any damages (if any) which shall appear to any justice, on a summary application to him for that purpose, to have arisen from such detention, and in default of payment the same may be recovered from the Company by action in any court of competent jurisdiction.

Penalty for
fraudulently
evading pay-
ment of tolls.

47. If any person fraudulently carry or convey any goods on the new canal or any part thereof on payment of a lower toll than that to which such goods shall be subject or liable, or shall do any other act with intent to evade the payment of any such toll, he shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds over and above the toll.

For settling
disputes as
to the amount
of toll.

48. If any dispute arise concerning the amount of any toll due to the Company, or concerning any penalty, or concerning the charges or damages occasioned by any detention or sale under the provisions of this Act, the same shall from time to time be determined by a justice upon application made to him for that purpose, and the Company may in the meanwhile detain any goods, boat, or vessel seized by them, or (if the case so require) the proceeds of the sale thereof, and such justice may assess and award such costs to be paid by either of the parties as he shall think just, and in case of non-payment thereof on demand such costs shall be levied by distress and sale of the goods of the party liable to pay the same by warrant under the hand and seal of the justice.

Power to fix
the rate for
carriage
of small
parcels.

49. It shall be lawful for the Company, if they think fit, from time to time at any general assembly to ascertain and fix the price or sum or sums of money to be charged or taken for the carriage of any parcel (not exceeding five hundred pounds weight) in any boat or vessel upon the new canal or any part thereof, and the Company shall from time to time cause to be printed and affixed upon every public wharf on the new canal, in some conspicuous place, a list or account ascertaining and particularising the price or sum or sums of money so to be charged or taken for the carriage of such parcels as aforesaid upon the new canal or any part thereof; and in case any owner or master or other person having the care of any boat or other vessel navigating or passing upon the new canal or any part thereof, after such printed list or account so ascertaining and particularising the price or sum or sums of money at which such parcel shall be so carried and conveyed shall be so fixed up

as aforesaid, shall demand or take for the carriage of any such parcels as aforesaid more than the price or sum or sums of money in such list or account, such owner, master, or other person shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds. A.D. 1879.

50. Subject to the provisions of this Act all companies and persons whomsoever shall have free liberty to navigate and pass upon and use the new canal or any part thereof with any boats or vessels (not being pleasure boats or vessels, or boats or vessels used for carrying passengers or any other persons not employed in navigating such boats or vessels), and to make use of the wharfs and quays belonging to the Company on the new canal for loading or unloading minerals, merchandise, timber, and other goods and things, and also to use the towing paths along the new canal with men or with horses, asses, mules, or other cattle for hauling and drawing such boats and vessels, upon payment of such tolls as shall be demanded by the Company, not exceeding the tolls by this Act authorised: Provided always, that the Company may from time to time close the new canal or any part thereof for the purpose of cleansing or repairing the same. Canal to be free on payment of tolls.

51. Every owner, master, or person having the care, charge, or management of any boat or other vessel passing upon the new canal or any part thereof shall cause his name and place of abode, and the number of his boat or other vessel, to be entered with the clerk or clerks of the Company, and shall also cause such name and number to be painted on a black ground in large white capital letters and figures three inches high at the least, and of a proportionate breadth, on the outside of the head or stern of every such boat or other vessel, higher than the place to which the same shall sink into the water when full laden, and shall, upon demand, permit and suffer every such boat or other vessel, when not laden, to be gauged, weighed, or measured at the expense of the Company, whenever it shall be required by them or any person or persons appointed for that purpose, at such place or places on the new canal or on any other canal belonging to the Company as they shall appoint; and the person or persons so to be appointed to gauge, weigh, and measure any such boat or other vessel shall from time to time enter in a book to be kept for that purpose the particulars of the measurement and weight thereof, and shall also affix on such boat or other vessel an iron or other metal plate containing the gauge number thereof; and every person having the care, charge, or management of any boat or other vessel who shall Masters to put their names on outside of boats, and boats to be gauged, weighed, and indexed.

A.D. 1879. — navigate the same upon the new canal without having such name and figures thereon as are herein-before directed, or shall alter, erase, deface, or destroy the same or any part thereof, or shall fix any false name or figures thereon, or shall remove, deface, or destroy any such plate or number as aforesaid, or shall fix any false plate thereon, or shall do or permit any other act whereby the plate or gauge number of such boat or other vessel shall be altered without previous notice given thereof to the Company, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Tolls charge-
able accord-
ing to gauge
weight.

52. It shall be lawful to and for any collector of tolls or other officer of the Company to charge for goods, wares, merchandise, articles, and things conveyed by any boat or other vessel along the new canal according to the weight thereof declared by the gauge of such boat or vessel.

Boat owners
to be ac-
countable for
damage.

53. The owner of every boat or other vessel navigated upon the new canal shall be answerable for any damage, spoil, or mischief that shall by his or her boat or other vessel, or by any of the boatmen, watermen, or other person or persons belonging to or employed in or about the same respectively, be done to any of the fences, bridges, weirs, dams, engines, or other works in, upon, or belonging to the new canal, either by the loading or unloading of any boat or other vessel or by any other means whatsoever, or to the owners or proprietors of any buildings or other erections, lands, tenements, or hereditaments adjoining to the same or to any of them, and the said owner of such boat or other vessel may be sued and prosecuted for the same in any court of competent jurisdiction.

Owners of
vessel paying
any damage
to recover
from their
servants.

54. In case the owner of any boat or other vessel navigated upon the new canal shall be compelled to pay any penalty or to make satisfaction for any damages by reason of any neglect or default done or committed by his or her boatmen, watermen, or servants, or any of them, such boatmen, watermen, or servants, and each and every of them, shall be liable to repay such penalty or satisfaction for damages (with the costs thereof, if any,) to such owner, and in case of non-payment upon demand thereof the amount thereof may be recovered from such boatmen, watermen, or servants, or any of them, in like manner as any penalty imposed by this Act is to be recovered.

Regulating
the mode of
hauling
boats.

55. Except with the permission of the general or some other committee of the Company no barge shall be hauled with more than two horses, asses, or mules, and no boat shall be hauled with

more than one horse, ass, or mule along the new canal, and no sail or sails shall be used or hoisted on board of any boat or other vessel on the said canal (except while such boat or other vessel is moored alongside any wharf or landing-place, such wharf or landing-place not being within the distance of thirty yards of any public or private road bridge over the new canal) on pain of forfeiture by the owner or owners, master or masters of such boat or other vessel to the Company of any sum not exceeding five pounds.

A.D. 1879.
—

56. No boat or other vessel drawing more than four feet depth of water, to be measured from any part of the bottom of such boat or other vessel, shall be navigated on the new canal without the consent of the general or any other committee of the Company, on pain of forfeiture to the Company by the owner or owners, person or persons having the care or management of such boat or other vessel, of any sum not exceeding ten pounds.

Restricting
the draught
of vessels.

57. If any boat or other vessel shall be placed or shall lie abreast in any part of the new canal, or any trench, sluice, or passage belonging thereto, not being moored at both ends, or if any person or persons navigating and having the care of any boat or other vessel shall wilfully obstruct the navigation of the new canal by means of the misplacing or otherwise misconducting such boat or other vessel, and shall not immediately upon request made by any agent or servant of the Company moor the same at both ends or alter the situation of such boat or other vessel, or otherwise stop or effectually secure the same, as the case shall require, so as that the said obstruction shall cease and be removed, every person so offending shall for every such offence forfeit to the Company a sum not exceeding ten shillings, and also a sum not exceeding five shillings for every hour during which such obstruction shall continue after the making of such request; and it shall be lawful for the agents or servants of the Company, or any of them, to cause any such boat or other vessel to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat or other vessel and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal shall be paid; and if any boat or other vessel shall be sunk in any part of the new canal, or in any trench, sluice, or passage as aforesaid, and the owner or owners, or other person or persons having the care of such boat or other vessel, shall not without loss of time weigh or draw up the same it shall be lawful for the agents or servants of the Company to cause such boat or other vessel to be weighed or drawn up,

Vessels ob-
structing the
navigation to
be removed,
and vessels
sunk to be
weighed up.

A.D. 1879. — and to detain and keep the same until payment shall be made of all the expenses thereby necessarily incurred and occasioned.

Penalty on
persons ob-
structing the
canal, &c.

58. If any person or persons shall float any timber upon the new canal, or shall suffer the loading of any boat or other vessel navigating thereon to lie over the sides thereof, or shall overload any boat or other vessel navigating thereon, so as by such floating, loading, or overloading to obstruct the passage of any other boat or vessel, and shall not immediately upon notice given of such obstruction haul such boat or vessel into such place or places, opening or openings, as shall be proper or be made for the purpose of enabling boats and other vessels to pass each other, or shall not otherwise remove the same so as to make a free passage for other boats or vessels navigating upon the new canal, every such owner or owners, or other person or persons floating such timber or having the care of such boat or other vessel, shall forfeit and pay to the Company for every such offence a sum not exceeding five pounds.

Penalty on
persons for
improper
navigation of
vessels.

59. If any person or persons shall navigate or cause to be navigated any boat or other vessel on the new canal without a rudder to steer or guide the same, or without a skilful person on board to steer and manage such boat or vessel, and also a person attending to drive the horse, ass, mule, or other cattle drawing the same, or shall navigate two or more boats or other vessels fastened or chained together, or shall cut down any corn, grass, or clover growing on any lands belonging to the Company or adjoining or contiguous to the new canal without the consent of the owner or owners, occupier or occupiers thereof respectively, or shall wilfully commit any trespass on any such lands with his or their horse, ass, mule, or other cattle, or shall load or unload any goods, articles, or things in, over, or under any aqueduct, towing path, embankment, or bridge of the new canal without the consent of the Company or their committee or officer, or shall stop, moor, or keep any boat or other vessel in the night time on any part of the new canal other than and except at some wharf or quay or in some basin or place appointed for boats or vessels to lie or moor in, or shall wilfully obstruct, hinder, or prevent any person in the execution of this Act, every person offending in any of the cases aforesaid shall forfeit and pay to the Company for every such offence any sum not exceeding five pounds.

Penalty on
laying goods
too near the
water edge.

60. No goods, merchandise, minerals, manure, or other articles or things shall be permitted to remain on any wharf or landing-place upon the new canal within four feet of the water edge adjoining such wharf or landing-place, nor for more than twelve

hours within fourteen feet of such water edge, on pain of forfeiture to the Company by the owner or person depositing such articles of a sum not exceeding five pounds. A.D. 1879.

61. It shall not be lawful for any person or persons, without the consent of the Company or their general committee first had and obtained, to deposit or land on any wharf in the possession or occupation of the Company or their assigns on the new canal any manure, ashes, bones, soot, rubbish, ordure, night soil, whale blubber, soap lees, or other offensive matter, gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, or other explosives; and if any such articles or things shall be deposited or landed on any such wharf without such consent it shall be lawful for the Company forthwith to order and direct the removal thereof at the expense of the owner or other person depositing or landing the same, or to sell the same and retain the wharfage and expenses.

Power to
remove
nuisances
from wharfs.

62. If any agent, toll collector, wharfinger, or other servant of the Company occupying any house, offices, or buildings belonging to the Company without paying rent for the same shall be discharged from his office by or by the order of the Company or their general or other committee, and shall not deliver up possession of such house, offices, buildings, and appurtenances, together with the books, papers, and other matters and things belonging to the said Company in his custody, power, or possession, within two days next after notice of such discharge shall be given to him or left at such house, offices, or buildings, or if the widow or family of any such agent, toll collector, wharfinger, or other servant who shall happen to die while in the service of the Company shall refuse to deliver up the possession of such house, office, buildings, and appurtenances as aforesaid, together with the books, papers, and other matters and things belonging to the Company in her or their custody, power, or possession, within fourteen days after demand made thereof, then and in either of the said cases it shall be lawful for any justice of the peace for the county where such house, offices, and buildings shall be, and he is hereby required, by warrant under his hand and seal, to order a 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 Company which shall be found therein, and to deliver possession of such house, offices, and

Agents, col-
lectors, &c.
to give pos-
session of
houses, &c.
when re-
moved.

A.D. 1879. — buildings, together with the books, papers, matters, and things found therein belonging to the Company, to the new appointed agent, toll collector, wharfinger, or other servant, or to such other person or persons as the Company or their general or other committee shall appoint to receive the same.

Regulating
the structure
of vessels.

63. No person shall use or navigate on the new canal any boat or vessel that shall have a square head or stern, or projection at the sides or bottom thereof, or be constructed in any respect so as to injure or tend to injure the masonry, banks, lining, puddling, or other works of the new canal, and it shall be lawful for the agents or servants of the Company to stop any such boat or vessel, and prevent the same from navigating the new canal.

Poles with
ends of less
area than ten
square inches
may be
seized.

64. No pole, shaft, or instrument of less area at either end thereof than ten square inches shall be used in punting or navigating any boat or vessel upon the new canal, and it shall be lawful for the agents or servants of the Company to seize and destroy any pole, shaft, or instrument which shall be so used in contravention of this enactment.

Penalty for
throwing
rubbish into
canal and
wasting
water, &c.

65. If any person or persons shall throw any ballast, gravel, stones, or rubbish into any part of the new canal, or if any person or persons whomsoever shall wantonly or unnecessarily open or cause to be opened any stop gate, paddle, valve, or clough belonging to the new canal, or any branch canal, dock, or laybye communicating therewith, or suffer any boat or other vessel to strike or run upon any of the bridges or works thereof, or if any person or persons shall wilfully flush or draw off, or cause to be flushed or drawn off, or shall abstract the water from any part of the new canal, or any branch canal, dock, or laybye communicating therewith, or otherwise mis-spend or waste the water thereof, every person offending in any of the cases aforesaid shall forfeit and pay to the Company for every such offence any sum not exceeding ten pounds.

Penalty for
damage, &c.
to works.

66. If any person wilfully, maliciously, and to the prejudice of the navigation of the new canal, break, throw down, damage, or destroy any reservoir, aqueduct, feeder, bridge, bank, gate, stile, post, rail or other fence, lamp, lamp-iron, or lamp-post, or any other of the works of the Company, or wilfully extinguish (not being authorised by the Company so to do) the light within any such lamp, or do any other hurt or mischief to the new canal and works by this Act authorised, or any of them, every person so offending shall for every such offence (without prejudice to the right of the Company to sue for and recover the amount of any loss or damage

occasioned thereby) forfeit and pay to the Company any sum not exceeding forty shillings. A.D. 1879.

67. If any person ride, lead, or drive any horse, ass, mule, or other beast (not being actually employed in towing or hauling a boat or vessel on the new canal), or drive or conduct any carriage on any towing path of the new canal without the consent of the general or other committee of the Company, or the clerk, agent, or other officer of the Company, every person so offending shall for every such offence forfeit and pay to the Company any sum not exceeding forty shillings. Penalty for riding, &c. on towing path.

68. The byelaws of the Company for the time being in force in respect of the Grand Junction Canal, or such of them as the Company shall think fit, may be applied to the new canal, but no such byelaw shall come into operation thereon until the same shall have been confirmed by the Board of Trade. Byelaws.

69. Such byelaws shall be printed in legible characters and hung up and affixed in some conspicuous part of the principal office of the Company, and also in some conspicuous place in or adjoining to the quays and works of the Company on the new canal, and such boards shall be from time to time renewed as often as the byelaws thereon or any part thereof shall be obliterated or destroyed. Publication of byelaws.

70. Such byelaws, when so confirmed as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same. Byelaws shall be binding.

71. The production of a written or printed copy of the byelaws of the Company, sealed with the common seal of the Company, shall be evidence of the existence and of the due making and confirmation of such byelaws in all prosecutions and other proceedings under the same. Evidence of byelaws.

72. If any person pull down or injure any board put up or affixed for the purpose of publishing any byelaws, or shall obliterate any of the letters or figures thereon, he shall forfeit to the Company for every such offence a sum not exceeding five pounds. Penalty for defacing boards used for publication of byelaws.

73. The provisions of the Public General Acts of the eighth and ninth years of the reign of Her present Majesty, chapters 28 and 42, shall apply to the new canal as if it had been constructed under the powers of an Act passed previously to the passing of the said Acts. Provisions of 8 & 9 Vict. cc. 28 and 42 to apply to new canal.

A.D. 1879.

Preserving
the provi-
sions of
52 G. 3.
c. cxi. as to
River Colne.

74. Nothing in this Act contained shall extend or be construed to extend to defeat, abridge, alter, or affect any of the provisions or regulations relating to the River Colne contained in an Act of Parliament passed in the fifty-second year of the reign of King George the Third, intituled “An Act to explain, amend, and enlarge
“ the powers of certain Acts passed for making and maintaining the
“ Grand Junction Canal.”

Saving of
rights of
Regent's
Canal Com-
pany.

75. Subject to the express provisions of this Act nothing in this Act shall in any way prejudice any right or privilege of the Company of Proprietors of the Regent's Canal under any Act, agreement, or otherwise.

Canal not to
be exempt
from pro-
visions of
present or
future
general
canal Acts.
Expenses of
Act.

76. Nothing herein contained shall be deemed or construed to exempt the new canal from the provisions of any general Act now in force, or which may hereafter be passed, relating to canals, or from any future revision or regulation under the authority of Parliament of the tolls authorised to be taken by this Act.

77. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.