CHAPTER xxvi.

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An Act for the transfer of the undertaking of the Barrow Navigation Company to the Grand Canal Company to confer further powers on the Grand Canal Company and for other purposes. [18th June 1894.]

WHEREAS by an Act of the Parliament of Ireland passed in the eleventh and twelfth years of the reign of His Majesty King George the Third intituled "An Act for enabling certain "persons to carry on and compleat the Grand Canal" the Company of Undertakers of the Grand Canal were incorporated and were authorised (amongst other things) to carry on and complete a canal between the city of Dublin and the River Shannon and also a communication between the said canal and the navigable parts of the River Barrow together with the navigation of the said River Barrow from the sources thereof to the Bridge of Athy: 11 & 12 Geo. III. c. 31. (Irish).

And whereas by the Grand Canal Company Act 1848 (in this Act called "the Act of 1848") the name of the said Company was changed to "the Grand Canal Company" (in this Act called "the Company"):

And whereas by Royal Charter dated the fifth day of May one thousand seven hundred and ninety the Barrow Navigation Company (in this Act called "the Barrow Company") were incorporated for completing the navigation of the River Barrow from the Bridge of Athy in the county of Kildare to the tide water below the docks called the Scars at St. Molins in the county of Carlow:

And whereas the capital of the Barrow Company amounts to sixty thousand pounds divided into twelve hundred shares of fifty pounds each and the Barrow Company have no mortgage bond or debenture debt:

And whereas the canal of the Company is connected at Athy with the navigation of the Barrow Company and forms with it a continuous line of navigation from Dublin to St. Molins aforesaid and it has been agreed that the undertaking of the Barrow Company

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should be sold and transferred to the Company and become part of their undertaking on the terms and conditions in this Act mentioned and it is expedient and for the public advantage that such transfer should be carried out accordingly :

And whereas the capital of the Company consists of six hundred and sixty-five thousand nine hundred and thirty-eight pounds fourteen shillings and sixpence stock all of which has been issued and is fully paid up and the Company have not any mortgage bond or debenture debt and it is expedient that the Company should be authorised to buy up and cancel thirty-eight pounds fourteen shillings and sixpence of such stock and that the remainder of the capital of the Company should be converted into sixty-six thousand five hundred and ninety shares of ten pounds each divided into thirty-three thousand two hundred and ninety-five preference and thirty-three thousand two hundred and ninety-five ordinary shares and that the same should vest in the proprietors of the existing stock of the Company in the manner in this Act provided :

And whereas it is expedient that further powers should be conferred upon the Company to prevent the pollution of the water in their canal :

And whereas it is expedient that further powers should be conferred upon the Company for deepening widening and improving their canal and for taking such lands as may be necessary from time to time to prevent any subsidence or giving way thereof and such other powers as are in this Act contained :

And whereas it is expedient that the Company be authorised to raise money by borrowing or by the issue of debenture stock for the purposes of this Act :

And whereas it would tend to the convenience of the smaller investors of capital in Ireland if the capital stock of the Company were converted into ordinary and preference shares of ten pounds each :

And whereas the purposes of this Act 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 as follows (that is to say) :—

PART I.—Preliminary.

Short title.

1. This Act may be cited for all purposes as the Grand Canal Act 1894.

Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary;

Part II.—Transfer of undertaking of Barrow Company to Company;

Part III.—Conversion of Capital and Financial;

Part IV.—Miscellaneous.

Part V. of Railways Clauses Act 1863 incorporated.

3. Part V. (relating to amalgamation) of the Railways Clauses Act 1863 (except section forty-nine) is (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and forms part of this Act and shall apply to the Company and the Barrow Company as if the same were railway companies.

Applying certain provisions of Companies Clauses Consolidation Acts.

4. Subject to the provisions of this Act 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 borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part III. of the Companies Clauses Act 1863 (relating to debenture stock) as amended by the Companies Clauses Act 1869 shall be applicable to the share capital hereby created and the moneys authorised to be raised by mortgage or debenture stock and to the proprietors thereof respectively.

Interpretation.

5. In this Act—

"The Company" means the Grand Canal Company:

"The Barrow Company" means the Barrow Navigation Company:

"The canal" means the canals docks and waterways of the Company including the Barrow Company's canals waterways and navigation after the same shall have been vested in the Company under this Act:

"The Act of 1848" means the Grand Canal Company Act 1848:

"The undertaking of the Barrow Company" includes the canals navigations waterways works lands buildings and property

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of every description of the Barrow Company (except their steamers boats horses and moveable plant and chattels tools office and other furniture debts due balance on revenue account up to the date of transfer cash at bankers moneys in the hands of agents and all stocks funds shares and securities of every kind of or to which the Barrow Company are possessed or entitled whether in the Barrow Company or in any other company) and all the rights powers privileges and authorities whatsoever of the Barrow Company:

"Boat" includes vessels barges and other craft of every description however propelled or moved:

"The existing stock" means the existing stock of the Company amounting to six hundred and sixty-five thousand nine hundred and thirty-eight pounds fourteen shillings and sixpence.

PART II.—Transfer of Undertaking of Barrow Company to Company.

Transfer of the Barrow undertaking to Company.

6. At the expiration of one month from the passing of this Act or such earlier date as may be agreed upon between the Company and the Barrow Company (in this Act called "the date of transfer") the Barrow Company's undertaking shall be and the same is by virtue of this Act transferred to and shall for the purposes of tolls rates and charges and for all other purposes whatsoever thenceforth form an integral part of the undertaking of and be vested in the Company freed and discharged as between the two Companies from all obligations debts charges contracts and liabilities of the Barrow Company and the provisions of this Act and subject to the provisions of this Act the provisions of the other special Acts of the Company in force at the date of transfer shall apply to the Barrow Company's undertaking in the hands of the Company as fully and effectually in all respects as to the undertaking of the Company Provided that the agreements mentioned in the schedule to this Act shall as from the date of transfer be as binding and of as full force and effect against and in favour of the Company as if the Company instead of the Barrow Company had been a party thereto.

Stamp duty on transfer of undertaking of Barrow Company.

7. Within three months from the date of transfer the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer and vesting of the Barrow Company's undertaking had been by deed of conveyance and if the Company shall not within that period produce to the said Commissioners a copy of this Act duly stamped as aforesaid then the ad valorem stamp duty

with interest thereon at the rate of five pounds per centum per annum from the date of vesting aforesaid to the day of payment shall be a debt due to Her Majesty and recoverable from the Company with full costs of action and all costs and charges attending the same.

Payment by Company to Barrow Company.

8. The Company shall on or before the date of transfer pay to the Barrow Company the sum of thirty thousand pounds and the receipt in writing of three of the directors of the Barrow Company for the said sum shall be a sufficient discharge to the Company and the Company shall not be bound to see to the application thereof or be answerable for the loss misapplication or non-application thereof Provided that in the event of the said sum of thirty thousand pounds not being paid as herein-before provided the Company shall pay to the Barrow Company interest on the said sum of thirty thousand pounds at the rate of five pounds per cent. per annum from the date of transfer to the date of payment.

Barrow Company to discharge all liabilities up to date of transfer.

9. The Barrow Company shall pay and discharge all rents rates taxes and outgoings and all obligations and liabilities of every kind including liabilities in respect of causes of action existing up to the date of transfer and shall be entitled to all revenue up to that date and if necessary for the purpose of giving effect to this enactment such revenue rents rates taxes and outgoings shall be apportioned.

Dissolution of Barrow Company.

10. On and from the date of transfer the Barrow Company shall be dissolved except only for the purpose of recovering and enforcing payment of any debts due to the Barrow Company and of paying all debts and liabilities of the Barrow Company including their contribution to the costs of this Act and of winding up their affairs and of distributing the balance of their funds and effects after deducting such payments and all the expenses of and incident thereto and of the winding up among their shareholders rateably and of otherwise carrying into effect the provisions of this Act and the directors of the Barrow Company who are in office at the date of transfer and the survivors or survivor of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned.

Barrow Company to publish notice of intention to wind up their affairs.

11. As soon as conveniently may be after the date of transfer the directors of the Barrow Company shall publish notice of their intention to wind up the affairs of that Company and such notice shall state that all persons having any charge lien or incumbrance affecting the undertaking of that Company or any claim against that Company shall send particulars thereof in writing addressed to the secretary of that Company or such other person as may be named in the notice to the office of that Company in order that

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the same may be satisfied and discharged as by this Act provided and such notice shall be published once in each of two successive weeks in the Dublin Gazette and in a newspaper published in each of the counties of Kildare and Carlow and in the city of Dublin and all claims and demands of every kind against the Barrow Company which shall not be sent in within three months after the last publication of such notice and of which the Barrow Company have not express notice shall be absolutely barred.

Books of Barrow Company evidence as to shareholders.

12. The several persons who at the date of transfer appear in the books of the Barrow Company to be the proprietors of the shares of that Company or their respective executors administrators or assigns shall respectively be deemed to be the shareholders of the Company for the purpose of the distribution of the assets of the Company as by this Act provided.

Receipt in case of persons not sui juris.

13. If any money is payable to any shareholder of the Barrow Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Barrow Company and their directors for the same.

Steamers boats &c. of Barrow Company may be taken over on valuation by Company.

14.—(1) If the Company at any time within one month from the date of transfer give notice in writing under the hand of their chairman or secretary to the Barrow Company that they desire to purchase the steamers boats horses and moveable plant and chattels tools office and other furniture of the Barrow Company or such part thereof as shall be specified in such notice then the Barrow Company shall sell and the Company shall purchase the same for such price as shall be agreed on between the two Companies or as failing agreement shall be settled by valuation as herein-after provided Provided that in case the Company shall not elect to purchase such steamers boats horses and other articles as aforesaid within the time herein-before limited the Barrow Company shall within three months from the expiration of the said limited time either remove the same or sell the same by public auction or auctions to be held in or upon the premises forming part of the undertaking of the Barrow Company and hereby vested in the Company or any part thereof and in that event the Company shall afford to the Barrow Company all proper and necessary facilities for such removal or the carrying out of such sale or sales.

(2) Unless the Companies agree on the appointment of a single valuer each Company shall within fourteen days from the expiration of the said period of one month from the date of transfer appoint a valuer in writing and give notice of such appointment to the other and the two valuers so appointed shall appoint an umpire or if they cannot agree the umpire shall be named by the Commissioners

of Public Works in Ireland and the valuation of such single valuer or of the two valuers or their umpire as the case may be shall be binding and conclusive on both parties The Commissioners of Public Works in Ireland before naming an umpire may require the Companies to deposit in the Bank of Ireland to the credit of the said Commissioners any sum or sums of money or to give such other security for the payment of the costs charges and expenses of the umpire as to the said Commissioners shall seem fit.

Directors of Barrow Company to publish certificate of completion of winding up.

15. When all the debts obligations and liabilities of the Barrow Company are paid satisfied and discharged as by this Act provided and their assets have been distributed among their shareholders and their affairs are wound up the Barrow Company shall wholly cease to exist and the directors of the Barrow Company or the majority of them may grant a certificate to that effect which certificate shall be published once in the Dublin Gazette.

Deeds &c. of Barrow Company to be delivered to Company.

16. All deeds muniments of title maps plans awards agreements and other documents relating to the lands navigations and waterways of the Barrow Company and in their possession or power shall be delivered to the Company at the date of transfer and all minute books books of account vouchers and other books and papers of the Barrow Company shall on the final dissolution of that Company be delivered to the Company and until that event the Barrow Company shall afford the Company reasonable access to and inspection of the same.

PART III.—Conversion of Capital and Financial.

Capital of Company.

17.—(1) The Company shall as soon as conveniently may be after the passing of this Act buy up and cancel stock of the Company amounting to thirty-eight pounds fourteen shillings and sixpence and on and from the first day of January one thousand eight hundred and ninety-five the remainder of the existing stock of the Company shall be cancelled and the capital of the Company shall consist of sixty-six thousand five hundred and ninety shares of ten pounds each divided into thirty-three thousand two hundred and ninety-five preference shares and thirty-three thousand two hundred and ninety-five ordinary shares Provided that for the purpose of the distribution of such shares among the holders of the existing stock the directors may divide as many of such shares as they think fit into twenty fractional shares of ten shillings each.

(2) The preference shares shall be entitled to a preferential dividend at the rate of three pounds per centum out of the profits of each year in priority to the ordinary shares but if in any year ending on the thirty-first day of December there are not profits

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available for the payment of the full amount of the preferential dividend for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

(3) All unexercised powers of the Company under any special Act relating to them or their undertaking for raising money by shares or by borrowing are hereby repealed.

Vesting of new shares in holders of existing stock.

18. The shares of the Company by this Act created shall be distributed among and vest in the holders of the stock of the Company at the date of conversion or their respective executors administrators and assigns in the manner and subject to the provisions following (that is to say):—

(1) Each such holder shall be entitled to and there shall vest in him in substitution for every twenty pounds of the existing stock held by him one preference share and one ordinary share:

(2) In substitution for any less amount than twenty pounds of existing stock which shall remain over after such substitution as aforesaid each holder shall be entitled to receive and there shall be distributed to him one fractional preference certificate and one fractional ordinary certificate for each pound of such stock:

The holders of fractional certificates shall not be entitled to be entered on the share register in respect of the same and such fractional certificates shall be dealt with as herein-after by this Act provided:

(3) Where in any case after such substitution as aforesaid there shall remain over any existing stock less than one pound in amount in substitution for which the holder will receive no share or fractional share under the provisions of this section the Company shall pay to such holder in cash the value of such stock at the date of conversion as compensation for the same such value to be fixed by the directors:

(4) All shares and fractional shares vested in or distributed to the holders of existing stock under this section shall be deemed to be fully paid up and shall be subject to the same liabilities trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the date of conversion affected the existing stock for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Fractional certificates.

19.—(1) Within six months from the date of conversion or such further time as the directors may in any case allow the holders of fractional certificates shall lodge the same at the office of the Company and the directors shall deal with them in the manner by this section provided.

(2) The directors shall issue to each holder of fractional certificates one preference share for every twenty fractional certificates of preference shares and one ordinary share for every twenty fractional certificates of ordinary shares so lodged by him.

(3) For any less number of fractional certificates of ordinary or preference shares than twenty the directors may receive from the holder such sum (to be fixed by the directors) as will with the said fractional certificates make up the value of a whole preference or ordinary share as the case may be and thereupon they shall issue to such holder a certificate of a preference or ordinary share as the case may be or the directors may at their option pay to such holder the value of such fractional certificates in cash such value to be fixed by the directors.

(4) All fractional certificates dealt with under this section and all fractional certificates not lodged with the Company at the date aforesaid or within such further time as the directors may in any case allow shall be cancelled.

Share capital remaining over may be issued.

20. Any share capital whether preference or ordinary remaining over after the conversion of capital has been carried out as by this Act provided may from time to time be issued by the directors as they think fit.

Existing certificates to be cancelled and new certificates issued.

21. The Company shall call in and cancel the certificates of the existing stock and shall issue in lieu thereof certificates of the shares by this Act vested in the holders of the existing stock but no holder of any existing stock shall be entitled to any certificate of shares under this Act until he shall have delivered up to the Company to be cancelled his certificate of existing stock or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof.

Scale of voting.

22. Except as herein expressly provided nothing in this Act shall alter the existing scale of voting at general meetings of the Company and the holders of preference and ordinary shares of the Company shall have the same number of votes as they would have been entitled to in respect of the same nominal amount of the existing stock before the passing of this Act Provided that any shareholder may be proxy for any number of other shareholders and there shall be no limitation to the number of votes which he may give as such proxy.

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Power to borrow on mortgage.

23. The Company may from time to time borrow on mortgage of their undertaking such sum or sums of money as they think fit not exceeding one hundred thousand pounds and may thereout pay the sum of thirty thousand pounds by this Act authorised to be paid to the Barrow Company.

Power to issue debenture stock.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

25. All moneys raised by the Company under this Act shall be applied only to the purposes of this Act and to the general purposes of the Company being in every case purposes to which capital is properly applicable.

Repeal of section 23 of Act of 1848.

26. Section twenty-three of the Act of 1848 the marginal note of which is "Reserved fund of the Company fixed at 10,000*l*. 3 per cent. consols" is hereby repealed.

Power to subscribe to other companies.

27. The Company may with the authority of three-fourths in value of the shareholders of the Company present in person or by proxy at a general meeting of the shareholders of the Company specially convened for that purpose subscribe to and take shares in or advance money to any company formed for the purpose of conveying passengers animals or goods on the canal and may apply to the payment of such subscription or advance any moneys which they are by this Act authorised to raise Provided that the total amount so subscribed or advanced shall not exceed ten thousand pounds Provided also that the Company shall not sell dispose of or transfer any of the shares or securities in the company for which they may subscribe or for which they may advance money.

PART IV.—Miscellaneous.

General powers for improving and maintaining canal and works.

28. The Company may from time to time widen enlarge deepen dredge and otherwise alter and improve the waterway of the canal and the works in connexion therewith and may raise strengthen alter and improve the banks thereof and may enlarge deepen alter

or improve the locks and docks in connexion therewith and may increase or reduce the area of any of their docks and may build any new wharves or rebuild extend alter or improve any existing wharves.

Company may in certain cases take lands with the sanction of the Board of Trade making compensation &c.

29. If from any cause the canal or the banks and towing-paths thereof respectively shall subside or be in immediate or urgent danger of subsidence or giving way the Company with the sanction in writing of the Board of Trade under the hand of the secretary or an assistant secretary of that Board may enter upon and take and use any lands on either side of the canal or of the banks or towing-paths as the case may be which may be necessary in order to enable the Company to execute such works or do such things as may be necessary to enable them to remedy or prevent such subsidence and to keep up the level of the waterway of the canal and the height of the towing-path Provided always that the Company shall make full compensation to all persons interested in such lands the amount of such compensation to be determined in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement except those contained in the sixteenth seventeenth and eighteenth sections of the Lands Clauses Consolidation Act 1845 and that as soon as may reasonably be after taking or entering upon any such lands the Company shall give notice in writing to all parties interested in or entitled to sell such lands specifying the lands which the Company have so taken or entered upon and the purpose for which the same have been so taken or entered upon and shall by such notice demand from the parties upon whom the notice is served the particulars of their estate and interest in the said lands specified in the notice and of the claims made by them in respect thereof and every such notice shall state that the Company are willing to treat for the purchase of the lands specified in the notice and as to the compensation to be made to all parties in respect of the taking of and entering upon such lands and the notices so given shall be deemed to be the notices referred to in the nineteenth and subsequent sections of the said Act of 1845.

Restriction on taking houses of labouring class.

30. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

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For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to construct warehouses &c.

31. The Company may from time to time upon the lands for the time being belonging to them construct such warehouses storehouses sheds and other buildings machinery works and conveniences as they may deem necessary or convenient for the accommodation of goods merchandise or other things and may make reasonable charges for the storing and warehousing of the same and for other services rendered in connexion therewith and may lease or grant the use or occupation of any warehouses storehouses sheds buildings wharves yards cranes weighing machines measuring machines or other works or conveniences for the time being belonging to them or any part or parts thereof for such term or terms not exceeding seven years at such rents and upon such terms and conditions as shall be agreed upon between them and the persons taking the same.

Power to erect offices and workmen's dwellings.

32. The Company may from time to time on any lands for the time being held by them erect and maintain houses for the accommodation of their officers and workmen and may also erect and maintain such offices as they think necessary or desirable for the carrying on of their business or may enlarge alter or improve any existing houses or buildings for any of the purposes aforesaid.

Power to sell lands &c. not required.

33. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are applicable in each case the Company may from time to time sell lease exchange or otherwise dispose of any lands or houses held or acquired by them and not required for the purposes of their undertaking including any portion of their waterway or docks not so required for such price or consideration and on such terms and conditions as they shall think fit.

Application of purchase money.

34. Any purchase money received on any sale of land and any money received for equality of exchange by the Company under this Act shall be applied to the general purposes of the Company to which capital is properly applicable.

Penalty for fouling canal.

35. Every person who shall without lawful excuse cause or suffer any sewage filthy water dirt filth or polluting matter or fluid to

flow or pass into the canal or into any feeder watercourse or cut connected therewith or do any other act whereby the water of the canal shall be fouled shall for every such offence forfeit and pay to the Company a sum not exceeding five pounds and every such person shall forfeit and pay to the Company a further sum not exceeding forty shillings for every day during which such offence shall be continued after conviction thereof.

Power to refuse to carry substances likely to pollute water.

36. The Company may refuse to carry and may prohibit the carrying on any part of the canal of any filthy noxious or injurious substance or thing in the judgment of the Company calculated to pollute the waters of the canal unless such substance or thing is in the judgment of the Company or of their agent or officer duly authorised in that behalf so loaded and packed as to prevent the reasonable possibility of such pollution.

Power to remove nuisances from wharves.

37. It shall not be lawful for any person or persons without the consent of the Company first had and obtained to deposit or land on any wharf in the possession or occupation of the Company or their assigns on the canal any manure ashes bones soot rubbish ordure nightsoil whale blubber soap lees or other offensive matter gunpowder nitro-glycerine dynamite gun-cotton blasting powders fulminate of mercury or 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 or their agent or officer forthwith to remove the same 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 returning the overplus (if any) to the owner on demand.

Company may prohibit use of unseaworthy boats.

38. The Company may at any time prohibit the use or employment in or upon the canal or any part thereof of any boat which may in the judgment of the Company or their officer or agent duly authorised in that behalf be unseaworthy or otherwise liable to sink or to obstruct the navigation or use of the canal and may remove any such boat from the canal and recover the expenses of so doing from the owner of such boat in a court of summary jurisdiction.

Removal of sunken vessels and recovery of expenses thereof.

39. If any boat be sunk in any part of the canal or any cut trench or watercourse connected therewith and the owner or person then or before the sinking thereof in charge of such boat shall not forthwith weigh draw up or remove the same the Company by their agents or servants having either general or special authority in that behalf may weigh draw up or remove such boat and detain and keep the same with the tackle and loading until payment be made of all the expenses relating thereto and may sell such boat and the tackle

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and loading thereof or a sufficient part thereof and may out of the proceeds of the sale pay such expenses and the expenses of the sale returning to the owner of such boat the overplus (if any) on demand or the Company may if they think fit recover such expenses from the owner of such boat in a court of summary jurisdiction.

Agents collectors &c. to give possession of houses &c. when removed.

40. 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 writing under the hand of the secretary or other officer of the Company 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 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 or legal personal representative or representatives 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 offices or buildings and appurtenances as aforesaid together with the books papers and other matters and things belonging to the Company in her his 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 court of summary jurisdiction for the county or place where such house offices and buildings shall be situate and they are hereby required on the application of the Company or their agent or officer to order a constable or other peace officer with such assistance as shall be necessary to enter such house offices and buildings in the daytime 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 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 secretary shall appoint to receive the same.

Power to Company to make bye-laws.

41. The Company may from time to time make vary or rescind such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

For governing or regulating the use and mode of navigation of the canal towing-paths locks tunnels quays wharves and works lands or property belonging to or in the occupation of the Company and the structure of boats and vessels;

For regulating the exercise of the several powers of the lock-keepers storekeepers and other officers and servants to be appointed by the Company for the purpose of superintending the traffic upon the canal;

For regulating the admission of boats into the canal and their removal from or out of the same;

For regulating the loading unloading placing storing and removing of goods on in or from or into the wharves quays warehouses and other works and any premises belonging to or in the occupation of the Company;

For regulating the duties and conduct of all persons as well the servants of the Company as others who shall be employed in and about the wharves quays works and premises belonging to or in the occupation of the Company;

For prescribing the person or persons to whom and the place or places at which tolls rates and charges due to the Company shall be paid;

For the prevention of trespasses and nuisances and the prohibition of gambling on the canal or the towing-paths banks wharves quays locks and works thereof;

For the prevention or regulation of bathing in the canal;

For preventing the throwing or permitting to be thrown or to pass into the canal any rubbish animals whether alive or dead or other offensive substance or things;

For regulating the user and preventing the misuse or waste of water;

For preventing damage to any property or works belonging to or in the occupation of the Company:

And the Company may by any byelaw so to be made by them impose such reasonable penalties as they shall think fit for the breach of such byelaw not exceeding for any one offence the sum of five pounds Provided always that no byelaw made by the Company under the authority of this Act except such as may relate solely to the shareholders or directors of the Company or their officers or servants shall have any force or effect unless or until the same shall be confirmed by the Board of Trade and all such byelaws shall be subject to the provisions of section forty of the Railway and Canal Traffic Act 1888.

Publication of byelaws.

42. Such byelaws when confirmed shall be published by the same being printed or painted on boards in legible characters and hung up affixed and continued in or on the front or some conspicuous part of the principal office of the Company and also in some conspicuous place in or adjoining to every office or place at which tolls or rates are for the time being received by or on behalf of the

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Company and such boards shall be from time to time renewed as often as the same or any part thereof may be obliterated or destroyed.

Evidence of byelaws.

43. The production of a written or printed copy of the byelaws of the Company authenticated by 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 or under the powers hereby given and until the contrary shall appear of the due publication of such byelaws in the manner by this Act directed Any proceedings for the recovery of any penalty for the breach of any byelaw or of any sum payable by virtue of such byelaw or under the provisions of this Act may be taken and continued by or in the name of any officer or servant of the Company authorised by the Company under their common seal to take such proceedings whether the authority be general or special.

Recovery of tolls.

44. All tolls payable in respect of the canal shall be paid to such person at such convenient place in such manner and under such regulations as the Company shall from time to time direct or appoint and in case of refusal or neglect of payment of any such tolls or any part thereof on demand to the person 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 to whom such tolls ought to have been paid may seize and distrain the goods for or in respect of which any such tolls ought to have been paid or any part thereof or the boat laden therewith or if the same shall have been removed from the canal the Company may seize and distrain any other goods upon the canal belonging to the party liable to pay such tolls or any boat belonging to such person 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 any vessel as shall remain unsold to the person entitled thereto.

Penalty for fraudulently evading payment of toll.

45. Any person fraudulently evading or attempting to evade payment of such tolls as shall be properly payable on goods conveyed on the canal shall for every such offence forfeit and pay to the Company a sum not exceeding five pounds over and above the toll due in respect thereof.

A.D. 1894.

Penalty for injuring gates of docks.

46. Every master pilot or other person having charge of any vessel passing through any of the dock entrances of the Company who shall carelessly or negligently cause or allow such vessel to strike the gates walls sills bridges or other works of any such entrance so as to injure the same shall forfeit and pay to the Company a sum not exceeding five pounds which shall be recoverable in manner provided by this Act for the recovery of penalties and this provision shall be in addition to the other remedies of the Company for actual damage done.

Penalties.

47. Every penalty under this Act not otherwise specially provided for may be prosecuted and recovered in a summary manner before a court of summary jurisdiction as provided by the Summary Jurisdiction Acts.

Canal to be subject to provisions of general Acts.

48. Nothing herein contained shall be deemed or construed to exempt the 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 any Act relating to the Company.

Costs of Act.

49. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto (in this Act referred to as "the costs of this Act") shall be paid by the Company and the Barrow Company shall contribute thereto the sum of two hundred pounds which sum they shall pay to the Company within one month from the passing of this Act.

A.D. 1894.

The SCHEDULE referred to in the foregoing Act.

1. An Agreement dated eleventh October one thousand eight hundred and seventy-six now subsisting between the Barrow Company of the one part and Her Majesty's Postmaster General of the other part in reference to the erection of telegraph and other poles along the towing-paths of the Barrow Company.

2. An Agreement dated twenty-third of March one thousand eight hundred and ninety-two and made between the Barrow Company of the one part and Gordon and Company Limited of No. 11 Pall Mall London S.W. of the other part in reference to the laying of cables for the conveyance of electricity underneath the Barrow Company's trackline from Milford to Carlow.

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