ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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C A P. LIV.

An Act for incorporating the Commissioners of the *Caledonian* Canal, and for vesting the *Crinan* Canal in the said Commissioners.

[14th *August* 1848.]

WHEREAS by an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds towards defraying the Expense of making an inland Navigation from the Eastern to the Western Sea, by* Inverness *and* Fort William, *and for taking the necessary Steps towards executing the same,* certain Persons therein named were appointed Commissioners for the Purposes of the said Act, and certain Powers were granted for carrying the same into execution: And whereas by an Act passed in the Forty-fourth Year of the Reign of His said Majesty, intituled *An Act for making further Provision for making and maintaining an inland Navigation commonly called the* Caledonian *Canal, from the Eastern to the Western Sea, by* Inverness *and* Fort William, *in* Scotland, further Powers were granted to the said Commissioners to enable them to make and maintain the said Navigation: And whereas the said Canal became navigable from Sea to Sea in the Month of *October* One thousand eight hundred and twenty-two, and has been in use from that

43 G. 3. c. 102.

44 G. 3. c. 62.

that Time: And whereas an Act was passed in the Sixth Year of the
6 G. 4. c. 15. Reign of His Majesty King *George* the Fourth, intituled *An Act to explain and amend Two Acts, passed in the Forty-third and Forty-fourth Years of the Reign of His late Majesty King* George *the Third, for making and maintaining an inland Navigation commonly called the* Caledonian *Canal, by establishing further Checks upon the Expenditure of Public Money for that Purpose, in certain Cases:* And whereas by an Act passed in the Third and Fourth Years of
3 & 4 Vict. c. 41. Reign of Her present Majesty, intituled *An Act to authorize the Commissioners of Her Majesty's Treasury to grant a Lease of the* Caledonian *Canal for a Term of Years, and to regulate the future Management thereof,* the Commissioners of Her Majesty's Treasury were empowered to grant or lease the said Canal in manner there prescribed: And whereas by an Act passed in the Thirty-third Year of the Reign of His said Majesty King *George* the Third, intituled
33 G. 3. c. 104. *An Act for making and maintaining a navigable Canal from* Loch Gilp *to* Loch Crinan *in the Shire of* Argyll, the several Persons therein named were incorporated by the Name of "The Company of Proprietors of the *Crinan* Canal," for the Purpose of making and completing the said Canal and other necessary Works, which said last-recited Act was amended by another Act passed in the Thirty-
39 G. 3. c. xxvii. ninth Year of the Reign of His said Majesty, intituled *An Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act 'for making and maintaining a navigable Canal from* Loch Gilp *to* 'Loch Crinan *in the Shire of* Argyll:' And whereas, though a large Sum of Money was subscribed before the passing of the said Act of the Thirty-third Year of the Reign of His said Majesty, it was found to be wholly insufficient to complete the Works of the *Crinan* Canal, and accordingly the Sum of Twenty-five thousand Pounds was advanced to the said Company by the Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland,* by virtue of an Act passed in the said Thirty-ninth Year of the Reign of His said
39 G. 3. c. lxxi. Majesty, intituled *An Act for empowering the Company of Proprietors of* Forth and Clyde *Navigation to repay into the Court of Exchequer in* Scotland *the Sum advanced to them for the Purpose of completing the said Navigation; for repealing so much of an Act of the Twenty-fourth Year of His present Majesty as relates to the said Company; and for enabling the Barons of the said Court of Exchequer to advance Part of the Sum so to be received to the Company of Proprietors of the* Crinan *Canal, on certain Conditions:* And whereas, pursuant to the Provisions of the said last-recited Act, all the Rates and Duties arising from the *Crinan* Canal, and all the Estate, Right, and Interest of the said Company in and to the same, and all Quays, Houses, Lands, and other Property purchased for the Purposes of the *Crinan* Canal, were assigned and made over by the said Company to the Lord Chief Baron and other Barons of the said Court of Exchequer until the said Sum of Twenty-five thousand Pounds, with Interest, should be paid and satisfied: And whereas the said Sum of Twenty-five thousand Pounds was applied towards completing the *Crinan* Canal, but being found insufficient for that Purpose, a further Sum of Twenty-five thousand Pounds was advanced to the said Company out of the Aids or Supplies granted

for the Service of *Great Britain* for the Year One thousand eight hundred and five, by virtue of an Act passed in the Forty-fifth Year of the Reign of His said Majesty, intituled *An Act for authorizing the Commissioners of His Majesty's Treasury in* Great Britain *to advance a certain Sum of Money, to be applied in completing the* Crinan *Canal*, whereby it was provided that the Rates and Duties arising from the *Crinan* Canal, and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property aforesaid, should remain vested in the Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until not only the said first-mentioned Sum of Twenty-five thousand Pounds and Interest, but also the said further Sum of Twenty-five thousand Pounds, with Interest, should be satisfied and paid, in the same Manner and as fully and effectually as if another Assignment thereof had been made, which last-mentioned Sum of Twenty-five thousand Pounds was afterwards applied towards the Purposes mentioned in the said last-recited Act: And whereas by an Act passed in the Fifty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Sums of Money out of the Consolidated Fund of* Great Britain, *and for applying certain Monies therein mentioned for the Service of the Year One thousand eight hundred and eleven, and for further appropriating the Supplies granted in this Session of Parliament*, the Sum of Five thousand Pounds was granted to His Majesty for effecting the Repairs which were then necessary in consequence of the Inundation of the *Crinan* Canal in the Year One thousand eight hundred and eleven; and the said Sum of Five thousand Pounds having been soon afterwards received from the Lords Commissioners of the Treasury, the same was applied accordingly, and the Tolls, Rates, and Duties arising from the *Crinan* Canal, and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property aforesaid, were assigned to the said Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until the said Sum of Five thousand Pounds, with Interest, should be paid and satisfied: And whereas by virtue of an Act passed in the Fifty-sixth Year of the Reign of His said Majesty, intituled *An Act for authorizing the Barons of the Court of Exchequer in* Scotland *to order the Payment of a certain Sum of Money, to be applied in completing the* Crinan *Canal*, the Sum of Nineteen thousand four hundred Pounds was paid to the Commissioners of the *Caledonian* Canal, by the Receiver General of *Scotland*, out of the public Money in his Hands, to be applied, after Payment of the Charges and Expenses of obtaining the said last-recited Act, in completing and repairing the *Crinan* Canal and other Works connected therewith, in such Manner as the said Commissioners should appoint; and by the said Act it was enacted that the Rates and Duties arising from the *Crinan* Canal, and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property therein mentioned, should remain vested in the said Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until not only the said several Sums of Twenty-five thousand Pounds, Twenty-five thousand Pounds, and Five thousand Pounds,

45 G. 3. c. 85.

51 G. 3. c. 117.

56 G. 3. c. 135.

Pounds, and Interest for the same respectively, but also the said Sum of Nineteen thousand four hundred Pounds, with Interest, should be paid or satisfied, in the same Manner and as fully and effectually as if another Assignment thereof had been made: And whereas, in obedience to a Minute issued by the Lords Commissioners of Her Majesty's Treasury on the Twentieth Day of *August* in the Year One thousand eight hundred and thirty-three, by virtue of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Execution of the Duties performed by the Barons of Exchequer in* Scotland *in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in* Scotland *under the Commissioners for the Affairs of Taxes*, the remaining Barons of the said Court of Exchequer in *Scotland* divested themselves of the Rates and Duties arising from the *Crinan* Canal, the Canal itself, and all the Estate, Right, Title, and Interest of the aforesaid Company in and to the same, and the Quays, Houses, Lands, and other Property thereof, and conveyed the same and every Part thereof to the King's Remembrancer and Auditor of Exchequer in *Scotland* for the Time being: And whereas the said Sum of Nineteen thousand four hundred Pounds was applied towards the Expenses mentioned in the said recited Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, aforesaid: And whereas the Commissioners of the *Caledonian* Canal, although originally appointed under the said Act only to superintend the Expenditure of the said Grant of Nineteen thousand four hundred Pounds, have, with the Sanction of the Lords Commissioners of Her Majesty's Treasury for the Time being, continued to manage the Affairs of the *Crinan* Canal ever since: And whereas the public Debt on the *Crinan* Canal amounts altogether to the Sum of Seventy-four thousand four hundred Pounds, without calculating the Interest which has been long accumulated and might be claimed: And whereas the Revenue derived from the *Crinan* Canal has been since its Construction and is now scarcely sufficient to defray the Cost of maintaining the Canal in efficient working Order, and there is no Prospect of any Augmentation of such Revenue, except by an Adjustment of the Duties leviable, and by the Expenditure of large Sums of Money, as considerable Repairs are still necessary to render this Navigation safe and permanently useful: And whereas, considering the heavy public Debt now due by the said Company of Proprietors, and the lengthened Period of Time which has elapsed since the Commencement of such Debt, and also considering the present State of the Revenue derived from the *Crinan* Canal, and the necessary Expenditure thereon, it is just and reasonable that the said Canal and Works connected therewith should be held at the Disposal of the Commissioners of Her Majesty's Treasury, freed and discharged from all the Right, Title, Interest, Claim, and Equity of the said Company of Proprietors, or of any Person or Persons claiming from or through them: And whereas it would be expedient and advantageous if the Commissioners of the *Caledonian* Canal were incorporated in manner herein-after mentioned: And whereas it appears to the said Commissioners of Her Majesty's Treasury to be essential that the *Crinan* Canal and Works connected therewith should be vested in the Commissioners of the *Caledonian* Canal, in order that both Navigations may be united under the same Management:

3 & 4 W. 4. c. 13.

Management: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts of the Forty-third and Forty-fourth Years of the Reign of His said Majesty King *George* the Third as relates to the Appointment of Commissioners for the Purpose of carrying out the Provisions of the said Acts shall from and after the passing of this Act be null, void, and of no Effect, and the Commission itself shall cease to exist.

So much of recited Acts of 43&44 G. 3. as relates to appointing Commissioners null and void.

II. And be it enacted, That the Right Honourable the Speaker of the House of Commons for the Time being, the Chancellor of the Exchequer for the Time being, the Lord High Admiral for the Time being, or the senior of the Commissioners for executing the Office of Lord High Admiral for the Time being, the Vice President of the Board of Trade for the Time being, the Lord Advocate for the Time being, *William Gibson Craig* Esquire (so long as he shall be One of the Lords of Her Majesty's Treasury), *James Loch* Esquire, *Alexander Milne* Esquire, *Duncan Macneill* Esquire (or the Member for the County of *Argyll* for the Time being), *Neill Malcolm* Esquire, *Alexander Campbell* Esquire, *Edward Ellice* junior, Esquire, *James Murray Grant* Esquire, and *Evan Baillie* Esquire, and such other Person or Persons as shall or may be appointed as herein-after mentioned, shall be and are hereby united into One Body Politic and Corporate by the Name and Style of "The Commissioners of the *Caledonian* Canal," and by that Name shall have perpetual Succession, and a Common Seal, with Power to change, break, and make new the same as they shall judge expedient, and by that Name shall and may sue and be sued, and may acquire, hold, and enjoy and also acquire and dispose of Lands and Property, heritable and moveable, real and personal.

New Commissioners incorporated.

III. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such other Persons as She or They may think proper, but not exceeding Eight in the whole, to be Commissioners in addition to the Commissioners before named; and in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the Commissioners it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such Person or Persons as She or They may think proper to supply such Vacancy or Vacancies, One of the Lords of Her Majesty's Treasury for the Time being always being One of the Commissioners.

Power to Her Majesty to appoint other Commissioners.

IV. And be it enacted, That from and after the passing of this Act the said *Caledonian* Canal, and all Warehouses, Buildings, Wharfs, Reservoirs, Lands, Tenements, and Hereditaments connected therewith, and all Chattels, Moveable Property, and Effects thereto belonging, shall be and hereby are subject to the existing Debts, Liabilities, and Engagements, Contracts, Obligations, and Incumbrances, affecting the same, vested in the Commissioners, and the Commissioners shall have and be seised and possessed of and are hereby invested with such and the like Estates, Authorities, Powers,

Caledonian Canal vested in the Commissioners.

Abilities, Interests, Privileges, and Advantages, and shall be and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, and Control, as are mentioned, directed, given, granted, prescribed, and established in and by the said recited Acts of the Forty-third and of the Forty-fourth Years of the Reign of His said Majesty King *George* the Third, of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and of the Third and Fourth Years of the Reign of Her present Majesty, to every Intent and Purpose whatsoever, with respect to the Commissioners of the *Caledonian* Canal before the passing of this Act; and the Commissioners shall have and be entitled unto the full Benefit and Advantage of and be subject to all and every the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things contained in the said last-mentioned Acts (except such Parts thereof as are hereby varied and altered) in such and the same Manner and as fully and effectually, to all Intents and Purposes, as if all the said Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things were herein repeated and re-enacted.

Crinan Canal vested in the Commissioners.

V. And be it enacted, That from and after the passing of this Act the Tolls and Rates arising from the *Crinan* Canal, and also the Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall be and become the Property of and the same are hereby transferred to and vested in the Commissioners, freed and discharged from all Rights, Equity, or Claim of the said Company of Proprietors of the *Crinan* Canal, or of any Person or Persons claiming through them, except as herein-after provided; and the Commissioners shall thenceforth have and enjoy all the Rights, Powers, and Authorities for levying, taking, altering, and managing the Tolls, Rates, and Duties leviable on the *Crinan* Canal, and all other Rights, Powers, and Authorities now or at any Time heretofore possessed or enjoyed by the said Company of Proprietors, and shall and may henceforth undertake and exercise the Management and Administration of the *Crinan* Canal, and of every thing connected therewith, in as full and ample a Manner as now appertains to them with regard to the *Caledonian* Canal under or by virtue of the said last-mentioned Acts and of this Act; and from and after the passing of this Act all Right of Management or Interference, and all Interest of any other Parties whatsoever, of or in the *Crinan* Canal, and the Works and Appurtenances thereof or belonging thereto, and the Tolls and Rates arising therefrom, shall to all Intents and Purposes, except as herein-after provided, cease and determine.

Crinan Canal to revert to the Company on the Debt being paid.

VI. Provided always, and be it enacted, That if the said Company of Proprietors shall at any Time within Twenty Years from the passing of this Act pay or cause to be paid into Her Majesty's Treasury the said Sum of Seventy-four thousand four hundred Pounds, with legal Interest thereon, and also all such Sums of Money

Money as the Commissioners shall have expended in improving and keeping in repair the *Crinan* Canal and Works connected therewith, over and above the Amount of the Tolls and Rates which shall in the meantime have been received from the said Canal, then and in such Case the Tolls and Rates arising from the said Canal, and also the said Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall revert to and again become the Property of and be vested in the said Company of Proprietors, freed and discharged from all Claims on the Part of Her Majesty's Treasury, in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed: Provided nevertheless, that all Agreements, Acts, and Things entered into, made, or done by the Commissioners from and after the passing of this Act, and until such Resumption of Possession by the said Company of Proprietors as aforesaid, shall be good, valid, and binding on all Parties, any thing herein-before contained to the contrary notwithstanding.

Interpretation of Act.

VII. And be it enacted, That in this Act the Words "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal hereby incorporated, unless there be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

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

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