



Canal Carriers Act 1845

1845 CHAPTER 42 8 and 9 Vict

An Act to enable Canal Companies to become Carriers of Goods upon their Canals. [21st July 1845]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C3 This Act is not necessarily in the form in which it has effect in Northern Ireland

Commencement Information

- I1 Act wholly in force at Royal Assent

[1.] **Enabling canal companies to carry goods on their canals, or canals communicating therewith.**

It shall be lawful for the company of proprietors, trustees, or the undertakers of any canal, river, or navigation, or their respective committees, directors, or managers, or their superintendents or other agents by them duly authorized, to carry as common carriers for their own profit upon their respective canals, rivers, or navigations, or upon any railways or tramways belonging thereto, and constructed under the powers of their respective Acts of Parliament, or upon any other canals, rivers, or navigations communicating therewith, either directly or by means of any intermediate canal, river, or navigation, all such goods, wares, merchandise, articles, matters, and things as may be intrusted to them for that purpose, and, for the better enabling them so to do, to purchase, hire, and construct, and to use and employ, any number of boats, barges, vessels, rafts, carts, waggons, carriages, and other conveniences, and also to establish and furnish such haulage, trackage, or other means of drawing or propelling the same, either by steam, animal, or other power, or for the purpose of collecting, carrying, conveying, warehousing, and delivering such goods, wares, merchandise, articles, matters, and things, as to any such company or undertakers shall seem fit, and to make such reasonable charges for such conveyance, warehousing, collection, and delivery as they may respectively from time to time determine upon, in addition to the

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several tolls or dues which any such company or undertakers are now authorized to take for the use of their said canals, navigations, or railways.

2 Company to be subject to the bye laws of any other company upon whose canal they may act as carriers.

Provided always, that any such company, commissioners, trustees, or undertakers using or employing any steam power for propelling, by means of paddle wheels, boats, barges, vessels, or rafts, upon any canal, river, or navigation, (other than their respective canals, rivers, and navigations,) shall use and employ the same subject to such bye laws, rules, and regulations touching the construction, dimensions, power, rate of speed, and otherwise, of such boats, barges, vessels, or rafts so propelled by steam as aforesaid as the directors, commissioners, or undertakers of the canals, rivers, and navigations respectively on which such last-mentioned boats, barges, vessels, or rafts shall be used and employed shall see fit to make and publish in that behalf, and they are hereby authorized and empowered to make and publish such bye laws, rules, and regulations, and from time to time to add to or amend the same, as need may require; but it is hereby expressly provided and enacted that any bye laws, rules, and regulations so to be made and published shall be made equally applicable to and binding on all companies and persons so using such last-mentioned boats, barges, or other vessels.

3 Canal companies may provide boats and power for hauling and tracking vessels of other persons.

It shall also be lawful for any such company, trustees, or undertakers to purchase and provide and use boats and other vessels, and also horses, steam or other power, and machinery, for hauling, tracking, and towing upon their own canals, rivers, or navigations, or upon any other canals, rivers, or navigations communicating therewith, either directly or by means of any intermediate canal, river, or navigation, and to employ a sufficient number of competent persons for those purposes, and to demand and receive for the use of such boats, and for such hauling, tracking, or towing, such reasonable hire or remuneration as shall be fixed by the respective committees, directors, or managers of such canals or navigations, or as shall be agreed upon between them and any person desiring the use of any such boats or vessels, or requiring such hauling, tracking, or towing.

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Textual Amendments
F1 Ss. 4, 12 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. 1](#)

5 Company may sue and be sued as carriers, and may prefer indictments.

Any canal or navigation company exercising the powers by this Act granted shall have all the same powers and remedies for recovering any sum or sums of money which shall or may become due and owing to such company as carriers, or for the use of any boats or vessels, or for the supply of any haulage, trackage, or other power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament

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in reference to the tolls and duties thereby made payable, or they may, at their option, sue for and recover such charges, or any part thereof, in any of the superior courts; and such company may in like manner be sued for any loss sustained by any person or persons employing the said company as carriers, or for any neglect or misconduct of such company or their servants in respect of their conduct as carriers by virtue of this Act; and such company may prosecute any indictment or other proceeding at law in respect of any offence arising or being committed in the course of such carrying or other proceeding under this Act; and it shall be sufficient if any goods or other things which are set out in any indictment shall be described and laid to be the property of the said company.

6 Provisions in force relating to common carriers to apply to such companies.

Provided always, that nothing herein contained shall in any case extend to charge or make liable any such company further or in any other case than where, according to the laws of this realm for the time being, common carriers would be liable; nor shall any thing herein contained extend to deprive such company of any protection or privilege which either now or at any time hereafter common carriers have or may be entitled to, but such company shall from time to time and at all times have and be entitled to the benefit of every such protection and privilege.

7 Companies empowered to contract with other canal companies.

. . . ^{F2}Notwithstanding any thing in this Act or in any of the said Acts for establishing or incorporating the said companies contained, it shall be lawful for any such canal or navigation company as aforesaid, and they are hereby empowered, from time to time to make and enter into any contract or agreement with any other canal or navigation company, or the commissioners or undertakers thereof respectively, (and which contract or agreement such other company is hereby authorized to enter into), either for the division or apportionment of tolls, dues, and charges, or for the passage over or along their respective canals or navigations, or any branches thereof, or any railways or tramways connected therewith and belonging thereto as aforesaid, of any boats, barges, or other vessels, or of any carriages or trucks drawn or propelled by steam, animal, or other power, of or belonging to any other company, or which shall pass along any other line of canal, navigation, or railway or for the passage over or along any other line of canal, navigation, or railway of any such boats, barges, or other vessels, carriages, or trucks, drawn or propelled as aforesaid, which shall belong to any such company, or which shall pass along their line of canal, navigation, or railway, upon the payment of such tolls and duties, and under such conditions and restrictions, as may be deemed advisable and may be mutually agreed upon, and also to enter into any other contract with any other canal or navigation company that may be deemed advisable; and any such contract may contain such covenants, clauses, conditions, and agreements as the contracting parties may think advisable and mutually agree upon.

Textual Amendments

F2 Recital omitted by virtue of statute Law revision Act 1891 (c. 67)

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8 Canal companies empowered to lease their tolls.

It shall be lawful for any such canal or navigation company, from time to time, by lease, to take effect in possession within six months from the letting thereof, to let the tolls and duties, or any part thereof, upon the whole or any part of any such canal or navigation, or of any such railways or tramways, to any other canal or navigation company, (and which lease such other canal or navigation company is hereby authorized to accept and enter into), for any period not exceeding twenty-one years from the commencement of any such lease: Provided always, that no such letting shall take place unless public notice of the intention to let such tolls, or the part thereof intended to be let, shall have been given by the company proposing to let the same, by advertisement, at least fourteen days prior to the meeting of the directors or managers at which it shall be intended to let such tolls.

9 Lessees to be deemed collectors.

During the continuance of any such lease the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same powers to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the company demising the same.

10 Lessee making default to be removed.

If any such lease shall become void or voidable, according to any stipulations therein contained for that purpose, by reason of the failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall become payable, then, upon application made by the company who shall have demised the same to a justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon any toll house, dwelling house, office, weighing machine, or other building, with the appurtenances, belonging to the lessors, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession thereof and of all property found therein belonging to the lessors, and deliver the same to them or any person appointed by them for that purpose.

11 Power to relet tolls.

Upon such possession being obtained it shall be lawful for the company having made such demise to determine the lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of any unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force; and in every such case, either during such proceedings or on the termination thereof, the company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

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Textual Amendments

F3 S. 4,12 repealed by [Transport Act 1962 \(c.46\)](#),s. 95(3), Sch. 12 Pt. I

13 Act not to exempt canal companies from any general Act.

Nothing herein contained shall be construed to exempt any canal or navigation company who shall adopt the powers of this Act from the operation of any general Act, regulating the manner of charging tolls and other charges upon canals or navigations in respect of passengers, goods, animals, articles, and things, of a like description, which may be passed in the course of any future session of Parliament.

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Textual Amendments

F4 S. 14 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Changes to legislation:

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