



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 120.

An Act to alter and amend the several Acts passed for making and maintaining the *Forth* and *Clyde* Navigation. [12th July 1806.]

WHEREAS by an Act passed in the Eighth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot, in the County of Dumbarton, and also a Collateral Cut from the same to the City of Glasgow; and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness to join the said Canal at or near the Place where it will fall into the Firth of Forth,* the Company of Proprietors of the *Forth* and *Clyde* Navigation were incorporated for the Purpose of making, completing, and maintaining the said Canal, and other necessary Works, with certain Powers, and under certain Orders and Regulations therein particularly mentioned: And whereas an Act was made in the Eleventh Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and render more effectual an Act made in the Eighth Year of His present Majesty's Reign, intituled 'An Act for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot, in the County of Dumbarton, and also a Collateral Cut from the same to the City of Glasgow; and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness to join the said Canal at or near the Place where it*

8 G. 3. c. 63.
11 G. 3. c. 62.

[*Loc. & Per.*] 28 O 'will

- 13G.3.c.104. 'will fall into the Firth of Forth:' And whereas an Act was made in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Powers of Two Acts made in the Eighth and Eleventh Years of the Reign of His present Majesty, for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot, in the County of Dumbarton, and also a Collateral Cut from the same to the City of Glasgow, and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness to join the said Canal at or near the Place where it will fall into the Firth of Forth:* And whereas
- 24 G.3. c.59. an Act was made in the Twenty-fourth Year of the Reign of His present Majesty, intituled *An Act for extending, amending, and altering the Powers of an Act made in the Eighth Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a navigable Cut or Canal ' from the Firth or River of Forth, at or near the Mouth of the River of ' Carron in the County of Stirling, to the Firth or River of Clyde, at or ' near a Place called Dalmuir Burnfoot, in the County of Dumbarton, and ' also a Collateral Cut from the same to the City of Glasgow; and for ' making a navigable Cut or Canal of Communication from the Port and ' Harbour of Borrowstounness to join the said Canal at or near the Place ' where it will fall into the Firth of Forth:'* And whereas an Act was
- 27 G. 3. c. 20. made in the Twenty-seventh Year of the Reign of His present Majesty, intituled *An Act for varying and extending the Powers of the Company of Proprietors of the Forth and Clyde Navigation:* And whereas another
- 27 G. 3. c. 55. Act was made in the same Session of Parliament, intituled *An Act for altering and extending the Line of the Cut or Canal authorized to be made and maintained by so much of several Acts made in the Eighth, Eleventh, Thirteenth, and Twenty-fourth Years of the Reign of His present Majesty, as authorizes the making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot, in the County of Dumbarton, and also a Collateral Cut from the same to the City of Glasgow; for deepening the said Cut or Canal; and for explaining and amending so much of the said Acts as relates to the making and maintaining the said Cut or Canal:* And whereas an Act
- 30 G. 3. c. 73. was made in the Thirtieth Year of the Reign of His present Majesty, intituled *An Act for forming a Junction between the Forth and Clyde Navigation and the Monkland Navigation, and for altering, enlarging, and explaining several former Acts passed for making and maintaining the said Navigations:* And whereas an Act was made in the Thirty-ninth Year of
- 39 G. 3. c. 71. the Reign of His present Majesty, intituled *An Act for empowering the Company of Proprietors of the 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 the said Forth and Clyde Navigation was finished at a very large Expence, and the Proprietors received no Interest or Return for their Money for above Thirty Years: And whereas from various Circumstances and Changes arising from Experience in the Mode of conducting the Affairs of the said Company, it

is become necessary to alter and improve the internal Constitution thereof: And whereas the Expence of maintaining the said Canal is become very great by reason of the Increase of Servants Wages, and in the Price of Labour and Materials, as well as on account of the Length of Time since it was begun, which renders it frequently necessary to make considerable Repairs, and to renew Works that are decayed or worn out; and the Rates and Duties authorized to be levied by the said recited Acts are now found to be inadequate thereto, and to pay a suitable Dividend to the Proprietors; and it is just and requisite that the same should be increased: And whereas the said several Acts require to be further enlarged, altered, and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Powers and Authorities by the said Acts, or any of them, given to the said Company in General Meetings assembled to choose Twelve Persons, to consist of a Chairman, a Deputy Chairman, and Ten other Members, with the Title of the Committee of Management for conducting the Affairs of the said Company, shall cease and determine.

Powers to elect a Governor and Council, and a Committee of Management, to cease.

II. And in order that all Matters and Things to be done by Authority of this present Act, and of the Acts before recited, as far as the same are not hereby repealed or altered, may be more regularly and effectually carried into execution; be it enacted, That a General Assembly or Meeting of the Proprietors of the said Navigation shall be holden at the *British Coffee House in Cockspur Street, in the Parish of Saint Martin in the Fields*, within the Liberty of *Westminster*, upon the Second *Wednesday* after the passing of this Act, and that it shall be lawful for the said Proprietors, or the Majority of them, attending in Person or by Proxy, and they are hereby authorized, to adjourn such First General Assembly or Meeting to any Place or Places within the Cities of *London* or *Westminster*, or Liberties thereof, and not elsewhere, as the said Proprietors or the major Part of them shall direct and appoint, with Power to adjourn such other subsequent General Assembly or Meeting from Time to Time to such Place or Places within the said Cities of *London* or *Westminster*, or Liberties thereof, and not elsewhere, as they shall think necessary.

First General Assembly of Proprietors.

Power of adjourning.

III. And be it further enacted, That at such First General Assembly or Meeting the Proprietors of the said Navigation then and there assembled, together with such Proxies as shall be present, shall, in addition to the Governor and Four Persons called the Governor and Council directed to be chosen by the before-recited Acts or One of them, choose Three more Persons, making in all a Governor and Seven Persons, each of whom shall be a Proprietor of Five or more Shares in the said Navigation, to be called "The Governor and Council of the Company of Proprietors of the *Forth and Clyde* Navigation."

New Governor and Council to be chosen.

IV. And be it further enacted, That the said Governor and Council so to be elected shall have full Power and Authority, and they are hereby authorized and empowered, to manage, superintend, and conduct all the Affairs of the said Company, subject to the Controul of the General Meetings, and shall exercise all the Powers and Authorities given to the former

Powers of Governor and Council.

former Governor and Council, and to the Committee of Management, and shall perform the same Duties, according to the Orders and Regulations contained in the before-recited Act passed in the Twenty-seventh Year of His present Majesty's Reign, intituled *An Act for varying and extending the Powers of the Company of Proprietors of the Forth and Clyde Navigation*, or in the before-recited Acts, or in any other Act or Acts wherein they are appointed Trustees or otherwise, except in so far as the same are hereby altered, or inconsistent with this present Act.

Committee to be appointed by Governor and Council.

V. And be it enacted, That all Meetings of the said Governor and Council for the Time being (except those of the Committee herein-after mentioned) shall be held at such Place or Places within the Cities of *London* or *Westminster*, or Liberties thereof, as they shall think proper; and that they shall have full Power and Authority to nominate and appoint Three of their own Number to be a Committee for managing the Affairs of the said Company in *Scotland*, to be called "The Committee of Council of the Company of Proprietors of the *Forth* and *Clyde* Navigation," subject to the Orders and Regulations of the said Governor and Council: Provided always, that the Governor and other Members of the Council, not appointed on the said Committee, may, when in *Scotland*, attend their Meetings, and shall have a Voice in the Conduct of the Affairs entrusted by the Governor and Council to the Management of the said Committee, in like Manner as any other Member of the said Committee.

Annual General Assemblies for electing Governor and Council.

VI. And be it enacted, That after the said First General Meeting, annual and other General Assemblies or Meetings of Proprietors for electing the said Governor and Council, and for filling up Vacancies therein, shall be held at the Times and in manner mentioned in and appointed by the said recited Act passed in the Twenty-seventh Year of His present Majesty's Reign, for the Election of a Governor and Seven Persons, to be called "The Governor and Council of the Company of Proprietors of the *Forth* and *Clyde* Navigation" as aforesaid, and for supplying Vacancies, any thing herein contained to the contrary notwithstanding.

Former Rates and Duties repealed.

VII. And be it enacted, That from and after the passing of this Act the several and respective Rates and Duties granted by the before-recited Acts, or any of them, on all Goods and Commodities, and on light or empty Vessels, navigated or conveyed on the said Canal and Collateral Cut, and lying in the Harbours and Basins and on the Quays and Wharfs belonging thereto, and all Exemptions from the said Rates and Duties, shall cease, determine, and be no longer paid or payable or allowed, save and except as to any Arrears of the said several Rates and Duties which may at the passing of this Act remain unpaid, or to any Fine, Penalty, or Forfeiture relating thereto which shall have been previously incurred.

New Rates and Duties to be levied.

VIII. And be it enacted, That from and after the passing of this Act, in consideration of the great Charges and Expences already incurred and to be incurred by the said Company, their Successors and Assigns, in making, maintaining, and supplying with Water the said Canal and Collateral Cut, and all the other Works therewith connected, it shall and may be lawful to and for the said Company of Proprietors, their
Successors

Successors and Assigns, from Time to Time to ask, demand, take, and recover, to and for their own proper Use and Behoof, on all Goods and Commodities, and on light or empty Vessels, navigated or conveyed on the said Canal and Collateral Cut, and lying in the Harbours and Basins and on the Quays and Wharfs belonging thereto, the following Rates and Duties ; that is to say,

On all Goods and Commodities whatever so navigated or conveyed, a Duty not exceeding Four-pence Sterling *per Ton per Mile* :

On all light Boats and other Vessels without a Lading, or in Ballast only, so navigated, a Duty not exceeding Two-pence Sterling *per Mile* for every Ton Burden of such Boats or Vessels respectively, according to their respective Registers or Measurement :

On every *British* or *Irish* Vessel lying in any of the Harbours and Basins, a Duty not exceeding Two-pence Sterling *per Ton* :

On every Foreign Vessel lying as aforesaid, a Duty not exceeding Four-pence Sterling *per Ton* :

On every Ton of Timber lying in any of the Basins thereof, a Duty not exceeding Four-pence Sterling *per Ton per Month*, and in the same Proportion for any greater or less Quantity than a Ton, or for a longer or shorter Time than a Month :

On every Ton of Goods and Commodities remaining above Twenty-four Hours upon any of the said Quays, Wharfs, or Landing Places, or at any Place on the Line of the Navigation, a Duty not exceeding Two-pence Sterling *per Ton per Day*, and in the same Proportion for any greater or less Quantity than a Ton :

On all Goods landed or put into Lighters from, and on all Goods loaded into, Vessels lying in the said Canal or Basins, a Duty not exceeding Two-pence Sterling *per Ton*, and so in proportion for a greater or less Quantity than a Ton :

On every Vessel lying in any of the said Basins for a longer Time than Twenty-four Days, a Duty not exceeding One Penny Sterling *per Ton per Day* thereafter :

On every Vessel coming into any of the said Harbours or Basins, a Duty not exceeding Sixpence Sterling on every Fifty Tons of the Burden thereof, for lighting the said Harbours and Basins :

The said Rates and Duties to be levied agreeable to such Orders, Rules, and Regulations as shall from Time to Time be issued by the said Governor and Council for the Time being by virtue of the Powers granted by the before-recited Acts and this Act.

IX. And be it enacted, That the said Governor and Council for the Time being shall have full Power and Authority, and they are hereby empowered and authorized, under the Company's Seal, to reduce the Rates and Duties payable on all Goods and Commodities which shall be carried upon the said Canal or Collateral Cut, without passing a Lock, and to increase the said Rates and Duties payable on Vessels passing short Distances, and through a Lock or Locks, to any Sum not exceeding Four-pence *per Ton per Mile*, and also to make such Alterations, Rules, and Regulations as they shall think fit relative to the Payment of full Tolls on all Sorts of Goods and Commodities, any thing in the before-recited Acts to the contrary notwithstanding.

[*Loc. & Per.*]

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X. And

Powers of Governor and Council to alter and vary the Rates and Duties.

Former
Powers of
levying Rates
and Duties
continued.

X. And be it enacted, That all Powers and Authorities given by the before-recited Acts or any other Act or Acts to the said Company, or any other Person or Persons, for collecting and enforcing Payment of the Rates and Duties thereby granted, shall continue and remain in full Force and have the same Effect for collecting and enforcing Payment of the Rates and Duties authorized to be levied by this present Act.

Powers to
regulate
Weighers,
Measurers,
Pilots, and
Trackers.

XI. And be it enacted, That the Governor and Council of the said Company shall have full Power and they are hereby authorized to establish Rules and Regulations for the Conduct of all Persons employed in, upon, or about the said Canal and Collateral Cut, and the Harbours, Basins, Quays, Wharfs, and Banks thereto belonging, (except Officers or Persons authorized to assist in the Collection, Management, or Security of the public Revenue,) particularly of all Persons employed in weighing and measuring Corn and Timber or any Goods and Commodities to be carried or conveyed on the said Canal or Collateral Cut, or in piloting Vessels into the Harbours and Basins, or in tracking or towing Vessels or Timber, with Horses or otherwise, upon the said Canal or Collateral Cut, and to fix the Price or Prices to be paid to all such Persons, Weighers, Measurers, Pilots, and Trackers, for their own Labour and for the Hire of their Horses; and to enforce such Rules and Regulations by suitable Penalties, not exceeding Five Pounds Sterling for each Offence, to be levied, recovered, and applied in the Manner directed by the said recited Acts or either of them.

Former Acts
continued in
force.

XII. And be it enacted, That the said recited Acts, and any other Act or Acts passed relative to the said Navigation, and all the Powers and Authorities therein contained, except in so far as the same are hereby repealed or altered, or the Authorities and Powers thereby given are inconsistent with or repugnant to this present Act, shall continue in force, and have full Effect and Operation in the same Manner as if this Act had never been made.

Public Act.

XIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Justices, Judges, and others, without being specially pleaded.

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