



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI II. REGIS.

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## *Cap. lvi.*

An Act for making and maintaining a Navigable Canal from the *Lothian* Road, near the City of *Edinburgh*, to join the *Forth* and *Clyde* Navigation near *Falkirk*, in the County of *Stirling*.

[27th June 1817.]

**W**HEREAS the making and maintaining of a Navigable Canal for Boats, Barges, and other Vessels from near the City of *Edinburgh*, to join and communicate with the *Forth* and *Clyde* Navigation, at or near Lock Number Sixteen, opposite to *Camelon House*, in the Parish of *Falkirk*, in the County of *Stirling*, will open a direct, easy, expeditious and cheap Conveyance for Corn, Coal, Lime, Manure, Stone, Timber, Goods, Wares, and Merchandize, between the Cities of *Edinburgh* and *Glasgow*, and to and from the adjacent Towns and Places; will promote the Commerce, Trade, and Manufactures of the Country at large; will tend to the Improvement of Agriculture, and be of great public Utility: And whereas the several Persons herein-after named are desirous, at their own proper Costs and Charges, to begin, carry on, and complete the said Navigable Canal; but the same cannot be accomplished without the Aid and Authority of Parliament: 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 the Lord Provost of *Edinburgh* for the Time being, *William Arbuthnot*, *William Maxwell*, *Robert Downie*, *Harry*

Names of  
Subscribers.

[Local.]

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*Davidson*,

*Davidson, George Moncreiff, Hugh Bates Maxwell, John Sanderson, James Reid, Alexander Bowie, Robert Morton, George Murray, William Murray, Donald Ross, James Lorimer, Alexander Ross, John Grabame, Robert Ross, Frederick Schultze, William Taylor, James Bell, John Barclay, Alexander Gordon, Robert Paterson, Joseph Tait, Thomas Simpson, Patrick Tennant, John Macniven, Archibald Haig, John Brewster, Robert Young, G. W. Simpson, Aitken Megget, James Porteous, Adam Gunn, William Hill, Arthur M'Ewan, William Cramb, William Fotheringham, William Davie, G. Brown, David Ogilvy, Archibald Lumsdaine, John Miller, William Young, James Anderson, Andrew Girvan, Alexander Walker, Lindsay Bennet, Daniel Robertson, John Taylor and Sons, Patrick Taylor, G. M'Callum, G. Macfarlane, John Drummond, Peter Comie, Reverend P. M'Isaac, Peter M'Farlane, Robert Paterson, Alexander Deuchar, Reverend Walter Buchanan, John Lawes, Robert Playfair, James Smith, John Strachan, Robert Purdie, Margaret Turnbull, William Hay, James Weddell, James Weddell junior, Sarah Weddell, Margaret Weddell, John M'Gill, William Johnston, Andrew Paton, Peter Burn, John Cook, Henry Duncan junior, James Marshall, Robert Kinniburgh, Walter Nichol, John Lauder, Walter Scott, William Crease, Robert Kerr, G. Boak, James Boak, John Comb, Edward Henderson, James M'Leish, James Haig junior, James Haig, Alexander Haig, Robert Young, James Haig (Edinburgh), Reverend Charles Findlater, Alexander M'Gibbon, Andrew Grierson, Andrew Wilkie, Robert Ramage, Reverend Simon Fraser, D. M'Lean, Mrs. Cumming, John Jeffrey, John M'Intosh, Nathaniel Grant, John Anderson, William Drysdale, George Fenwick, Thomas Kerr, D. M'Gibbon, Alexander Kemp, William M'Pherson, Robert Beveridge, Thomas Megget, Miss Jane Megget, James Miller, G. Strachan, John Clapperton, James Hill, Robert Pienderleath, Robert Scott, Robert Grieve, Richard Whytock, Gibb and M'Donald, Alexander Cumming, John Wigham junior, John Wigham tertius, Mary Knox, Reverend John Johnston, Thomas Duncanson, George Brunton, Richard Haxton, G. Adam Anderson, David Dempster, James Burn, Peter Lawson, John Fraser, James Bowes, James Cook, John Noble, Thomas Henderson, Samuel Aitken, John Bradfute, John M'Dowall, Alexander Stodart, James Reid junior, David Purdie, James Hunter, John Redpath, William Knox, John Lewis, James Hofack, the Children of John Hofack deceased, Peter Sellers, James Virtue, David Mason, Francis Davidson, John Menzies, George Knight, William Nightingale, William Cunninghame, Nisbet Glen, Alexander M'Ritchie, Thomas Paterson, Robert Suttie, Janet Ronaldson, Marion Ronaldson, Nathaniel Gow, John Boyd, Robert Kerr, William Ritchie, Gib and Ogilvie, Alexander Henderson, James Rutherford, James Taylor, John Angus, Aitken Megget, John M'Kay, Robert Law, J. G. Hopkirk, Alexander Stevenson, Alexander Barrie, William and Daniel Lizars, John Cameron, George Ritchie, Andrew Wilson Smith, Alexander Giles, Alexander Cruickshank, J. H. Smith, John Lawson, Robert Grant, John Brown, Adam Freer, John Finlayson, Thomas Spence, George Duncan, William Cochrane, John Stevenson, David Whyte, William Myrtle, Lamont Scott, James M'Lagan, Patrick Dallaway, Oliver and Boyd, Susannah Finlay, Mrs. Cochrane, John Brydone, D. Chalmers, Mrs. General Maxwell, John Greig senior, Patrick Campbell, William Gilchrist, Donald Sinclair, W. C. Smith, Alexander Munro, James Grahame, Alexander Legget, John Westgarth, George Swan, James Sanson, John Steele, Robert Nimmo, John Horsburgh, Thomas Littlejohn, Thomas Miller, the Representatives of David Miller, Reverend D. Dickson, Colonel Robert Anstruther,*

*Anstruther, Mrs. Gilchrist, James Allan, James Whyte, Magdalene Whyte, Mary Whyte, Catherine Whyte, Janet Whyte, James Miller, John Berrie, Robert Fisher, Peter Moffat, William Gibson, Janet Baird, David Brown, George Irvine, Andrew Laurie, John Steele, George Butterworth, William Brown, Peter and Jean Bell, Robert Lithgow, Arthur Strachan, Samuel Anderson, George Forbes, Forbes Hunter Blair, David Anderson, Patrick Sanderson, James Stuart, William Douglas, W. B. Smith, Robert Fraser, John Ferguson, S. A. Wheeler, E. C. Bracebridge, the Reverend Thomas Gillespie Cult, William Elliot, John Abbot, James Blair, David Peat, George Whitehead, Patrick Richardson, James Walker, James Russel, Peter Muirhead, Margaret Muirhead, Ann Muirhead, Andrew Edgar, David Callendar, Alexander Calder, John Gibb, Robert Mickel, William Davidson, William Trotter, John Thomson, Stewart Bell, William Brydon, Charles Steele, John Thin, James Smith, Margaret E. Macfarlane, David Swan, Mary Dollin, Abram Comb, Samuel Grahame, Thomas Pringle, Reverend Thomas Browne, Thomas and John Wood, William Lamb and Son, David Walker, William Howison, Thomas Caldwell, John Christie, Sir William Forbes, Sir John Hay, Sir John Marjoribanks, John Bell, William Hardie, Robert Walker, John Smith, James Laurie, John Baird, John Macleman, James Black, Reverend Andrew Thomson, J. Macfarlane, A. Adams, Mrs. Adams, Jacob Ormond, David Pollock, William Wood, John Kidd, David Sim, Hugh Stodart, James Newlands, Charles Dearie, Alexander Muirhead, James Lumsden junior, Alexander Kid, Johanna Wallace, Greville Ewing, James Sharp, James Brasb, William Reid, Robert Baird, William Kippen, John Downie, James Anton, John Sanderson, John Reid, John Lockhart, John Turpie, Sarah Campbell, Mary Campbell, Ann P. D. Campbell, Archibald Wallace, John Brown, Robert Grahame, Ann Grahame, Thomas Grahame junior, John Robison, Andrew Mitchell, John Lawder, James Hill, Isabella Hill, Helen Hill, Elizabeth Cunninghame, Laurence Hill, John Stupart, Charles Tennant and Company, Robert Cleghorn, Archibald Cochrane, John Young, Elizabeth Young, Charles Young, Henry Monteth, James Lindsay, Thomas Harvie, John Allen, James Hill (Port Dundas), K. Finlay, James Cook, James Black, James Couper, R. MacFarlane, John Gourlay, Andrew Marshall, Thomas Menzies, John Rennie, Miss J. A. McGown, Robert Rennie, Robert Wilson, and James Millar,*

and all such Persons as shall, after the passing of this Act, agree and be permitted by the several Persons herein-before named, or the major Part of them, to become Members of a Company, to be called by the Name and Style herein-after mentioned, and their several and respective Successors, Executors, Administrators, and Assigns, and all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, who shall, according to the Conditions herein after set forth, be possessed of any Part of the Joint Stock of the said Company, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietor or Proprietors of a Share or Shares in the Canal, Reservoirs, Feeders, and other Works hereby authorized to be made, shall be and are hereby united

Company  
incorporated;

into a Company for carrying on, making, completing, and maintaining the said intended Canal, Reservoirs, Feeders, and other Works, according to the Rules, Orders, and Directions herein-after mentioned and expressed, and shall for that Purpose be one Body Politic and Corporate, by the Name and Style of *The Edinburgh and Glasgow Union Canal Company,*

Their Style.

and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have

have

have Power and Authority to purchase and hold Lands, Tenements, and Heritages, to them and their Successors and Assigns, for the Use of the said Canal, and for the several other Works hereby authorized to be made, and for the several Purposes herein mentioned; and also to sell any of the Lands, Tenements, or Heritages, purchased for the Purposes aforesaid, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Penalties, Forfeitures, or Disabilities.

Proprietors to raise Money among themselves for making the Canal and other Works.

II. And be it further enacted, That it shall and may be lawful to and for the said Company to raise and contribute amongst themselves a competent Sum of Money for making and maintaining the said Canal, Reservoirs, Feeders, and all the Basins, Aqueducts, Quays, Wharfs, and other Works and Conveniences, belonging or requisite thereto, not exceeding in the Whole the Sum of Two hundred and forty thousand five hundred Pounds (save and except as herein-after mentioned), which said Sum of Money shall be laid out and applied, in the first place, in discharging the Charges and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and doing and providing all Matters and Things preparatory and previous thereto; and then in making, completing, and maintaining the said Canal, Reservoirs, Feeders, and other requisite Works and Conveniences, for putting this Act into Execution; and that the said Sum of Two hundred and forty thousand five hundred Pounds, or so much thereof as shall be so raised and contributed, shall be divided into Shares of Fifty Pounds each, and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to them and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, or Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, shall be entitled to and receive, after the said Canal, Reservoirs, and Feeders shall be completed, the entire and net Distribution of an equal and proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages which shall or may arise and accrue from the Rates and other Sums of Money to be raised, recovered, or received by the said Company, by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

No Person answerable for more than his Stock.

III. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with or for any Debt or Demand whatever, due or to become due, from or by the said Company, or in any ways relating to the said Undertaking, beyond the Extent of his, her, or their Stock, or Share or Shares of the Capital Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

IV. And

IV. And be it further enacted, That the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Persons, of and in the said Canal, Reservoirs, and Feeders, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be Personal Estate.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for Five Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the General Assemblies of the said Company, to be held as herein-after appointed, shall have One Vote for every Five Shares, but not exceeding Ten Votes in the whole, although possessed of more than Fifty Shares in the said Undertaking; and every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for Five Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, or Assigns, who cannot attend such General Meetings, shall have a Vote for every such Five Shares, but not exceeding Ten Votes in the whole, although possessed of more than Fifty Shares in the said Undertaking, by their, his, or her Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of such other Person; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person, such Proxy being entitled to vote in his own Right as a Proprietor in the said Undertaking; and every Question, Matter, and Thing, which shall be proposed, discussed, or considered in any General Assembly of the said Company, shall be determined by the Majority of Votes of Proprietors and Proxies then present, provided that no Person shall be Proxy for more than Ten absent Proprietors; the Appointment of which Proxies to be made according to the Form following, or in Words to the same Effect; *videlicet*,

Subscribers to have a Vote for every Five Shares, not exceeding Fifty Shares.

‘ I A. B. of One of the Proprietors of The  
 ‘ Edinburgh and Glasgow Union Canal Company, do hereby nominate,  
 ‘ constitute and appoint C. D. of to be my Proxy,  
 ‘ in my Name and in my Absence to vote or give my Assent or Dissent to  
 ‘ any Business, Matter, or Thing relating to the said Undertaking, which  
 ‘ shall be mentioned or proposed at any Assembly of the Company of  
 ‘ Proprietors of the said Undertaking, in such Manner as the said C. D.  
 ‘ shall think proper, according to his Opinion and Judgment, for the  
 ‘ Benefit of the same, or any Thing appertaining thereto. In Witness  
 ‘ whereof I have hereunto set my Hand the Day of

Form of Appointment of Proxies.

VI. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for making, completing, and maintaining the said Canal, Reservoirs, Feeders, and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful to and for the said Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, or to borrow upon the Credit of the Undertaking as herein-after provided, any further or other Sum of Money for completing and per-

Proprietors may raise an additional Sum if necessary.

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fecting the said Undertaking, not exceeding in the whole the Sum of Fifty thousand Pounds; and every Body Politic, Corporate, or Collegiate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, or their, his, or her Proxy, in respect of every Five Shares of Fifty Pounds each of the said additional Sum so to be raised, but not more than Ten Votes, although possessed of more than Fifty such Shares; and shall also be liable to such Forfeitures, and stand interested in the Profits of the said Canal, Reservoirs, Feeders, and other Works, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sums hereby allowed to be subscribed and raised had originally been Part of the said Sum of Two hundred and forty thousand five hundred Pounds.

May be raised upon the Security of the Undertaking.

VII. Provided always, That in case the said Company shall be desirous of raising the said Sum of Fifty thousand Pounds, or any Part thereof, upon the Security of the said Undertaking, it shall and may be lawful to and for the said Company, upon a Resolution or Order of a General Meeting called for that Purpose by Public Advertisement, to borrow and take up at Interest all or any Part of the said Sum of Fifty thousand Pounds on the Credit of the said Canal, Reservoirs, Feeders, and other Works, and to assign the Property of the said Canal, Reservoirs, Feeders, and other Works, and the Rates arising or to arise to the said Company by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates); as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company, signed by Three Members of the Committee of Management, and countersigned by the Clerk, in the following Form, or in Words to the same Effect; (that is to say),

Form of Assignment.

‘ BY virtue of an Act passed in the Fifty-seventh Year of the Reign of  
 ‘ King George the Third, intituled [*here insert the Title of this Act*],  
 ‘ We The *Edinburgh* and *Glasgow* Union Canal Company incorporated  
 ‘ by and under the said Act, and by Authority of a General Meeting  
 ‘ held upon \_\_\_\_\_ in Consideration of the Sum  
 ‘ of \_\_\_\_\_ to us paid by *A. B.* of  
 ‘ do hereby bargain, sell, and assign unto the said *A. B.* his Executors,  
 ‘ Administrators, and Assigns, the said Canal, with the Reservoirs, Feeders,  
 ‘ and other Works belonging to the said Company, and all and singular  
 ‘ the Rates arising and payable to us by virtue of the said Act, and all  
 ‘ our Estate, Right, Title, and Interest of, in, and to the same; to hold  
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns, until  
 ‘ the said Sum of \_\_\_\_\_ with Interest for the same, after  
 ‘ the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be fully paid  
 ‘ and satisfied. In Witness whereof these Presents written (by *C. D.*) are  
 ‘ sealed with the Company’s Seal, subscribed by Three Members of the  
 ‘ Committee of Management, and countersigned by the Clerk of the  
 ‘ said Company, at *Edinburgh*, the \_\_\_\_\_ Day of \_\_\_\_\_ before  
 ‘ these Witnesses \_\_\_\_\_

And



as they shall think fit; and shall at all such General Assemblies appoint a Proprietor present, possessed of at least Ten Shares in the said Undertaking, to be Chairman; and such Chairman shall not only be entitled to vote as a Proprietor and Proxy (if he shall hold any Proxy), but in case of an Equality of Votes, shall have the decisive or casting Vote; and if upon any Election of a Chairman Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided that no Person or Persons, or Body Politic or Corporate, shall be entitled to vote at any such General Assembly in Person or by Proxy, or to be elected a Member of the Committee of Management to be appointed in Manner herein-after mentioned, unless he, she, or they shall have paid all the Calls on his, her, or their Subscription made and payable previous to such General Assembly.

General Assemblies to consist at least of Proprietors or Proxies of Proprietors holding 500 Shares.

IX. Provided always, and be it further enacted, That if at such First, or any Annual, Special, or Adjourned General Assembly, there shall not be Persons present as Principals and Proxies who shall be possessed of or entitled to Five hundred Shares in the said Undertaking, no Business shall be done at any such General Assembly; but the same shall be adjourned; and there shall be another General Assembly of the said Company upon that Day Fortnight, and so from Time to Time until there be Persons present at such General Assembly having as Principals and Proxies such Number of Shares as aforesaid; and of every such Adjourned General Assembly Ten Days Notice shall be given by Advertisement at least twice in One of the *Edinburgh* and *Glasgow* Newspapers.

Special General Assemblies may be convened.

X. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special General Assembly of the said Company is necessary to be holden, it shall and may be lawful to and for any Number of the said Proprietors, who shall be possessed of or entitled to Two hundred and fifty Shares in the said Undertaking, by a Writing under their Hands specifying the Purpose thereof, to require the Clerk of the said Company to call such Special General Assembly, and the said Clerk shall thereupon convene the same, by giving Three Weeks Notice thereof, by Advertisement to be inserted at least twice in One of the *Edinburgh* and *Glasgow* Newspapers, or in such other Manner as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Purpose of calling such Special General Assembly, and the Time when and Place within the City of *Edinburgh* where the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present personally, or by Proxy, shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matter so specified only; and all such Acts of the Proprietors, or of the major Part of them, voting according to the Number of Shares before specified, met together at such Special General Assembly, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any General Assembly appointed by this Act.

Committee of Management to be appointed.

XI. And be it further enacted, That the said Company shall at their First General Assembly nominate and appoint by Ballot, or otherwise as to them shall appear fit, Twelve Proprietors of the said Company, severally



severally holding at least Five Shares in the said Undertaking, to be a Committee for the Management of the Affairs and Concerns of the said Company, until the next General Assembly, to be holden on the First *Saturday* in the Month of *March* following, when Four of them who were first nominated at the said First General Assembly shall go out of Office; and the Proprietors assembled at such next General Assembly shall proceed to the Nomination and Appointment of other Four Proprietors, qualified as aforesaid, to act with the Eight remaining Members of the Committee for the ensuing Year; and at every subsequent Annual General Assembly to be held on the said First *Tuesday* in the Month of *March* Four Members shall in like Manner go out of Office, and other Four Proprietors qualified as aforesaid be elected in their Stead, the Four Members of the said Committee going annually out of Office being always those standing first in the Order of their Appointment, and the Members then nominated (whether new or re-elected) being always placed last in Rotation; and in case there shall not be present, at any such General Assembly, Proprietors and Proxies possessed of Five hundred Shares in the said Undertaking as aforesaid, no such Election shall then take place, and such Four Members shall continue in Office until others shall be elected in their Stead at an Adjourned General Assembly to be held in Manner herein-before directed; but no Person holding any Place, Office, Employment, or Contract under the said Company, shall be capable of being one of the said Committee while he holds such Place, Office, Employment, or Contract: Provided always, that all or any one or more of the Four Members of the said Committee annually going out of Office as aforesaid, may be re-elected at any Annual or Adjourned General Assembly; and that it shall and may be lawful to and for the said Company, at any Special General Assembly to be convened in Manner herein directed, to remove any Member or Members of the said Committee who shall refuse to act or become disqualified, and to nominate another Person or Persons qualified as aforesaid, in the room or stead of every Member of the said Committee who shall be so removed, or shall die, or hold any Place, Office, Employment, or Contract under the said Company, or cease to be a Proprietor of Five Shares in the said Undertaking; and every Person so nominated by the said Special General Assembly shall have the like Power and Authority as if he had been nominated by the said Annual General Assembly; and any Three or more Members of the said Committee of Management shall constitute a Quorum, and shall have the same Powers to act as if all the Members thereof were present.

XII. And be it further enacted, That the said Committee of Management shall meet in the City of *Edinburgh* on the Day of their Nomination in Manner aforesaid, and on the First *Tuesday* in the Months of *November*, *February*, and *March* next after the passing of this Act, and thereafter on the First *Tuesday* in the Months of *June*, *September*, *December* and *March*, in every future Year within the said City, and also when and as often between and in the Interval of such First and Quarterly Meetings as they shall think proper, either in *Edinburgh* or at any Place or Places on the Line of the said intended Canal, for putting this Act into Execution; and shall at their First Meeting appoint one of their Number to be Chairman, who shall act in that Capacity till he goes out of Office in Manner aforesaid; and the Committee for the Time being shall nominate

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First and other Meetings of Committee.

To appoint a Chairman.

one of their Number to be Chairman, in the Room of such first or any future Chairman who shall so go out of Office; of all which Meetings Three Days previous Notice in Writing shall, by Order of the Chairman, be given by the Clerk to the several Members of the said Committee, any Three of whom may direct the Clerk to call a Meeting if the Chairman shall refuse or decline to convene the same for Three Days after such Three Members shall have applied to him in Writing for that Purpose, and the Clerk is hereby required to give Three Days Notice accordingly; and in case of the Death, Disqualification, or Incapacity of such Chairman, the Clerk shall call a Meeting, by giving Fourteen Days Notice in Writing to the Members of the Committee, for the Purpose of electing a Chairman in his Room; and in the Event of the Absence of the Chairman at any Meeting of the said Committee, one of the Members present shall be appointed by them to act as such for the Time being; and that all Questions, Matters, and Things proposed, discussed, or considered by the said Committee, at their Meetings to be held in Manner aforesaid, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that, in case of an Equality of Votes, the Chairman shall have a Casting Vote; and if upon any Election of a Chairman Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; and in case there shall not, on the Day fixed for any such Meeting, be present so many Members of the said Committee as are hereby required to constitute a Meeting, the same shall be adjourned till that Day Fortnight by the Member or Members then present, or if no Member shall be present, by the Clerk or such other Person as shall attend in his Place.

Committee to appoint Officers, and take Security from Collectors of Tolls and other Officers.

XIII. And be it further enacted, That it shall and may be lawful for the Committee of Management at any such Meeting as aforesaid, and they are hereby authorized and required, from Time to Time, by Writing under the Hands of any Three of them, to nominate and appoint, during Pleasure, One or more Collector or Collectors of the Tolls, Rates, and Duties granted by this Act; and also such Assistant Engineers, Surveyors, Officers, and other Servants, as the said Committee shall think proper and expedient, for the better carrying the Purposes of this Act into Execution (except the Clerk and Engineer to be appointed by the General Assembly or Assemblies of the Company as herein-after directed), the said Committee always taking good and sufficient Security from the Collectors of Tolls, and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Collectors, Assistant Engineers, Surveyors, or other Officers and Servants, and appoint others in their Stead, as there shall be Occasion; and that all such Assistant Engineers, Surveyors, Collectors, and other Officers of the said Company, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody

Officers quitting and discharged, and Executors of those dying, to deliver up Books, &c.

or

or Power of such Collectors, Engineers, Surveyors, and other Officers, Executors, or Administrators respectively, belonging to the said Company, and in anywise relating to the said Undertaking; and that the said Committee of Management shall, at the General Assembly to be held on the First *Tuesday* in the Month of *March* One thousand eight hundred and eighteen, and at every subsequent Annual General Assembly to be held as herein-before directed, produce all Books, Accounts, and other Writings relating to the Company's Affairs and Transactions, so that the Proprietors attending the said General Assembly may have an Opportunity of inspecting the same; and the said Committee shall also at the said Meeting call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed to that Time for or on Account of the said Company, by the Clerk, Collectors, and other Officers, to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the said intended Undertaking: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than once a Year, if they shall deem it proper and expedient.

XIV. And be it further enacted, That the Committee of Management shall also have full Power and Authority, from Time to Time, at any of their Meetings to make such Call or Calls for Money, from the several Subscribers to and Proprietors of the said Undertaking, in order to pay the Expences of carrying on the same, as they shall from Time to Time find necessary and wanting, so that no such Call shall exceed the Sum of Five Pounds for or in respect of each Share in the said Undertaking, and so that no such Call be made but at the Distance of Six Calendar Months at least from each other, and so that Twenty-one Days Notice at least shall be given of every such Call, by Advertisement in the Newspapers published and circulated in the Cities of *Edinburgh* and *Glasgow*; all which Money to be so called for shall be paid to the Treasurer of the said Company, or into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the said Committee shall from Time to Time order and direct; and that the said Committee of Management shall also have full Power and Authority at every such Meeting as aforesaid, on Behalf of the said Company, to contract for and purchase all such Lands, Tenements, or Heritages, as the said Company are hereby authorized to purchase, and all such Materials and other Things as shall or may be wanted for the said Navigation and other Works hereby authorized to be made; and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in Exercise of the Powers hereby given; and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about or for carrying on the said Navigation or other Works or any Part thereof, as shall be thought expedient; and to enter into and make such other Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do; save and

Committee  
may make  
Calls for  
Money from  
Subscribers,

may contract  
for and purchase  
Lands,  
&c.

and may  
generally  
manage the  
Business of  
the Company.

except

except such only as are hereby expressly directed to be done by the Proprietors at any General Assembly to be held as herein-before or herein-after mentioned.

Proceedings  
of Committee  
subject to  
Assemblies.

XV. Provided always, and be it enacted, That all the Proceedings of the said Committee of Management shall be subject to the Examination and Control of the Annual and other General Assemblies of the said Proprietors, and that they shall pay due Obedience to all such Orders and Directions as they shall from Time to Time receive from the said Proprietors at any such Annual or other General Assembly relating to the Execution of this Act, such Orders and Directions not being contrary to any express Direction or Provision herein contained.

Compelling  
Payment of  
Subscrip-  
tions.

XVI. And be it further enacted, That the several Persons who have already subscribed or shall hereafter subscribe any Money for or towards making and maintaining the said Canal and other Works, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee of Management under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or by the said Committee of Management; and in case any Person or Persons shall refuse or neglect to pay the same, at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in Manner herein directed for Recovery of Calls on Shares.

Officers to be  
appointed by  
First General  
Assembly.

XVII. And be it further enacted, That the said Company shall, at their First General Assembly, appoint such Person as they shall think proper to be their Clerk, and also an Engineer, who shall hold their respective Offices during the Pleasure of the said Company; and that the Committee of Management for the Time being shall and may, if they see Cause, suspend such Clerk and Engineer, or either of them, from their Employments in the Company's Service, until the First General Assembly which shall be held after such Suspension.

Duty of the  
Clerk.

XVIII. And be it further enacted, That the Person who shall be chosen Clerk to the said Company shall reside in *Edinburgh*, and shall attend all the General Assemblies of the said Proprietors and Meetings of the Committee of Management, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep or cause to be entered and kept true and perfect Minutes and Accounts of all the Acts, Proceedings, and Transactions of the said General Assemblies and Meetings of the said Committee; and the said Clerk shall enter or cause to be entered in a Book or Books true and regular Duplicates of all Accounts and Proceedings which shall be transmitted to him by Order of the Committee of Management, and shall fulfil and obey all such Orders as he shall from Time to Time receive from the said General Assemblies and Committee of Management; and the said Clerk shall have the Custody of the Common Seal of the said Company, and of all their Books, Papers, and Writings, which hereafter shall be in *Edinburgh*, and shall keep the General Books of the said Company, and bring the same annually to a Balance; and he shall find Security for the due Execution of his Office to the Satisfaction of the Committee of Management, and to such Amount as shall be fixed by the General Meeting.

XIX. Provided

XIX. Provided always, and be it enacted, That it shall not be lawful for the Clerk and Treasurer not to be the same Person. said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of the said Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer; or being the Partner of such Treasurer, shall act as Clerk, in the Execution of this Act, every Person shall for every such Offence forfeit and pay Fifty Pounds, to any Person or Persons who shall sue for the same, to be sued for and recovered in the same Way in which, any of the Penalties by this Act imposed may be sued for and recovered.

XX. And be it enacted, That every Proprietor of the said Company shall and may, at all convenient Times, have recourse to, peruse, and inspect the Books of the said Company, and may demand and have Copies thereof, provided such Copies be made at the Expence of the Party, or Parties applying for the same; and if the said Clerk shall refuse to permit any Proprietor to inspect and peruse any such Book or Books, or refuse to make and deliver any Copy or Copies thereof, to be paid for as aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds; and whenever any Clerk shall die, quit, or be removed from his Office, it shall and may be lawful, at the First General or Special General Assembly of the said Company to be held thereafter, to appoint some other fit Person in place of the Clerk so dying, quitting, or being removed from his Office. Proprietors may inspect Books.

XXI. And be it further enacted, That the said Company shall also have full Power and Authority, from Time to Time, at any General Assembly to be held as aforesaid, to make such Rules, Orders, and Bye Laws, as to them shall seem meet and proper, for the good Government of the said Company, and for regulating the Proceedings of the said Committee of Management, and the Conduct of all Officers, Workmen, and Servants to be employed in and about the Affairs or Business of the said Company, and for the well and orderly using of the said intended Navigation, and the Basins, Tunnels, Locks, Reservoirs, Aqueducts, Bridges, and Gates thereto belonging, and for regulating the passing and repassing of all Vessels and Boats, and the conveying of all Goods, Wares, and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Watermen, Boatmen, Trackers, Carters, and others, who shall be employed on Land as well as on Water in towing, carrying, or conveying any such Vessels, Boats, Goods, Wares, or Merchandize upon the said Navigation or to and from the same, and for the Superintendence and Management of the said Undertaking in all other respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence; and all Rules, Orders, and Bye Laws so to be made as aforesaid, sealed with the Common Seal of the said Company, signed by the Chairman of such General Assembly, and countersigned by the Clerk, shall be binding upon and be observed by all Persons and to impose Fines. [Local.]

Persons using or in anywise concerned or employed in or about the said Navigation, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *Scotland*, or any of the express Directions or Provisions of this Act; and that Copies thereof, in so far as they relate to using the said intended Navigation, and the Basins, Tunnels, Locks, Reservoirs and Aqueducts, Bridges and Gates belonging thereto respectively, or to the Conduct and Behaviour of Boatmen, Watermen, Trackmen, Carters, and others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation, or of the Persons resorting to or making use thereof, shall be painted on Boards in large Characters, and be affixed and continued in some conspicuous Place or Places on the Line of the said Navigation.

Committee  
may call  
Special  
General  
Assemblies,

XXII. And be it further enacted, That if it shall at any Time appear to the Committee of Management to be necessary or expedient to call a Special General Assembly of Proprietors, for the more effectually putting this Act into Execution, or in order to take their Opinion or Directions respecting any Matter or Thing to be done in or about the said Undertaking, it shall be lawful for the said Committee of Management, by their Chairman, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the said Committee, to call such Special General Assembly of the Proprietors, by public Advertisement in One of the *Edinburgh* and *Glasgow* Newspapers, specifying the Cause of calling such Special General Assembly, and the Time and Place within the City of *Edinburgh* when and where the same shall be held, the Time being not less than Twenty-one Days after such Notice shall be given; and the said Company are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, and specified in such Notice; and the Decision and Determination of the Proprietors present at such Special General Assembly constituted in Manner aforesaid, or the major Part of them, according to the Number of Votes they shall have a Right to give as Principals and Proxies, respecting such Matters, shall be binding and conclusive upon the rest of the Proprietors, to all Intents and Purposes, and shall be observed and acted upon accordingly.

Company  
may sue for  
Calls not paid  
at the Time  
appointed.

XXIII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as herein-before is mentioned to the Treasurer of the said Company, or into such Bank or Banks as aforesaid, and of which such Notice shall be given as herein-before directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, at the Time and Place appointed for that Purpose, it shall be lawful for the said Company, in case they shall think fit, to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, as the Case may be, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and the Body Politic or Corporate, or the Person or Persons so refusing or neglecting to pay such his, her or their proportionable

Defaulters to  
forfeit 5l. for  
every Share;

portionable Part of such Money as aforesaid, shall forfeit to the said Company the Sum of Five Pounds for every Share which he, she, or they shall have or possess in the said Undertaking; and in case any such Body Politic or Corporate, Person or Persons, shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time so to be appointed, and the same shall not have been sued for by the said Company as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Body Politic or Corporate, or Person or Persons so neglecting or refusing, shall in the Option of the Committee of Management absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares which shall or may be so forfeited shall be vested in the said Committee of Management for the Time being, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall by Direction of the Committee of Management be sold by Auction, for the most Money which can be obtained for the same, and the Produce thereof applied to and for the Use and Behoof of the said Company.

and if Calls be not paid in Three Months, Shares to be forfeited.

XXIV. Provided always nevertheless, That no such Forfeiture of any Share or Shares in the said Undertaking shall be made until the Expiration of Twenty-one Days after personal Notice shall be given by the Clerk, or by such Person as shall be appointed by the Committee of Management, to the Owner or Owners thereof, or until the Expiration of Twenty-one Days after Notice in Writing signed by any such Clerk or Person so appointed shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at a Meeting of the Committee of Management; and that every such Forfeiture, after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the said Company, with regard to the future carrying on and Management of the said Undertaking; but no such Share or Shares shall be forfeited, if the Owner or Owners thereof shall, before the Expiration of the said Twenty-one Days, pay what shall be due thereon, together with legal Interest for the same, and all Expences incurred for Recovery thereof.

Shares not to be forfeited without Notice.

Forfeiture of Shares to be an Indemnity to Persons forfeiting.

XXV. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Shares in the said Canal, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as

Directing the Proceedings in Actions for Calls.

the

the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were Proprietor or Proprietors of some Share or Shares in the said Canal, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matters whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Share of Fifty Pounds, or was made within the Distance of Six Calendar Months from the last preceding Call, or without Notice given as aforesaid.

On the Death of Subscribers their Executors may complete the Payment of Shares.

XXVI. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Estate sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company shall be and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the said Committee of Management for the Time being, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall and may be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

XXVII. And



XXVII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares, to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares shall be made in the following Form, or in Words to the same Effect, *videlicet*.

I *A. B.* of \_\_\_\_\_ in Consideration of \_\_\_\_\_  
 I paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain,  
 sell, assign, and transfer to the said *C. D.* the Sum of \_\_\_\_\_  
 Capital Stock of The *Edinburgh and Glasgow Union Canal*  
 Company, being One Share [*or, so many Shares, as the Case may be*]  
 in the said Undertaking, to hold to the said *C. D.*  
 Executors, Administrators, and Assigns, subject to the same  
 Rules, Orders, and Restrictions, and on the same Conditions, that I  
 held the same immediately before the Execution hereof; and I the said  
*C. D.* do hereby agree to take and accept the said Capital Stock or  
 Share, subject to the same Rules, Orders, Restrictions, and Conditions;  
 consenting to the Registration hereof in the Books of Council and  
 Session, or others competent for Preservation, and thereto constituting  
 Procurators. In Witness whereof the said  
 Parties have subscribed these Presents (written by *E. F.*)  
 at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ before these  
 Witnesses

Form of  
Transfer

And on every such Sale (the said Transfer being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, and being duly registered in the Books of any competent Court in *Scotland*) an Extract of the same shall be delivered to the Clerk, to be deposited with the Records of the Company, and an Entry or Memorial thereof shall be made by him, in a proper Book or Books to be kept for that Purpose, for which no more than Five Shillings shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly; and until such Extract shall have been delivered, and such Entry or Memorial made thereof and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking: Provided always, that the Executors or Administrators of any of the said Proprietors shall not transfer any Share or Shares, or be entitled to receive any Interest or Dividends thereupon, until an Extract of the Will or confirmed Testament, or a Part thereof, or a Probate of the Will, or Letters of Administration of the Deceased, be delivered to the Clerk, and an Entry or Memorial of so much of the said Will or Testament, or of such Probate, as relates to the said Shares, or of such Letters of Administration, be made in a Book or Books to be kept by the said Clerk for that Purpose, for which Five Shillings and no more shall be paid to him.

Provido.

XXVIII. And be it further enacted, That after any Call of such Money shall have been made by the said Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her, or their  
 [Local.] 15 S \_\_\_\_\_  
 No Shares shall be sold after a Call, till the Money be paid. \_\_\_\_\_  
 respective

respective Share or Shares therein to the said Committee of Management for the Time being, in Trust for the Benefit of all the said Proprietors, until he, she, or they shall have paid to the Clerk of the said Company the whole and entire Sum of Money which shall have been called for, upon each Share subscribed by or belonging to him, her, or them; such Forfeiture nevertheless to be notified and declared in Manner hereinbefore directed, with respect to the Forfeiture of Shares, for not answering the Calls to be made thereon as aforesaid.

Proviso.

XXIX. Provided always, That it shall at all Times be lawful to and for the said Company, their Successors and Assigns, to take all other Measures competent in Law, for compelling every Person or Persons, or Body Politic or Corporate, who has or have already subscribed, or shall hereafter subscribe to the said Undertaking, or his or their Representatives or Assigns, to pay such Sum and Sums of Money as may be so respectively subscribed, with Damages for Delay and Costs of Suit; and that the Person or Persons, or Body Politic or Corporate, making such Payment and Satisfaction, shall be entitled to a proportional Share corresponding thereto of the capital Stock of the said Company.

Names of Proprietors to be entered, and Certificates delivered.

XXX. And be it further enacted, That the said Company or their Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the respective Shares, to be fairly and distinctly entered in a Book to be kept by their Clerk, and after such Entry the same to be signed by their Chairman; and that a Certificate under the Company's Seal, signed by the Chairman and countersigned by the Clerk, shall be delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

The Persons whose Names stand in the Books to be deemed Proprietors.

XXXI. And be it further enacted, That all Bodies Politic and Corporate, and all and every Person or Persons, whose Name or Names shall at any Time hereafter stand in the said Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of one or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assigns of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given, previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the

said Book shall appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been registered and entered as directed by this Act, shall be given and admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of Dividends, to any other Person or Persons, or Body or Bodies Politic or Corporate, than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

XXXII. And be it further enacted, That when the said Canal shall be completed, or as soon after as a competent Judgment can be formed of the Profits which may accrue therefrom, the said Company shall and they are hereby empowered and directed to make and declare such Dividend or Dividends on the Stock of the said Company, to be paid out of the Profits of the said Canal, as shall be settled and approved by any General Meeting of the said Company.

Company to  
pay Divi-  
dends on  
Stock.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make, complete, and maintain a Canal, of Five Feet Depth of Water, to be called *The Edinburgh and Glasgow Union Canal*, and to be navigable and passable for Boats, Barges, and other Vessels from the *Lothian Road*, in the Parish of *Saint Cuthbert's* or *West Kirk* Parish, and County of *Edinburgh*, through the said Parish, and into, through, or near to the several Parishes or Townships of *Collington*, *Currey*, *Ratho*, and *Kirkliston*, in the said County of *Edinburgh*; of *Kirkliston*, *Uphall*, *Dalmeny*, *Abercorn*, and *Linlithgow*, in the County of *Linlithgow*; and of *Muiravonside*, *Polmont*, and *Falkirk*, in the County of *Stirling*, to join and communicate with the *Forth* and *Clyde* Navigation at or near to Lock Number Sixteen in the Parish of *Falkirk*, near the Town of *Falkirk*, in the said County of *Stirling*; and also to make and maintain Feeders from the Rivers *Almond* and *Avon*, and from the Burns or Rivulets called *Craigs*, *Middlerig*, *Brighton*, *Sandyford*, *Niddry*, *Ratho*, and *Murray's Burn* (as hereinafter more particularly described), for supplying the said Canal, Reservoirs, and Feeders with Water, whilst making, and at all Times after the same shall be made, not only from the said Rivers and Rivulets or Burns above mentioned, but also from all Springs or Runs of Water which shall be found in digging or making the said Canal, Reservoirs, and Feeders, or any of them, within the Property to be acquired by the said Company under the Authority of this Act: Provided that it shall not be in the Power of the said Company to make or cause to be made any Reservoirs other or elsewhere than in the Places mentioned and delineated in the Plans lodged with the Clerks of the Peace of the Counties of *Edinburgh*, *Linlithgow*, *Stirling*, *Lanark*, and *Dumbarton*; and provided further, that nothing herein contained shall authorize the Proprietors of the said Canal to take, divert, or diminish in any Way the Water of the Springs

Power to  
make the  
Canal, &c.

Springs for the Supply of the Wells in the Burgh of *Linlithgow*, or any of them.

Feeder through Mr. Blair's Property how to be carried.

XXXIV. Provided always, and be it enacted, That no Feeder shall be carried through the Planted Bank called *Curriber Bank*, belonging to *William Blair* Esquire of *Avonton*, and that such Feeder as shall be necessary to be carried through the Property of the said *William Blair*, shall be carried to the South-east of the said Planted Bank, and shall, if desired by the said *William Blair* or his Curators, be conveyed in a Tunnel under Ground, for a Space not exceeding Five Hundred Yards, in the Manner least injurious to the Property through which the same shall pass; and where the said Feeder shall at any Place pass through an open Cut, the said Company of Proprietors shall be obliged to provide, at their own Expence, proper Bridges across the said Feeder, for the Accommodation of the conterminous Fields belonging to the said *William Blair*; and the said Company shall have no Access to or through the Grounds belonging to the said *William Blair*, save and except at the Sight of the said *William Blair*, and for the Purposes of making and repairing the said Feeder; and provided further, that if the said Company shall, in making the said Canal, cut off or injure the Supplies of Water at present enjoyed by the said *William Blair* at his Mansion House or Offices, or in his Fields, the said Company shall be obliged to provide and secure, at their own Expence, an equal Supply of Water direct from the Spring to the said Mansion House, Offices, or Fields, and shall also be liable to provide and maintain, at the Expence of the said Company, all Gates and Fences which may be requisite in consequence of any of the Lands of the said *William Blair* being laid open by the Operations of the said Company, and to make a Communication or Communications by a Bridge or Bridges between such Parts of each Field belonging to the said *William Blair* as shall be crossed or intersected by the Canal to be made by the said Company, and all the Loss, Damage, or Injury to be sustained by the said *William Blair*, in preventing the working of Limestone or otherwise, in, by, or through the Operations of the said Company, shall be made good to him by the said Company, in the Manner in which such Loss, Damage, or Injury is by this Act directed to be indemnified or made good to any other Person or Persons whose Property may be taken for the Purposes hereof.

Power to enter upon Lands for making the Canal.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Company, their Deputies, Agents, Officers, and Workmen, and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to the King's Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politic, Corporate, or Collegiate whomsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal, Reservoirs, Feeders, and such other Feeder or Feeders, Aqueduct or Aqueducts, Works and Conveniencies as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal, Reservoirs, Feeders, and other Works, and also to bore, dig, cut, trench, fough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal, Reservoirs,

Reservoirs, Feeders, and other Works, or in making any Basin or Basins, Feeder or Feeders, Aqueduct or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining thereto, which the said Company are hereby empowered to enter for the Purpose of getting and taking away such Materials as may be necessary, requisite, and proper for making, carrying on, continuing, maintaining, or repairing the said intended Canal, Reservoirs, Feeders, and other Works, or which may hinder, prevent, or obstruct the making, using, completing, extending, or maintaining of any such Basins, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper, to convey Water to or from the said intended Canal, Reservoirs, Feeders, and other Works hereby authorized to be made, or any of them; and also to make and erect in or upon the Lands adjoining to the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Basins, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, Water Engines, or other Machines, Dry Docks, Posts, Ropes and Chains, and other Works, Ways, Roads, and Conveniences, at and where the said Company shall think requisite or convenient for the Purposes of the said Canal, Reservoirs, Feeders, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Passages, Cuts, Locks, Soughs, Tunnels, Basins, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniences, and the Works of or belonging thereto; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair and alter any Fences or Passages over, under, through or along the said intended Canal, Reservoirs, or Feeders, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, hauling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal to turn, lie, or pass each other, as they the said Company shall think convenient; and to construct, erect, and keep in repair any Quays, Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks for the making, using, maintaining, and repairing of the said intended Canal, Reservoirs and Feeders and the Towing Paths, and the Sides thereof; and also to construct, erect, make, and do all Matters and Things which they shall think convenient and necessary for making, effecting, extending, preserving, improving, completing, and using, the said intended Canal, Reservoirs, Feeders and other Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of, and other Persons interested in any Lands, Tenements, or other Heritages, Waters, Watercourses, Brooks, or Rivers respectively,

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which

which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company and their Deputies, Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisions and Restrictions as are herein-after mentioned.

Restraining  
the Company  
in taking the  
Property of  
the Heirs of  
Mr. Forbes.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Company to make a Reservoir or Reservoirs, Pen or Pens, Dam or Dams, or other Work or Works, for holding or damming up Water in the Valley of *Hallglen* or *Hawglen Burn*, or in the Valley of *Glenburn*, or in the Valley of any of the tributary Streams of the said Burns, or either of them, all situated in the Parish of *Falkirk* and County of *Stirling*, or to make a Feeder or Feeders, or other Work or Works to conduct or convey Water from the said Burns and their tributary Streams, or either of them, into the Canal hereby authorized to be made, nor shall the said Company have Power to take any Water from the said Burns or their tributary Streams for the Purpose of the Canal hereby authorized to be made, excepting during the making of the said Canal for the Purpose of puddling and lining the same; any Thing herein contained to the contrary notwithstanding.

XXXVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to make, construct, or erect any Basin, Wharf, Quay, Landing Place, Weighing Beam, Crane, Fire Engine, Water Engine, or other Machine, Dry Dock, Ropery House, Warehouse, or Toll-House, on, in, or upon the Lands or Grounds, presently belonging to *William Forbes* Esquire of *Callendar*, lying between the Road which leads from *Mutton* or *Muirtown* Houses to *Craigburn*, and the Southern Road leading from the Western Wall of *Callendar Park* to *Prospect Hill*, by the Northern Coal Pit of *Prospect Hill*; any Thing herein contained to the contrary notwithstanding.

Water to be  
supplied to  
the Mansion  
Houses of  
*Glenfuir* and  
*Bantaskine*.

XXXVIII. And whereas the Mansion House of *Glenfuir* belonging to Colonel *William Duncan*, and the Mansion House of *Bantaskine* belonging to *Thomas Haggart* Esquire, both in the Parish of *Falkirk* and County of *Stirling*, and situated on the North of the Line of the said intended Canal, are supplied with Water from a Spring and Cistern in the Lands of *Glenfuir*, on the South of the Line of the said intended Canal, and which Water is conveyed from the said Cistern by Two separate Pipes to the said Mansion Houses; be it enacted, That the said Company shall be bound at their own Expence to convey the said Water in Leaden Pipes of the said Dimensions with those presently used, from the Spot or Spots where such Pipe or Pipes shall be cut through until the said Pipes join the present Pipes, and shall be bound in all Time coming to maintain and keep in Repair the said Pipes within the Space aforesaid; and shall further be bound to make good any Damage which may arise to the said Lands of *Glenfuir* from the Water not being (through the Default of the said Company) at any Time properly conveyed as aforesaid: Provided always, that the said Company shall not be entitled to take or use the Water of the Well in the Village of *Greenbank* called *Reid's Well*, which flows into the Lands of *Glenfuir* through an old Quarry.

XXXIX. And

XXXIX. And be it further enacted, That the said Company shall be bound to make a Bridge of Communication between those Parts of the said Lands of *Glenfuir*, which shall be separated by the said Canal, and that within Six Months after the Proprietor of the same shall require this to be done, by a Writing addressed to the Committee acting for the said Company, or to the Clerk of the said Company, the said Bridge to be placed at such Part of the said Lands as shall be specified in such Requisition.

Bridge on  
Lands of  
Glenfuir.

XL. And be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, in making the said Canal or any other Works hereby authorized to be made, to erect any Warehouse, Toll-house, Watch-house, Stables, or Houses to be occupied by the Agents or Servants employed in and about the said Undertaking, and for the Use of the said intended Canal, upon such Parts of the Lands of *Glenfuir* and Part of the Lands of *Bantaskine*, both belonging to the said Colonel *William Duncan*, in the Parish of *Falkirk* and County of *Stirling*, as shall be set out for the Banks and Towing-path of the said Canal, without the Consent of the Proprietors thereof first had thereto in Writing.

No Houses to  
be erected on  
Glenfuir or  
Bantaskine  
without Pro-  
prietors Con-  
sent.

XLI. Provided always, and be it further enacted, That it shall not be lawful for the said Canal Company or any of their Officers and Servants, or for any other Person or Persons on their Behalf, to enter into or to take from any Ground, the Property of or in the Possession of *The Carron Company*, any Freestone, Limestone, Clay, Sand, or other Material whatsoever, for the Use of the said Canal, or for any of the Works connected therewith, without the Consent of the said *Carron Company*, or of their principal Manager for the Time being, in Writing, first had and obtained for that Purpose, any Thing herein contained to the contrary notwithstanding.

Company not  
to take Ma-  
terials be-  
longing to  
Carron Com-  
pany.

XLII. And whereas it is of Importance to the proper using of the said Canal, during the Time of making the same, and after the same shall be completed, that proper and ample Supplies of Water should be provided, equal to all the above Purposes; be it enacted, That it shall and may be lawful for the said Company, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make Feeders, and take Water from the following Streams; namely, from the Water of *Avon*, in the Parish of *Slamanan*, and County of *Stirling*, and in the Parish of *Torphichen*, and County of *Linlithgow*, to join the said Canal at or near *Woodcockdale* in the Parish and County of *Linlithgow*; from the Water of *Almond*, at or near to *Almondell House*, in the Parish of *Uphall*, and County of *Linlithgow*, and the Parish of *Kirknewton*, and County of *Edinburgh*, to join the said Canal at or near the *Old Clack Sorrow Mill*, in the Parish of *Kirkliston*, and County of *Edinburgh*; from *Gilstone* or *Craigsburn*, and *Sandyford Burn*, in the Parish of *Muiravonside*, and County of *Stirling*; from *Middlerigburn* and *Brighton Burn*, in the Parish of *Polmont*, and County of *Stirling*; from *Niddry Burn*, in the Parish of *Kirkliston*, and County of *Linlithgow*; from *Ratho Burn*, in the Parish of *Ratho*, and County of *Edinburgh*; and *Murray's Burn*, in the Parish of *Currie*, all in the County of *Edinburgh*; and to make and form Reservoirs for holding Water as follows; namely,

Power to take  
Supplies of  
Water.

On

On *Fannyside Loch* in the Parish of *Cumbernauld* and County of *Dumbar-ton*; on *Barbauchlaw Burn*, and Ground adjoining, North of *Bogend* and *Bogside* in the Parish of *Shotts* and County of *Lanark*, and South of *Bed-lormie* in the Parish of *Torphichen* and County of *Linlithgow*; on *Loch Coat*, and Ground adjoining, in the Parish of *Torphichen*, and County of *Linlithgow*; on *Cobbinshaw Bog*, at the Head of *Cobbinshaw Burn*, in the Parish of *West Calder*, and County of *Edinburgh*; which said intended Reservoirs being meant to retain and keep up the Flood Waters only, in order that the Mills on the respective Streams may not suffer by the Water being kept up during the Six Months from the First Day of *May* till the Thirty-first Day of *October* in each Year, the usual and average Quantity of Water flowing in the Brooks and Streams on which any Reservoir is formed, and which are proposed to be taken into the said Canal, shall during the above Period be allowed to run in their natural Course, and in the same Quantity as shall be found to have naturally flowed previous to making the said Reservoirs and Feeders; and for the better ascertaining of which there shall be Two Engineers appointed, One by the said Company, and the other by the Mill Owners, Millers, and Land Owners interested in the said respective Streams, or a Majority of them, which Two Engineers are to examine and inspect the Quantity of Water flowing in the Rivers, Brooks, and Streams proposed to be taken for supplying the said Canal, at least once in each of the Months of *May*, *June*, *July*, *August*, *September*, and *October*, for Three successive Years previous to taking off any Water from any of the Rivers, Brooks, or Streams on which any Reservoir is formed, and the said Two Engineers are to determine on the Size of a Gauge or Sluice to be fixed in the respective Dam Heads proposed to be made, and to determine and order what Size or Proportion of that Gauge or Sluice is to be kept in full run during the Six Months of *May*, *June*, *July*, *August*, *September*, and *October* respectively.

Before Dam-heads are built, Engineers to determine Size of Gauge.

XLIII. Provided always, and be it enacted, That before any Water is taken from the Rivers *Avon* or *Almond*, or from any other Brooks or Streams, whether there shall be any Mills or other Machinery existing on any of the said Brooks or Streams at the Time or not, Two Engineers shall be appointed as aforesaid, to ascertain what is the usual and average Quantity of Water which flows in the Rivers, Brooks, or Streams respectively at the Place or Places fixed for making the Dam Heads or Weirs for the Months of *May*, *June*, *July*, *August*, *September*, and *October* respectively, and to determine on the Size of the Gauges or Sluices, and what Part or Proportion thereof is to be kept in full run down the Bed of the respective Rivers or Brooks during the Six Months aforesaid; and if the Two Engineers, or other Persons so to be appointed as aforesaid, shall not, within Six Calendar Months from and after their being so appointed, agree touching the Plan, Situation, Nature, Construction, Dimensions, and Levels of such Gauge or Gauges, Weir or Weirs respectively, and the Means of guarding and protecting the same, then the said Engineers or other Person shall, and they are hereby required, within the Space of Twenty-one Days afterwards, to refer the Matter or Difference to any other Engineer, or other proper Person to be by them appointed for that Purpose, who shall and is hereby required to determine and settle the same within Three Calendar Months after he shall be so appointed.

XLIV. Provided



XLIV. Provided nevertheless, and be it further enacted, That in case the said Owners or Occupiers of Mills and Manufactories, or other Persons interested in the said Rivers, Brooks, and Streams, shall not, within Two Calendar Months after Notice in Writing given to them by the said Company, or their Clerk, or left at their usual Place or Places of Abode, appoint an Engineer, or fit and proper Person, on their Part, for the Purposes aforesaid, then and in such Case it shall be lawful for the said Company, and they are hereby required, to appoint their own Engineer for such Purposes, who alone is hereby required to fix and regulate such Gauge or Gauges, Weir or Weirs, in the like Manner as if the same were fixed and regulated by such Engineers or other Persons jointly: And provided farther, that the whole Expences of ascertaining the average Quantity of Water as aforesaid, and fixing, regulating, and maintaining such Gauge or Gauges, Weir or Weirs, shall be borne and defrayed by the said Company of Proprietors.

In case of Non-appointments by Owners or Occupiers.

XLV. And be it further enacted, That when the Water in the said Rivers, Brooks, and Streams shall by Floods or Rains or from any other Cause be raised or increased beyond the ordinary Quantity, and shall be above the Height of such Gauge or Gauges, such Increase shall be considered and taken as Surplus or Flood Water; and it shall be lawful for the said Company, and they are hereby authorized, from Time to Time to take such Surplus or Flood Waters therefrom respectively as shall be necessary for the Purposes of the said Navigation: Provided always, that no such Surplus or Flood Waters shall be taken by the said Company, until such Gauge, Weir or Weirs, shall have been fixed and regulated, except for the Purpose of Puddling and Lining the said Canal, or filling the same when first made.

Company may take the Flood Waters from Rivers, &c.

XLVI. Provided further, and be it enacted, That if the said Company of Proprietors, or their Workmen or Servants, shall at any Time stop or prevent the Water from flowing over or through the said Gauge or Gauges, Weir or Weirs, or shall at any Time, without Notice to and the Consent of the Owners or Occupiers of Mills and Manufactories, or other Persons interested in the said Rivers, Brooks, and Streams, alter the said Gauge or Gauges, Weir or Weirs, the said Company shall forfeit and pay a Sum not exceeding Fifty Pounds.

Penalty for stopping Water from flowing over, or for altering Gauges.

XLVII. Provided always, and be it enacted, That if the said Company of Proprietors shall, in making the said Canal, Reservoirs, Feeders, or other Works hereby authorized to be made, cut off or injure the Supplies of Water at present enjoyed by any Person or Persons in his, her, or their Dwelling Houses, Offices, or Grounds, or otherwise, the said Company shall be obliged, and they are hereby required, to make good such Supplies from the said Canal and Reservoirs.

Supplies of Water cut off to be made good.

XLVIII. And whereas the said Company are enabled to take into their Reservoirs and Canal, for the Supply thereof, certain Flood Waters: And whereas such Flood Waters may by overflowing the Banks of the said Reservoirs and Canal, not only run to Waste, but do considerable Damage to the circumjacent Lands, unless the same be diverted into a proper Channel: And whereas the said Company are empowered to make the said Canal of the Depth of Five Feet only; be it therefore enacted, That

Power to supply the City of Edinburgh with Waste Water.

[Local.]

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it shall and may be lawful for the said Company to permit and suffer Pipes or other Conduits to be laid or placed in the Banks or Sides of the said Canal at the East End thereof, or as near as may be to the City of *Edinburgh*, so as no such Pipes or Conduits shall be so laid or placed lower than Five Feet at the least from the Bottom of the said Canal, and so as that no such Pipes or Conduits shall at any Time or Times be able to convey any Water from the said Canal, unless the Water in the same shall exceed the Depth of Five Feet as aforesaid; and the said Company shall and they are hereby required to permit and suffer such Surplus or Waste Water, when the Water in the said Canal shall exceed Five Feet as aforesaid, to be conveyed through such Pipes or Conduits to and for the Use of the City of *Edinburgh*.

Houses, Gardens, &c. not to be injured, except such as are mentioned in Schedule annexed.

XLIX. And be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Canal, Reservoirs, Feeders, or any other of the Purposes aforesaid, any House or other Building, or any Land or Ground set apart and used, at the Twenty-ninth Day of *September* One thousand eight hundred and sixteen, as and for a Garden, Yard, Orchard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof, other than and except the several Houses, Cottages, Buildings, Yards, Gardens, Orchards, Parks, Planted Walks, or Avenues and Premises, specified in the Schedule hereunto annexed.

Breadth of Canal and Towing Paths.

L. And be it further enacted, That the Lands and Grounds to be taken or used for such Canal and Towing Paths shall not exceed Thirty Yards in Breadth, except in such Places where any Docks, Basins, or Pens for Water shall be made, or where the said Canal, or any Part thereof, shall be raised higher or cut deeper than the present Surface of the Land; and except in such Places where it shall be judged proper by the said Company for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighing Beams shall be erected, or where any Wharfs or other Places shall be set out or appropriated for the Reception of Coals, Lime, Limestone, or other Minerals, Timber or other Goods, Wares or Merchandize, which shall be conveyed on the said Canal, nor in any such excepted Places, more than One hundred Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Heritages adjoining to the said Canal, under his, her, or their Hand or Hands.

Plan and Book of Reference deposited with Clerks of the Peace.

LI. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal, and a Map or Plan, with a Book of Reference, has been made, shewing the Line or Course of the said Canal and Situation of the Reservoirs, and authenticated Copies thereof have been deposited in the Offices of the Clerks of the Peace for the Counties of *Edinburgh*, *Linlithgow*, and *Stirling*, *Lanark* and *Dumbarton*; be it further enacted, That all Persons shall have Access, at all seasonable Times, to inspect the Maps or Plans and Books of Reference so deposited, and to make Copies thereof, and Extracts therefrom, paying to the said respective Clerks the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said

Books

Books of Reference; and the said Maps, or Plans, and Books of Reference, or true Copies thereof, attested by either of the said Clerks, shall be and they are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk of the said Company, upon Fourteen Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the said Map or Plan and Book of Reference, attested as aforesaid, before any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence; such Clerk having a reasonable Sum of Money allowed for his Travelling Expences, Absence from Home, and Attendance on such Occasions.

LII. Provided always, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said Canal, Feeders, Reservoirs, and other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for either of the Counties of *Edinburgh, Linlithgow, Stirling, Lanark, or Dumbarton*, none of such Justices of the Peace being a Proprietor of the Canal or other Works hereby authorized to be made, and be certified in Writing, under their Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken against the Company on account of any Error or Omission in Book of Reference.

LIII. And be it further enacted, That the said Company in making the said intended Canal shall not deviate more from the Lines laid down on the Plan than One Hundred Yards, excepting to the following Distances on the Lands, and with the Consent of the Proprietors after named, *widelicet*, on the Lands of *John Baird of Manuel Mill*, Three hundred Yards; on the Lands of the Earl of *Buchan*, Seven hundred Yards; on the Lands of *Sir Thomas Gibson Carmichael* Baronet, Three hundred Yards.

Not to deviate without Consent.

LIV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any other Person or Persons acting by or under their Authority in making the said Canal, or any other Works hereby authorized to be made, to make the same nearer to the Mansion House of *Glenfuir*, belonging to Colonel *William Duncan*, in the Parish of *Falkirk*, in the County of *Stirling*, than is laid down in the Plan; or nearer to any Part of the Wall of *Callendar Park* than Three hundred and fifty Yards; or nearer to the House of *Meadow Bank*, and *Polmont House*, to the North of the Line laid down, than Fifty Yards respectively; or nearer to the Manse of *Muiravonside*, than the Road on the West of the Glebe; or nearer to the principal Dwelling House of *Manuel Mill*, and to the Mansion House of *Woodcockdale*, and the House of *Craigton* respectively, than Two hundred Yards; or nearer to the House of *Redball* than is laid down on the Plan; or nearer to the Mansion House of *North Merchiston* than One hundred and fifty Yards.

Company restrained from making Canal near to certain Mansion Houses, &c.

LV. Provided always, and be it further enacted, That the Center of the Canal hereby authorized to be made, in crossing the Road which leads from the Western Gate of *Callendar Park*, commonly called the *Shielhill Gate*, to *Craigburn*, shall not be less than Three hundred and seventy-five Yards

Restriction regarding Callendar Park.

Yards distant from the said Western Gate; and that no Part of the said Canal or Towing Path thereof, whether tunnelled or open cut, or the Rubbish of the same, shall be less than Three hundred and fifty Yards distant to the Westward from every Part of the Western Wall of *Callendar Park*.

No Cut to be made between Almond Castle and Muiravonside Church.

LVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Company to make any Canal or Cut in or upon the Lands or Grounds lying between *Almond Castle* and *Muiravonside Church*; and the said Company are hereby authorized and required to carry the Canal or Cut herein authorized to be made to or on the Western Side of the said Church, any Thing herein contained to the contrary notwithstanding.

No Buildings to be erected on Banks or Towing Paths except for the Use of the Navigation; or Timber to be cut except under certain Restrictions.

LVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Company to erect or build upon the Lands set out for the Banks, Towing Paths, Wharfs, or Quays, any House, Mill, or other Building whatsoever, (other than Warehouses, Toll Houses, Watch Houses, Stables, and Houses occupied by Agents and Servants employed in and about the said Undertaking and for the Use of the said intended Canal) without the Consent of the Proprietors, upon whose Estates the Banks and Towing Paths shall be situated, first had in Writing; or to enable the said Company, their Agents, Servants, or Workmen, to cut down any Timber, Wood, Brushwood, or Underwood, upon any of the Estates or Lands in, through, or into which the said Canal, Reservoirs, Feeders, Trenches, Sluices, Roads, Passages, Works, Conveniences, or any Part thereof respectively shall be made, except such Timber, Wood, Brushwood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Reservoirs, Feeders, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timber, Wood, Brushwood, or Underwood, shall stand or be growing at the Time of the passing of this Act, and their Heirs or Assigns, shall have it in their Election to take such Timber, Wood, Brushwood, or Underwood respectively, when felled or cut down by the said Company, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land and the said Company or their Agents; or in case of any Difference in settling or ascertaining the same, then at such Price or Value as shall be settled by a Jury in Manner herein-after mentioned; which said Timber, Wood, Brushwood, or Underwood, so to be felled by the said Company, or by their Order, shall and may be carried and conveyed upon any Part of the said Canal, free from all Rates to be raised and levied by virtue of this Act; and if any House, Mill, or other Building, other than as aforesaid, shall be erected upon any such Lands or Grounds without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their



‘ Penny Scots yearly, if asked *allenary*. Consenting to the Registration  
 ‘ hereof in the Books of Council and Session, or others competent for  
 ‘ Preservation; and thereto I constitute my Procurators. In  
 ‘ Witness whereof I have subscribed these Presents. Written by C. D. at  
 ‘ *Edinburgh*, this Day of before these Witnesses. ’

Which Conveyance being registered in Terms of the Clause of Registration therein contained, and recorded in the Register of Seifins of the County in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers in such Counties are hereby authorized and required to register, shall have the same Effect and be as valid and effectual, to all Intents and Purposes, as if a formal Disposition had been executed and followed by Charter and Seisin, according to the Forms of the Law of *Scotland*, any Law, Statute, or Custom to the contrary notwithstanding; and the Original or an Extract of all such Conveyances shall be kept by the Clerk of the said Company, who, and the Keeper of the Register of Seifins where the same shall be registered, shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall be paid Sixpence for every One hundred Words of each such attested Copy (besides the Stamp Duty), and so in Proportion for any greater or less Number of Words.

Satisfaction  
to be made  
for Lands, &c.

LXI. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons hereinbefore enabled to sell and convey Lands, Tenements, and other Heritages, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, and other Heritages, through, in, or upon which the said Canal, Towing Paths, Quays, and other Works hereby authorized or intended to be made, or of any Mills or other Works from which any Water to supply the said Canal may or shall be taken or diverted, may and shall accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, Mills, or other Works, Water, and Heritages, and for the Value of all Stone, Limestone, Clay, Gravel, Sand, and all other Materials whatsoever, which shall be taken by the said Company for the Purposes of this Act, excepting such as are found in digging the Canal, and for the Damages to be sustained by making and completing the said Works hereinbefore directed, in such Manner as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company or Committee of Management, or some Person or Persons authorized by them for that Purpose; and in case the said Company or Committee of Management, or such Person or Persons, and the said Parties interested in such Lands, Grounds, Tenements, Waters, or other Heritages, cannot agree to the Amount of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury of Fifteen substantial disinterested Persons, to be summoned and chosen by the Sheriff Depute or Substitute of the County in which such Lands, Tenements, or Heritages are situated, in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *Scotland*; and the said Sheriff Depute or Substitute is hereby empowered to summon and call before him, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said Sheriff Depute or Substitute may order and authorize the said Jury, or any Five or more of them, to view the Place or Places

If Parties  
cannot agree,  
Price to be  
settled by a  
Jury.

Witnesses to  
be sworn and  
examined.

or

or Matter or Matters in Controversy; which Jury upon their Oaths (and which Oath, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer), shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or other Heritages, or the Recompence to be made for the Damages which shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be binding, conclusive, and final, to all Intents and Purposes whatsoever, against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

Verdict of  
Jury to be  
final.

LXII. And be it further enacted, That the said Juries respectively shall award all Determinations, Judgments, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Grounds, Mills, Tenements, and other Heritages, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act; and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Verdict as  
to Value of  
Lands and  
Damages to  
be ascertained  
separately.

LXIII. Provided always, and be it enacted, That no Person shall be summoned or chosen to be of such Jury, who shall be an Owner or Occupier of any Land, Ground, Mill, Water, Tenement, or other Heritage through which any Part of the said Canal, Reservoirs, or Feeders shall pass or be situate.

Proviso.

LXIV. Provided also, and be it enacted, That if such Sheriff Depute or Substitute shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds Sterling; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, after having been paid or tendered a reasonable Sum for his, her, or their Trouble and Expences, or appearing refuse to be sworn or examined or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Sheriff, shall for every such Offence forfeit and pay the Sum of Five Pounds Sterling, to be levied by virtue of any Warrant or Warrants under the Hands of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owners thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted; and if any Person or Persons who shall have incurred such Forfeiture for not appearing, or for refusing to give Evidence as aforesaid, shall again be summoned and not appear, or appearing refuse to give Evidence, the said Sheriff may and he is hereby empowered to grant Warrant or Warrants for imprisoning such Person or Persons until he, she, or they shall severally give sufficient Security,

Penalties in  
case of De-  
fault by  
Sheriff, Jury  
or Witnesses.

Security, under the Penalty of Fifty Pounds Sterling, to appear and give Evidence as aforesaid; and that in case the Person or Persons so summoned to give Evidence do not reside within any of the Counties in which such Lands, Tenements, or Heritages in question are situated, Letters of Supplement shall be issued from the Court of Session, for summoning and compelling the said Person or Persons to appear and give Evidence, by every Method known and practised in the Courts of that Part of *Great Britain* called *Scotland*.

Penalty on giving false Evidence.

LXV. And be it further enacted, That all and every Person or Persons who, in any Examination to be taken in virtue of this Act, shall give false Evidence before the said Sheriff, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Practice of *Scotland*.

Expences of Jury and Witnesses how to be paid.

LXVI. Provided always, and be it further enacted, That in every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, Tenements, or other Heritages, of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Heritages, or other Property, than had been previously offered by or on Behalf of the said Company, or when any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from the said Company, as herein-before mentioned, then and in all such Cases all the Expences of summoning such Jury and taking such Verdict shall be settled by the said Sheriff, and be defrayed by the said Company; but if any Verdict shall be given for the same Sum which had been previously offered by or on Behalf of the said Company, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where, by reason of Absence or otherwise, any Person shall have been prevented from treating or agreeing as aforesaid) the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Company shall have such Controversies or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

LXVII. And



LXVII. And be it further enacted, That all and every Person or Persons making Complaint and requesting a Jury to be summoned, shall first enter into a Bond with Two sufficient Sureties to the Clerk of the said Company, under a Penalty of One hundred Pounds Sterling, to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by and on Behalf of the said Company for the Purchase of or as a Recompence for any Lands, Grounds, Mills, Tenements, or Heritages, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

Persons requesting Juries to enter into Bonds to prosecute.

LXVIII. And be it further enacted, That no Sheriff shall be obliged or allowed by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Application in Writing shall have been made in relation thereto by or on Behalf of such Person or Persons to the said Company, or to their Committee of Management, or to their Clerk, or known Agent or Agents, or Engineer or Overseer of the Works residing nearest to the Place where the Cause of Complaint shall arise, Ten Days at the least before such Complaint shall be made to the said Sheriff, within the Space of Three Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given before Complaint to the Sheriff.

LXIX. Provided always, and be it enacted, That upon Payment or Consignation in the Bank of Scotland, Royal Bank of Scotland, or British Linen Company, of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or ascertained by the Sheriff and a Jury as aforesaid, for the Purchase of any such Lands, Waters, Mills, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Waters, Mills, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, or upon Investment thereof, in Manner directed by this Act, for the Use of such Person or Persons so interested or entitled as aforesaid, as the Case may be, it shall and may be lawful to and for the said Company, and their Agents, Workmen, and Servants, immediately thereafter to enter upon such Lands, Grounds, Mills, Tenements, and other Heritages respectively, and then and there such Lands and Grounds, Waters, Mills, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become for ever the sole Property of the said Company, their Successors and Assigns, to and for the Use of the said Canal and other Works, but to or for no other Use or Purpose whatsoever, and such Consignation, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but every other Person whomsoever therein: Provided nevertheless, that before such Payment, Consignation, Investment, or Deposit as aforesaid, it shall

Power to enter into and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

[Local.]

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not

not be lawful for the said Company, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Mill, Tenement, or other Heritage of the Person or Persons entitled to such Payment, for the Purposes of the said Canal and other Works, without the Leave of such Person or Persons respectively.

Lands not to be entered till Price paid or tendered.

LXX. Provided always, and be it enacted, That it shall and may be lawful for the Owners or Occupiers of any Lands, Grounds, Mills, Tenements, or other Heritages which may be taken for the Purposes of this Act, to apprehend or cause to be apprehended any Person or Persons employed by or acting under the Authority of the said Company of Proprietors, or their Committee or Agents, who shall dig or break up or otherwise injure any such Lands or Grounds whatsoever, or take down, remove, or injure any such Mills, Tenements, or other Heritages whatsoever (except for the Purpose of making Surveys and ascertaining the Soil or Sub-soil by Means of boring or making Trial Pits upon the Line of the said Canal), until Payment, legal Tender, or Deposit of the Value of such Lands, Grounds, Mills, Tenements, or other Heritages shall have been made as herein-before directed; and any Person or Persons so digging, breaking up, taking down, removing, or in any Ways injuring such Lands, Grounds, Mills, Tenements, or other Heritages, without such Payment, Tender, or Deposit as aforesaid, shall for every such Offence forfeit and pay a Sum of Fifty Pounds to such Owner or Occupier.

Small Parcels of Land cut off by the Canal to be laid to other Grounds at Company's Expence.

LXXI. And whereas it may happen by making the said Canal and other Works, that certain Lands and Grounds may be separated so as inconveniently to leave narrow and small Pieces or Parcels thereof; be it therefore enacted, That in all such Cases the Owner or Owners of the Lands and Grounds next adjoining to such narrow and small Pieces or Parcels of Land shall have the Option of purchasing the same from the said Company at the same Price *per* Acre as the said Company may have given or agreed to give for the Lands of which the same were theretofore Part or Parcel, and from whence the same shall or may be separated by making the said Canal; and the said Company shall, at their own Expence, by stocking up Hedges, or by making and planting, and with Posts and Rails, properly protecting and raising new Hedges and Fences lay all such narrow and small Parcels of Lands to the other Ground of such Owner or Owners adjoining thereto, so as to render the same Parcels of Land convenient to the several Owners or Occupiers thereof, in such Manner as the Owner or Owners of the said Lands or Grounds for the Time being shall, by any Writing under his or their Hand or Hands, and addressed and delivered to the Clerk of the said Company in that Behalf, require, so that the same be so delivered within the Space of Twelve Months next after the said Canal shall have been cut, formed, and completed through the said Lands and Grounds.

Company to purchase small Parcels of Land separated in making the Canal.

LXXII. Provided always, and be it further enacted, That where the said Company shall cut through or use a Part only of any Piece or Parcel of Land or Ground for the Purposes of this Act, and the Remainder of such Piece or Parcel of Land or Ground, over and above what shall be so used, shall not exceed One Acre, the said Company shall purchase not only such Part of the same Land or Ground as shall be so actually cut through

through or used, but also, at the Option of the Owner or Owners, the remaining Part of such Land or Ground, the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be cut, taken, or used for the Purposes of this Act.

LXXIII. And be it further enacted, That if the said Company shall be in Possession of any Lands, Tenements, or Heritages, which shall be purchased or taken by them in pursuance of this Act for the Space of Five Years from the Time of purchasing the same respectively, without making the said Canal or other Works hereby authorized to be made through or upon the same or any of them; or if the said Canal or other Works, or any of them, shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then and in either of the said Cases the said Company shall, immediately after the Expiration of the said Five Years without making or Five Years after disusing such Canal or other Works respectively, convey all their Estate, Right, Title, Property, and Interest in and to such Lands, Tenements, or Heritages respectively, unto the several and respective Persons, Bodies Politic, Corporate, and Collegiate, who were the Owners or Proprietors thereof immediately before the said Company became seised of the same, or unto the respective Heirs, Successors, or Assigns of such Persons, Bodies Politic, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands, Tenements, or Heritages to the said Company, as they shall judge reasonable; or in case any Difference shall arise in regard to the same, then as a Jury, to be impannelled in the Manner herein-before directed, shall ascertain or award to be paid for the same, so that such Consideration do not exceed the Sum or Sums first paid by the said Company for the Purchase of such Lands, Tenements, or Heritages; in estimating which Consideration, either by the Parties or by a Jury as aforesaid, regard shall be had to the Expence which will be necessary to fill up the Excavation made in digging the said Canal, and to level up the Ground so as to restore it to its original State; and in case such Expence shall be found to be equal to the original Purchase Money first paid by the said Company for the said Lands, Tenements, and Heritages, the said Company shall convey their Right, Title, and Interest in and to such Lands, Tenements, and Heritages to the said original Owner or Owners thereof, or their respective Heirs, Successors, or Assigns, without any Consideration being paid to the said Company for the same; and in case the Expence necessary for restoring the said Lands, Tenements, or Heritages respectively to the State and Condition in which the said Lands, Tenements, and Heritages were before the Commencement of Operations thereon by the said Company, shall exceed the Sum or Sums first paid by the said Company for the Purchase of the same, that then and in that Case the said Company shall not only convey their Right, Title, and Interest in the same to the said original Owner or Owners, or their respective Heirs, Successors, or Assigns, without any Consideration, but shall also make Satisfaction and Payment to the said Owner or Owners, and their aforesaid, of such and so much of the Expence which will be necessary to restore the said Lands, Tenements, and Heritages respectively to their original State as aforesaid, as shall exceed the Sum or Sums first paid by the said Company for the Purchase of said Lands, Tenements, and Heritages; and that in case the said Company, upon Payment or Tender to them of such valuable Consideration for such  
Lands,

Lands taken and not used by the Company, to be reconveyed to the original Owners.

Lands, Tenements, or Heritages, shall refuse or neglect to convey the same as aforesaid; then and in such Case such Lands, Tenements, or Heritages shall thereupon revert to and be from thenceforth vested in the said several and respective Persons; Bodies Politic, Corporate, or Collegiate; their Heirs, Successors, or Assigns: Provided always, that if any such Person or Persons, Bodies Politic, Corporate, or Collegiate as aforesaid, their Heirs, Successors, or Assigns, upon Application to him, her, or them made by or on the Behalf of the said Company, shall not then and thereupon agree, or shall refuse or decline to purchase any of the Lands, Tenements, or Heritages which shall have been so purchased or taken, and an Affidavit shall be made and sworn before One of His Majesty's Justices of the Peace for the County wherein the same shall be situated, by some Person or Persons no ways interested in the said Lands, Tenements, or Heritages, stating that such Offer was made by or on Behalf of the said Company, and that the same was thereupon not agreed to or was refused by the Person or Persons to whom the same was or were offered (which Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom the same was made, as the Case may be), it shall be lawful for the said Company to sell and convey the said Lands, Tenements, and Heritages respectively to any other Person or Persons whomsoever; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

Verdicts to  
be recorded.

LXXIV. And be it further enacted, That every Verdict shall be kept by the Sheriff Clerk, or other Person having the Custody of the Records of the County in which such Verdict shall be given, and shall be deemed to be Records of such County to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and may have Copies thereof, paying the Sum of Sixpence for every One hundred Words of such Copies, and so on in Proportion for any greater or less Number of Words.

Application  
of Compensation  
when ex-  
ceeding 200l.

LXXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of Scotland, Royal Bank of Scotland, or British Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or  
where

where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to a Trustee to be nominated by the Person or Persons making such Option (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in Manner herein-before directed, as far as the Case be applicable.

If under 200l.  
and above  
20l.

LXXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee of Management shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

and if under  
20l.

LXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons

In case of not  
making out  
Titles; or  
if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid  
into the Bank  
of Scotland,

[Local.]

15 Z

entitled

or Royal  
Bank of  
Scotland,  
or British  
Linen Com-  
pany.

entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the said Committee of Management to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages [describing them], subject to the Order, Control, and Disposition of the Court of Session; which Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereon, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of  
questionable  
Title, Possessors to be deemed to have a Title until contrary shall be shewn.

LXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to such Estate or Interest therein.

Expences of Purchases may be allowed by the Court of Session.

LXXX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Session, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such Purchases, or so much thereof as the Court shall deem reasonable, to be paid by the said Company.

LXXXI. And be it further enacted, That in Consideration of the great Charge and Expence which the said Company will be at in making, maintaining, and supplying with Water the said Canal, and all the other Works hereby authorized to be made, it shall and may be lawful to and for the said Company, their Successors and Assigns, from Time to Time, and at all Times for ever hereafter, to ask, demand, take, receive, and recover, to and for their own Use and Benefit, for all Minerals, Corn, Merchandize, and other Goods and Things whatsoever which shall be carried or conveyed upon the said Canal, or any Part thereof, the respective Rates, Tolls, and Duties herein-after mentioned; that is to say,

For all Limestone, Ironstone, Stone for Building, Paving Stone, Flags, Coal, Coke, Culm, Lime, Bricks, Tiles, Slates, Ores, Dung, Earth, Sand, Clay, Peat Moss, Marl, and Manure, carried or conveyed upon the said Canal, a Sum not exceeding Two-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

For all Timber, Deals, Bark, and Wood of every Kind, carried and conveyed upon the said Canal, a Sum not exceeding Three-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

For Corn, and all Goods, Wares, Merchandize, and Things whatsoever not above specified, carried and conveyed upon the said Canal, a Sum not exceeding Four-pence *per Ton per Mile* on the gross Weight thereof; and so in proportion for any greater or less Quantity than a Ton.

LXXXII. And be it further enacted, That in all Cases where any Goods, Wares, Merchandize, or Things whatsoever shall be carried upon the said Canal for any Space less than a Quarter of a Mile, such Goods, Wares, Merchandize, or Things shall pay the same Rates and Duties as if they had passed one whole Quarter of a Mile; and in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or Vessel navigated or passing on the said intended Canal, a Proportion of the said Rates shall be demanded and taken by the said Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in such Weight of Lading as aforesaid, such Fraction shall be deemed a Quarter of a Ton; all which Rates shall be paid to such Person or Persons, at such Place or Places near to the said Canal, or any Part thereof, in such Manner and under such Regulations, as the said Committee of Management shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or any Part thereof on Demand, the said Company may sue for the same in any competent Court in *Scotland*, or by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*; or the Person or Persons to whom such Rates ought to have been paid may, and he and they is and are hereby empowered, to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, or the Boat or Vessel laden therewith, or carrying the same, and detain such Goods or other Things, Boat or Vessel, until Payment shall be made thereof and of all Arrears of the said Rates which shall be due from the Owner or Owners of such Boat or Vessel to the said Company, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things

How Tolls shall be paid and recovered.

Things, Boat or Vessel, shall not be redeemed within Twenty-one Days next thereafter, all such Rates, Arrears, and reasonable Charges shall be raised and recovered by the said Company by Distress and Sale of such Goods or other Things, Boat or Vessel, rendering to such Owner or Owners the Overplus, if any, after deducting the reasonable Charges of such Distress and Sale, to be ascertained by Two Justices of the Peace for the County in which such Distress and Sale shall be made.

Wharf and  
Basin Duties.

LXXXIII. And be it further enacted, That in addition to the several Rates herein-before mentioned, there shall be paid and payable to the said Company, for all Vessels which shall enter or use any Basin, Wharf, or other Place made by the said Company for loading or unloading any Boats or Vessels plying upon the said Canal, the Sum of Two-pence *per* Ton for every Time such Vessel shall enter or lie in any such Basin, Wharf, or Place, and the same shall be paid and recoverable as the other Rates to be levied by the said Company.

Committee  
may license  
Passage Boats  
and fix the  
Fares.

LXXXIV. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management, from Time to Time, to license Boats and Barges for the Conveyance of Passengers and Parcels on the said Canal, for such Time or Term, not exceeding Seven Years, and under such Rules and Regulations as they shall think proper, to navigate and ply thereon free of Tolls, on Payment of such Sum or Sums of Money as can be obtained for the same; and also to ascertain and fix the Prices or Fares to be charged or taken for the Conveyance of Passengers and Parcels by any Passage Boat or other Vessel upon the said Canal, or upon any Part thereof; and the said Committee of Management shall from Time to Time cause to be printed and affixed in some conspicuous Place or Places on the said Canal, a List or Table of the Prices or Fares so to be charged or taken for the Conveyance of such Passengers and Parcels upon the said Canal; and in case any Owner, Master, or other Person having the Care of any Boat or other Vessel navigating or passing upon the said Canal, or upon any Part or Parts thereof, after such List or Table shall be published as aforesaid, shall demand or take for the Conveyance of any such Passenger or Parcel as aforesaid more than such Price or Fare, such Owner, Master, or other Person, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate before whom he shall be convicted, One Moiety of which Fine shall be paid to the Person aggrieved.

Masters of  
Boats and  
Vessels to give  
an Account  
of their  
Lading.

LXXXV. And for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat or Vessel navigating or passing upon the said Canal or upon any Part thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Committee of Management, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat or Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things, and of the Number of Passengers which shall be in or upon such Boat or Vessel, from whence brought, and where the same is or are intended to be landed, unloaded, or left, and if the Goods or other Things contained  
in



in any such Boat or Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he, she, or they shall neglect or refuse to give such Account, or shall refuse to produce his, her, or their Invoice or Bill of Lading, or Way-bill, to the Officer demanding the same, or shall give a false Account, or shall deliver out or land any Part of such Lading, Goods, or Passengers, at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay the Sum of Forty Shillings for every Passenger, and Twenty Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat or other Vessel respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

Penalty for giving a false Account.

LXXXVI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Master, Owner, or other Person having the Care or Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Number of Passengers, or the Weight of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall and may be lawful to and for such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat or Vessel, and all such Goods, Wares, or Merchandize, or other Matters or Things as shall be therein embarked or contained, and also to count the Number of Passengers; and in case the same shall, upon such weighing, measuring, gauging, or counting, appear to be of greater Number or Weight than the Account given thereof by the Master, Owner, or other Person having the Care or Charge of such Boat or Vessel, then the same Master, Owner, or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or such other Matters and Things, shall appear to be of the same or of less Number or Weight than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company by Distress and Sale of any of the Goods and Chattels of the said Company, to be applied to the Use of such Master, Owner, or other Person, rendering to the said Company or their Clerk, the Overplus, if any, after deducting the reasonable Charges of making such Distress and Sale, to be ascertained by Two Justices of the Peace as aforesaid.

In case of Difference concerning the Weight, Collector may weigh Goods.

LXXXVII. And be it further enacted, That no Boat or Vessel of less Burden than Fifteen Tons, shall pass through any of the Locks, to be made by virtue of

Boats under Fifteen Tons Burden not

[Local.]

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to pass Locks  
without  
Consent.

of this Act, without Consent of the said Committee of Management, or their Engineer, Surveyor, or Agent for the Time being, in Writing first had and obtained, and unless the Owner or Navigator of such Boat or Vessel shall pay Tonnage equal to a Boat or Vessel of Fifteen Tons.

Tonnage  
for empty  
Vessels.

LXXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Company from Time to Time and at all Times hereafter to ask, demand, take, and recover, to and for their own Use and Benefit, for the Tonnage of all Boats and Vessels, without a Lading, or in Ballast only, or having less than Fifteen Tons of Goods or other Commodities on board, which shall be navigated upon or through the said Canal, a Sum not exceeding Four-pence *per Ton per Mile* on Fifteen Tons; provided that if any such Boats or Vessels shall return loaded upon the said Canal at any Time within the Space of Fourteen Days immediately after the passing as aforesaid, Allowance and Deduction shall then, be made by the Company, their Successors and Assigns, to the Owners, Masters, or Navigators of such Boats or Vessels out of the said Rates of their said Ladings respectively, for the Tolls and Duties first taken for the empty Tonnage of such Boats or Vessels as aforesaid; but that only rateably and in Proportion to the Distance for which such new Lading shall have borne and paid the Tolls and Duties first before mentioned; and Vessels which may have passed with a less Quantity than Fifteen Tons shall on Return be allowed in the same Proportion a Deduction of what may be the Difference between the actual Tonnage of the Goods on board and the Tonnage first paid for.

Land Owners  
and Occupiers  
may use  
Pleasure  
Boats on  
Canal.

LXXXIX. And be it further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands immediately adjoining the said Canal or Reservoirs to use any Pleasure Boat or Boats upon the said Canal, (not passing through any Lock or Locks, unless Tonnage equal to a Boat of Fifteen Tons Burthen of Bale Goods shall be first paid, or the Consent of the said Company first had and obtained thereto), without any Interruption from the said Company, or any of their Officers and Agents, and without paying any Rate or Duty for the same, so as such Pleasure Boat or Boats be not made use of for carrying for Hire any Passengers, Goods, Wares, or Merchandize, and so as the same do not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths or Works thereto belonging.

Rates to be  
fixed by the  
Company.

XC. And be it further enacted, That the said Company may, at their first or any subsequent General Assembly, to be held as herein-before directed, fix the Rates of Tolls or Duties to be taken by them by virtue of the Provisions herein contained, not exceeding the Rates herein-before granted; and it shall be lawful to and for the said Company, their Successors and Assigns, at any General Assembly to be held for that Purpose, of which Twenty-one Days Notice shall be given in one of the *Edinburgh* and *Glasgow* Newspapers, declaring in such Notices the Place in the City of *Edinburgh* where and the Time when such Assembly is to be held, to lessen or reduce all or any of the Rates and Duties on all or any Sort of Goods passing upon the Whole or any Part of the said Canal; or on Vessels entering or using the Basins and Wharfs of the said Canal, and afterwards from Time to Time, at any General Assembly to be held upon the like Notices, to advance all or any of the said Rates, Tolls, and  
Duties

Company  
may reduce  
Rates.

Duties so lessened, to any Sum or Sums of Money not exceeding the Rates, Tolls, and Duties herein-before granted.

XCI. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths), to be made by virtue of this Act, for the Purpose of conveying any Passengers, Timber, Goods, Wares, Merchandize, and other Things, to or from the said Canal, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages; and also to navigate and pass upon and use the said Canal with any Boats or Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Goods, Timber, Wares, and other Things; and also to use the said Towing Paths with Horses or other Cattle for towing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company, not exceeding the respective Sums herein mentioned, and subject to the Rules, Regulations, and Bye Laws which shall be from Time to Time made by the said Company, or Committee of Management, by virtue of the Powers herein granted.

Navigation to be free upon Payment of Rates, under certain Restrictions.

XCII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages over, under, by the Side of or into the said Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, without obstructing or impeding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal to the Prejudice of any of the Lands or Grounds contiguous thereto; and that all such Arches, Tunnels, Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleaned, and kept in Repair by the said Company; and if at any Time or Times after Thirty Days Notice in Writing shall, by or on Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal, or any of the Works hereby authorized to be made, be given to the said Company, or to their Clerk, Engineer, Surveyor, known Agent, or Collector, the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleaned, maintained, and repaired according to the true Intent and Meaning of this Act, it shall and may be lawful to and for such Owner or Occupier to apply for and obtain an Order in Writing from any Two Justices of the Peace of the County in which any such Arch, Tunnel, Culvert, Drain, Back Drain, or other Passage is situated (and the said Justices are hereby authorized and required at their Discretion to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages may, by the said Order of such Justices, be directed to be made, and the reasonable

Drains to be made to convey Water from the Lands adjoining.

In Default by the Company, Owners or Occupiers of Lands may make, and repair Drains, &c. at Company's Expence.

able Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company; and in case of any Neglect or Refusal to satisfy or defray such Expences, for the Space of Three Calendar Months next after Demand thereof made upon or of the said Company, or their Clerk; or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, which may injure the same.

The Com-  
pany to make  
Watering  
Places for  
Cattle.

In case of  
Neglect or  
Refusal,  
Owners may  
do so at Com-  
pany's Ex-  
pence.

XCIII. And be it further enacted, That the said Company shall also, at their own Costs and Charges, make, maintain, and support such proper and convenient Watering Places for Cattle, wherever by means of the said Canal, or other Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient or former Watering Places for Cattle, and to supply the same at all Times with Water; and in case the said Company shall refuse or neglect to make, maintain, or support any such Watering Places as aforesaid, for the Space of Thirty Days after Notice in Writing shall by or on Behalf of any of the said Owners or Occupiers of Lands be given to the said Company, or their Clerk, Engineer, or Surveyor, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved by such Refusal or Neglect to make, maintain, or support such Watering Places, so that the said Canal, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, shall not be thereby stopped or injured for any longer Space of Time or in any other Manner than shall be absolutely necessary for making or doing the same; and all the reasonable Costs and Charges attending thereon (to be ascertained by Two Justices of the Peace as aforesaid) shall be repaid to the Person or Persons who shall have expended, incurred, or sustained such Costs and Charges by the said Company, within the Space of Forty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to the Clerk of the said Company; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the same shall and may be levied and recovered by Distress and Sale of any of the Goods and Chattels of the said Company, to be applied to the Use of such Owners or Occupiers, rendering to the said Company or their Clerk the Overplus, if any, after deducting the reasonable Charges of making such Distress and Sale, to be ascertained by Two Justices of the Peace as aforesaid.

The Com-  
pany may  
cleanse  
adjoining  
Drains, &c.  
at their own  
Expence.

X-CIV. And be it further enacted, That if at any Time hereafter the Ditches, Drains, or Watercourses belonging to the Owner or Occupier of any Lands adjoining or contiguous to the said Canal shall not be sufficiently open for the free Passage of the Water from the Drains, Tunnels, Culverts, and Watercourses belonging to the said Company, and the same shall not be remedied within One Calendar Month after Notice for that Purpose shall be given to such Owner or Occupier, or left at his or her usual Place of Abode by the Clerk or other Servant of the said Company, it shall be lawful for the said Company, having an Order in Writing for that Purpose from Two Justices of the Peace of the County, from Time to Time as often as there shall be Occasion, to order, cause, and procure

cure such Ditches, Drains, and Watercourses as aforesaid, to be cleansed in such Manner as may be necessary or expedient, at the Expence of the said Company.

XCV. And be it further enacted, That the said Company shall at their own Costs (within Six Calendar Months next after any Part of the said Canal and Towing-paths thereto belonging shall be dug out and formed) divide and separate, and keep constantly divided and separated, the Towing-paths on the said Canal, and the Trenches, Feeders, or Passages hereby authorized to be made in such Part or Parts thereof respectively as shall be declared necessary by Two Justices of the Peace of the County wherein the same shall be situated, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences sufficient to keep off Cattle; the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company, who shall at their own proper Costs and Charges from Time to Time maintain and support the said Towing-paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made; and also shall at their own like Costs and Charges make, erect, and set up, and from Time to Time support and maintain such and so many convenient Gates, Bridges, and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing-paths, and also all such Bridges, Arches, Culverts, and Passages over, under, or by the Side of or into the said Canal, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Justices shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills or Heritages adjoining to such Canal and other Works, or any of them respectively.

Company to fence off Towing-paths, &c.

and erect Bridges, &c.

XCVI. And be it further enacted, That the said Company shall not make the said Canal, or any Trench, Feeder, or Watercourse belonging to the same, in or across any Common Highway, Public Bridleway, or Foot-path, until they shall at their own proper Costs and Charges have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the same Highway, Public Bridleway, or Footpath, of such Dimensions and in such Manner as the said Justices shall from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act.

Canal not to be made across Highways, &c. until Bridges are perfected, &c.

XCVII. Provided always, and be it enacted, That the Ascent to every Bridge to be made over the said Canal, for the Purpose of any public or private Road, shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

Proviso.

XCVIII. And be it enacted, That all Gates, Stiles, Bridges, Arches, and other Works and Conveniences to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair by the said Company; and in case the said Company or their Agents shall refuse or neglect to divide and separate, and to keep

Company to keep Bridges, &c. in Repair.

[Local.]

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divided

divided and separated the Towing-paths of the said Navigation in Manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles, in, over and through the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over or under or by the Sides of or into the said Canal, and the said Trenches, Feeders, Streams, and Watercourses as aforesaid, or to maintain and support such Gates, Bridges, Stiles, Arches, and Passages when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by the said Justices of the Peace, or after Notice shall be given by or on behalf of the Owners or Occupiers of any such Lands or other Heritages, who may be aggrieved by any such Refusal or Neglect; then and in every such Case it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or Heritages, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Justices shall have before directed or appointed to be made, erected, and set up by the said Company, and to maintain, repair, and support the same from Time to Time as Occasion may or shall require, so that, in making and maintaining such Works, the said Canal or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices of the Peace) shall be paid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or other Heritages, who shall have so erected and made, repaired or maintained such Works, by the said Company, within the Space of Six Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company or their Clerk; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and are hereby required, by Warrant under their Hands, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company which shall be found in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining to or near to the same, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company, or to one of their known Agents or Collectors, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices of the Peace; and all or any of the said Owners and Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges, shall and may also have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

If Bridges,  
&c. made by  
the Company  
are insuffi-  
cient, Land-  
owners may

XCIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Heritages through which the said Canal shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, and other Conveniences respectively, which the  
said

said Justices of the Peace shall have so directed or appointed to be made by the said Company, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, Mills, Tenements, or Heritages, on both Sides or on either Side thereof, then and in every such Case it shall and may be lawful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee of Management, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Seventy Days next after such Request, then, with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any such Gates, Stiles, Bridges, Passages, Arches, Culverts, or other Conveniences, of the same or the like Construction with those made and erected by the said Company in, over, or near to the said Canal or the Towing-paths thereof, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Heritages, and to repair and support the same, at their own like Costs and Charges, as Occasion shall require, so that the Navigation and Passage of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, or other Conveniences, had been made or erected by the said Company.

make others  
at their own  
Expence.

C. And whereas it may happen from Floods or other Accidents that the Aqueducts, Locks, Weirs, Flood Gates, Dams, Banks, Basins, Trenches, or other Works of the said Canal, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt; to prevent further Damage, be it therefore enacted, That when and as often as any such Case shall happen, it shall and may be lawful to and for the said Company, or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, from Time to Time to enter into any Lands, Grounds, or Heritages adjoining or near to the said Canal, and other Works or Conveniences, or any of them (not being the Ground whereon any House or other Building stands, or an Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials, as may be necessary and proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of or other Person or Persons interested in such Lands, Grounds, or Heritages, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners, Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Heritages, within the Space of Thirty Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed and recovered, by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done in or about the making and maintaining the said Canal.

Company  
may take  
Materials for  
repairing  
Damages by  
Floods.

Cl. And be it enacted, That the Owner or Owners of any Lands or Grounds through which the said Canal shall be made may make any Cut,

Land owners  
may erect  
Wharfs.

Cut, Canal, or Tunnel in or upon the Lands or Grounds of such Owner or Owners; to communicate with the said Canal, and may build, erect, or use any Wharfs, Quays, Landing Places, Cranes, Weigh-beams, or Warehouses in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Canal, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, Coal, Lime, or other Things, upon such Wharfs, Quays, or Landing Places, or upon the Grounds between the same and the said Canal, and may make and use proper and convenient Places for Boats and Vessels to lie and turn in, and to pass each other, so that the making, constructing, or using thereof respectively do not obstruct or prejudice the said Canal or Towing-paths on the Sides thereof.

If not done by Land Owners, or within a certain Time, the Company may build Wharfs, &c.

CII. Provided always, and be it further enacted, That if any Land Owner shall not, within the Space of Six Calendar Months next after Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode by or on behalf of the said Company, that any Part or Parts of such Lands or Grounds is or are necessary or proper to be used for the Purpose of making and erecting Warehouses, Buildings, or other Conveniences for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniences for the Use of the said Navigation, as the Sheriff Depute or Substitute of the County wherein such Lands or Grounds shall be situate shall think necessary, on the respective Parts of the same described in such Notice; then and in such Case it shall and may be lawful to and for the said Company, or their Committee of Management, without any Hindrance or Restraint whatsoever, to make use of any such Lands or Grounds, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nursery of Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences, and for laying out and making necessary and convenient Roads to and from the said Canal, agreeably to such Notice to be delivered as aforesaid, they the said Company previously making Satisfaction for the same in such Manner as is herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Proviso.

CIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Company, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh-beam, or Warehouse which shall be set out, erected, or made by the Owner or Owners, Occupier or Occupiers of any Lands or Grounds through which the said Canal shall be made, for his, her, or their private exclusive Use only; nor to set up, erect, repair, or use any Crane or Weighing Machine in or upon any such Wharf, Quay, or Landing Place, without the Consent in Writing of the Owner or Occupier thereof respectively, any Thing herein contained to the contrary notwithstanding: And provided further, that it shall not be in the Power of the said Company to make or erect in the County of *Linlithgow* any Warehouse, Wharf, or other Building whatsoever, within the Distance of

Four



Four hundred Yards from any Mansion-house, Villa, or other House, the Side Walls whereof shall be of the Height of Twelve Feet or upwards, without the Consent in Writing of the Owner or Owners of the Land whereon the same shall be erected being first had and obtained thereto.

CIV. And be it further enacted, That if any Person or Persons navigating or having the Care of any Boat or Vessel upon the said Canal shall, with Intent to avoid the Payment of any of the Rates or Duties hereby made payable, load or unload, or take or deliver into or out of any such Boat or Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever, at any other Place or Places, than at the Wharfs, Quays, or Landing Places upon or belonging to the said Canal, without having first obtained the Consent in Writing for that Purpose of the Committee of Management, or of some one of the Agents or Collectors of Tolls of the said Company; or if any Person shall do any other Act with Intent to evade the Payment of any of the said Rates or Duties, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

CV. And be it further enacted, That every Owner or Master of any Boat or Vessel not being a Pleasure Boat, passing upon the said Canal, shall cause his or her Name and Place of Abode, and the Name and Number of such Boat or Vessel, to be entered in a Book or Register to be kept by the Clerk or other Officer of the said Company, and shall also cause such Names and Number, and also the Place to which every such Boat or Vessel shall belong, and the true Number of Tons Burden thereof, to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches high at the least, and of a proportionate Breadth, on the Outside of the Head or Stern of every such Boat or Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and he is hereby required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Weight, and under such Regulations, as the said Committee of Management shall from Time to Time direct; or other proper Means shall be used, under the Direction of the said Committee of Management, so that the true Weight of the Lading on board may at all Times be ascertained and shown; and shall permit and suffer every such Boat or Vessel to be gauged, weighed, or measured, and any Timber or other Articles on board the same to be measured or weighed at the Expence of the said Company, whenever it shall be required by them, or by any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person having the Care or Command of any Boat or Vessel, or who shall navigate the same upon the said Canal, without having such Name, Figures, and Index thereon as herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, or Index, or who shall refuse to permit or suffer such Boat or Vessel to be gauged, weighed, or measured, or any Timber or other Articles to be measured or weighed, or shall wilfully suffer or permit any Boat or Vessel navigating upon or lying in the said Canal to be loaded or unloaded in any Lock or in any other Part of the said Canal without a Stage being laid from the Side of such Boat or Vessel to the Bank of the said Canal, so as effectually to prevent any Soil or other Matter or Thing intended to be taken on board or discharged out of such Boat or Vessel from falling into the said Canal, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, Sterling:

[Local.]

16 C

CVI. And

Penalty on  
Persons load-  
ing or unload-  
ing except  
at the Com-  
pany's Wharf.

Masters to  
put their  
Names on  
Outside of  
Boats, and be  
registered  
with Clerk;

and to unload  
by a Stage.

Further  
Wharfage for  
Goods re-  
maining a  
certain Time  
on Wharfs,  
&c.

CVI. And be it further enacted, That if any Coals, Culm, Stone, Timber, Sand, Slate, Lime, or other Things whatsoever, which shall be carried and conveyed on the said Canal, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company, or on the Banks of the said Canal, exceeding the Space of Twenty-four Hours, the said Company shall be entitled to demand and recover such reasonable Rates for the Time the same shall so lie or remain, exceeding the Space aforesaid, over and above the Rates herein-before authorized to be taken, as shall be fixed by the Committee of Management.

Owners of  
Boats ac-  
countable for  
Damages  
done by  
Boatmen, &c.

CVII. And be it further enacted, That the Master or Owner of every Boat or Vessel navigating upon the said Canal shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his Boat or Vessel, or by any of the Boatmen, Watermen, Trackers, or other Person or Persons, on Land as well as on Water, belonging to or employed by him or her in or about the same respectively, to any of the Bridges, Weirs, Basins, Locks, Dams, Engines, or other Works in, upon, or belonging to the said Canal, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniences to be made by virtue of this Act, either by loading or unloading any Boat or Vessel, or by any other Means whatsoever, or to the Owner or Proprietors of any Buildings or other Erection, Lands, Tenements, or Heritages adjoining or lying near to the said Canal, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatsoever; and the said Master or Owner of such Boat or Vessel may be sued and prosecuted for the same in any competent Court in *Scotland*; and if Judgment shall be given against him, the Pursuer in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Masters to  
recover from  
their Servants  
any Sum for  
their Default.

CVIII. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Boat or Vessel employed on the said Canal, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, Watermen, or Trackers, or any of them, such Servants, Boatmen, Watermen, or Trackers, and each and every of them, shall repay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them, of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or have not been repaid to him, her, or them by such Servants, Boatmen, Watermen, or Trackers, or any of them, although demanded (such Oath to be made before any one Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered, or may be stopped and deducted by such Master or Masters, Owner or Owners, from the Wages of such Servants, Boatmen, Watermen, or Trackers.

Places to be  
made for  
Boats to turn  
or lie in, or  
for other  
Boats to pass.

CIX. And be it further enacted, That the said Company shall and may, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat or Vessel to turn about or lie whilst another Boat or Vessel

Vessel shall pass by, or to admit Two Boats or Vessels to pass each other, and they are hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning, laying, or passing of any such Boats and Vessels; and all such Boats and Vessels which shall be towed or navigated upon the said Canal shall, upon meeting any other Boat or Vessel navigating thereon, stop at or go back to and lie in the said Spaces or Openings, in such Manner as the said Committee of Management shall from Time to Time direct and appoint; and if any Boat or Vessel shall be placed or lie abreast in any Part of the said Canal, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends; or if any Person or Persons navigating and having the Care of any Boat or Vessel shall wilfully obstruct the Navigation of the said Canal by means of the misplacing or otherwise misconducting such Boat or Vessel, and shall not immediately, upon the Request of any Officer or Servant of the Company, or of any Person navigating any other Boat or Vessel, moor the same at both Ends, or alter the Situation of such Boat or Vessel, or otherwise stop or effectually secure the same as the Case shall require, so as that such Obstruction shall be removed, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also the Sum of Five Pounds for every Hour during which such Obstruction shall continue after such Request; and it shall and may be lawful to and for the Agents and Servants of the said Company, or any of them, to cause any such Boat or Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Lading thereof, or any Part of such Lading, until the Charges occasioned by such unloading and Removal shall be paid; and if any Boat or Vessel shall be sunk in any Part of the said Canal, or in any such Basin, Trench, or Sluice, and the Owner or Owners or other Person or Persons having the Care of such Boat or Vessel shall not without Loss of Time weigh or draw up the same, it shall and may be lawful to and for the Agents or Servants of the said Company, or any of them, to cause such Boat or Vessel to be weighed or drawn up; and in case the same shall not be redeemed, and all Expences paid, within the Space of Twenty-one Days, to detain the same, and to sell and dispose thereof for the Satisfaction of all Expences necessarily incurred and occasioned in and about the weighing and drawing up of the same, rendering the Overplus of every such Sale or Sales to the Owner or Owners of such Boat or Vessel on Demand.

CX. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or if any Person or Persons shall suffer the Loading of any Boat or Vessel navigating thereon to lie over the Sides thereof, or shall overload any Boat or Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given of such Obstruction, haul such Boat or Vessel into such Place or Places, Opening or Openings, as shall be proper or be made for the Purpose of enabling Boats or Vessels to pass each other, or shall not otherwise remove the said Obstruction so as to make a free Passage for other Boats or Vessels navigating

Penalty for wilfully obstructing the Navigation, &c.

to y<sup>e</sup> same  
of the  
of the

to y<sup>e</sup> same  
of the

to y<sup>e</sup> same  
of the

Penalty for overloading Boats, &c. to obstruct the Passage of the Canal, or throwing Ballast, &c. therein.

gating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal, or into the said Reservoirs, Feeders, Trenches, Watercourses, or Basins to be made by virtue of this Act, or shall wantonly or unnecessarily open or cause to be opened any Lock, Gate, Valve, or Clough belonging to the said Canal, Feeders, or Reservoirs, or suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off the Water from any Part of the said Canal, Feeders, or Reservoirs, or leave any of the said Valves or Cloughs open and running, after any Boat or Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Valve or Clough in any of the Lock Gates on the said Canal, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
destroying  
the Works

CXI. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Company, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Law of *Scotland*; or, in Mitigation of such Punishment, such Court may award such arbitrary but lesser Punishment as to such Court shall seem proper.

Mitigation of  
Punishment.

Mines  
reserved to  
Land-  
owners.

CXII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canal, or any Towing Paths, Wharfs, Quays, Basins, Tunnels, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, shall be made to the Mines and Minerals lying or being within or under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful to and for such Owner or Owners, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal, or any of the Works or Conveniences belonging thereto.

Company's  
Agents to be  
at Liberty to  
enter Lands  
or Mines to  
view the  
Works.

CXIII. And be it further enacted, That it shall and may be lawful to and for the said Company, or their Agents or Servants, at any Time or Times, upon reasonable Notice, in the Day-time, to enter upon any Lands through or near which the Canal and Works hereby authorized to be made shall be or pass, wherein any Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Mines, and there to view, search, and

and measure, latch, and use all other Means for discovering the Distance of the said Canal and Towing Paths from the Working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal, or any of the Works belonging thereto, or so near thereunto as to endanger or damage the same, and that such endangering and damaging the Canal or other Works has been wilful, it shall and may be lawful to and for the said Company, and their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Towing Paths, and other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so wrought or worked subsequent to the passing of this Act, be recovered by the said Company, in case of Non-payment thereof upon Demand, by Action at Law in the Court of Session; and such Expences, Costs, and Charges shall when recovered be paid into the Hands of the Clerk of the said Company for the Time being, for their Use and Benefit; and in case the said Company shall find it necessary for the Safety of the said Navigation, or any of the Works thereto belonging, to stop the working of any Mines and Minerals under or near the said Canal, or any of the Works thereto belonging, the said Company shall and they are hereby required to make Satisfaction for the Value of such Mines and Minerals to the Owners, Occupiers, or other Persons entitled to receive the same, to be ascertained and determined by Two or more skilful Persons appointed for that Purpose by the Sheriff of the County in which such Mines or Minerals are situated.

In case the Company stop the working of any Mines, Compensation to be made to the Owners.

CXIV. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered to make and complete that Part of the said Canal, on the Lower Level thereof, from where it joins the *Forth* and *Clyde* Navigation, made in virtue of an Act of Parliament 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, to the Tail of the lowermost Lock on the proposed Canal, of the same Depth with the said Navigation at the Junction thereof, or of a Depth not exceeding Ten Feet, and Forty Yards wide.*

Part of the Canal may be made Ten Feet deep.

CXV. And be it further enacted, That when the said intended Canal shall be made, and before it shall be used for the Purpose of Navigation, the said Company shall at their own Costs and Charges cause to be made, erected, set up, and properly fixed, at the Point of Junction of the said Two Canals, or within Two hundred Yards thereof, Double Stop Gates, to be used as Occasion may require, for the Prevention of any Stoppage or Interruption to either of the said Canals; one of which Gates shall open towards the said *Forth* and *Clyde* Navigation, and shall be under the direct and absolute Control of the Company of Proprietors of the said

Stop Gates to be placed between the New Canal and Forth and Clyde Navigation.

[Local.]

16 D

Navigation;

Navigation; and that the said Stop Gates shall not be shut but when necessary for the Repair of either of the said Canals, or the Works thereof respectively, nor kept shut a longer Time than may be reasonable for making the same.

Protecting  
the Forth and  
Clyde Navigation from  
Damage in  
making the  
proposed  
Canal, &c.

CXVI. And be it further enacted, That in making and carrying on the Works which shall at any Time hereafter be necessary for opening, completing, or maintaining uninterrupted and effectual the Navigation and Junction of the said Canal with the said *Forth* and *Clyde* Navigation, this Company shall not do any Act or Acts to injure, damage, or impede the *Forth* and *Clyde* Navigation, or any Works thereon, from or by means of any Works necessary to make and maintain such Junction; and in case any Injury, Damage, or Obstruction shall be done, then such Injury, Damage, or Obstruction shall without Delay be made good and repaired by the Company incorporated by this Act; and in case of any Neglect or Delay of this Company to make good, repair, and amend such Damage, Injury, or Obstruction to the said *Forth* and *Clyde* Navigation, then the Company of Proprietors of the said *Forth* and *Clyde* Navigation, their Agents and Assigns, are hereby authorized to repair and make good such Damage and Injury, and the reasonable Expence thereof shall be reimbursed by the said Company of Proprietors of the said intended Canal; and in Default of reimbursing the same to the said Company of Proprietors of the *Forth* and *Clyde* Navigation, their Successors or Assigns, within Twenty-one Days after Demand made thereof, the same shall and may be recovered by Action at Law in any competent Court in *Scotland*; and that the said Company shall not charge Vessels passing from the *Forth* and *Clyde* Navigation into the said Canal with higher Rates and Duties than are charged for Vessels of the same Burden and Cargo passing on the same for the like and the same Distance; and on the other Hand Vessels passing along the said Canal into the *Forth* and *Clyde* Navigation shall not be liable to be charged with higher Rates and Duties than Vessels of the same Burthen and Cargo are charged by the Company of Proprietors of the *Forth* and *Clyde* Navigation for passing the like and the same Distance on the said Navigation; any Thing in this Act, or in any Act relating to the said *Forth* and *Clyde* Navigation, to the contrary notwithstanding.

Limitation  
of Powers.

CXVII. Provided always, and be it further enacted, That in case the said Canal hereby authorized to be made shall not be completed, so as to answer the Objects thereof, within Ten Years from and after the passing of this Act, all the Powers and Authorities hereby given relative thereto shall thenceforth cease and determine, save only as to so much of such Works respectively as shall have been completed within the Time aforesaid.

Act not to  
be put in  
force till  
Amount of  
Estimate  
subscribed.

CXVIII. And whereas the probable Expence of making the said Canal and other Works hereby authorized to be made will, according to an Estimate thereof, amount to the Sum of Two hundred and forty thousand five hundred Pounds or thereabouts; and the Sum of One hundred and ninety-eight thousand six hundred and fifty Pounds, being more than Four Fifth Parts thereof, has already been subscribed for defraying such Expences by several Persons under Contracts binding the Subscribers, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Two hundred and forty thousand five hundred

dred Pounds shall be subscribed in the like Manner before any of the Powers given by this Act shall be put in force.

CXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, or Powers which at present belong to and are enjoyed or which are claimed (in virtue of Acts of Parliament, Royal Charters, immemorial Usage, or otherwise) by the Magistrates and Town Council of the Royal Burgh of *Linlithgow*, or by the said Magistrates, or by any of them, to demand, take, receive, or levy Customs upon any Cattle, Carriages, Goods, or any other Thing whatsoever passing, led, driven, or carried over the Water of *Avon* at *Torphichen* Mill, or at any other Part of the said Water of *Avon*, by any Ford or Bridge, or by any Aqueduct or other Bridge, that may be built or erected across the said Water of *Avon* by the said Canal Company; and if any Act, Matter, or Thing shall be done in virtue of this Act, whereby such Customs shall be diminished, or such Act, Matter, or Thing, when done, shall have the Effect to diminish the same, then the said Magistrates and Town Council shall and may receive such Indemnification from the Proprietors of the said Canal as shall and may be agreed upon between them; and in case they cannot agree, as shall be settled by a Jury in the Manner in which Satisfaction is directed to be made by this Act for Damages done to Lands, Tenements, or Heritages, in the Execution thereof: Provided always, that the Validity and Discussion in the competent Courts of Law of such Rights, Privileges, Jurisdictions, and Powers so enjoyed or claimed, with all Defences which any of the Inhabitants of the Counties of *Linlithgow* and *Lanark*, or any other Person or Persons can or may plead against the same, shall be and the same are hereby reserved to all Parties interested; any Thing herein contained to the contrary notwithstanding.

Saving  
Rights of  
Magistrates of  
*Linlithgow*.

CXX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Heritages, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is hereinbefore provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained by a Jury as aforesaid; and the same may be recovered, levied, and applied in Manner herein directed with regard to any other Recompence or Satisfaction.

For making  
Recompence  
for Damages  
not herein-  
before parti-  
cularly pro-  
vided for.

CXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-Law to be made in pursuance thereof (the levying and Recovery whereof is or are not particularly hereinbefore directed), shall, in case of Non-payment thereof on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all Fines, Forfeitures, and Penalties (the Application whereof is not hereinbefore particularly directed) shall be paid to the Clerk of the said Company, and shall be disposed of for their Use; and the

Recovery of  
Fines and  
Forfeitures.

the Overplus of the Money raised by such Distress and Sales, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Persons aggrieved by Irregularity of Distress to recover only the special Damages.

CXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action before the Court of Session, or before the Sheriff.

CXXIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*),

Form of Conviction of Offenders.

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of our Lord \_\_\_\_\_ A. B. is convicted before me C. D. one of His Majesty's Justices of the Peace for the County of \_\_\_\_\_ [*specifying the Offence, and the Time and Place when and where committed, as the Case may be, and the Fine, Forfeiture, or Penalty found due*] contrary to an Act of Parliament passed in the Fifty-seventh Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act.*] Given under my Hand the Day and Year first above mentioned.

Persons aggrieved may appeal to the Quarter Sessions.

CXXIV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Company, or their Committee of Management, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given (first giving Twenty-one Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions



sions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye-Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by Advocation, or by any other Process whatsoever; any Law or Statute to the contrary notwithstanding.

CXXV. And for the more convenient summoning the said Company, or their Successors or Assigns, in Actions which may or shall be raised or sued against them; and also for laying on and using Arrestments in their Hands for arresting and attaching the Shares of, and belonging to any of the Proprietors, their Successors and Assigns, and for giving the Company Notice or Information of any Kind; be it enacted, That any such Summons, Arrestment, Notice or Intimation, which shall be served upon or left in Writing with the Clerk of the said Company personally, or at the Company's Office in *Edinburgh*, or with the Sheriff Clerk of the County of *Edinburgh*, shall be deemed, taken, and held to be good, lawful, and sufficient Notice or Intimation of Service to or upon the said Company to all Intents and Purposes whatsoever, and shall be as effectual in Law as if such Summons, Arrestment, Notice, or Intimation had been given, used, or made to all and each of the said Proprietors, their Successors or Assigns.

Summons left with the Clerk sufficient Notice, etc.

CXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue or in pursuance of this Act, until Twenty-one Days Notice thereof in Writing shall have been given to the said Committee of Management, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, after Six Calendar Months next after the Fact committed; and every such Action to be had in *England* shall be brought in one of His Majesty's Courts of Record at *Westminster*, and shall be laid in the County of *Middlesex*, and not elsewhere; and the Defendant and Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, and if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or shall be brought in any other County or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law; and every Action to be had in *Scotland* shall be brought before the Court of Session or Sheriff of the County within which the Thing complained of has been done; and the Defender or Defenders in such Suit or Action shall and may deny the Libel, and give this Act and the Special Matter in Evidence, and that the same was done in pursuance and by the Authority

Limitation of Actions.

[Local.]

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rity of this Act; and if the same shall appear so to be done, and if such Action and Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders shall be assolzied; or if the Action shall be found irrelevant, or be otherwise dismissed, or the Pursuer shall not prosecute the Action, or suffer the same to fall asleep, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have Double Costs, and shall have such Remedy for recovering the same as any Defender or Defenders hath or have for Costs of Suit in any other Cases of Law.

Saving Rights  
of the City of  
Edinburgh.

CXXVII. And whereas the Magistrates and Town Council of the City of *Edinburgh* are now entitled to certain Rates, Dues, Causeway, Mail, or Petty Customs, upon, for, or in respect of Goods, Wares, Merchandize, and other Articles brought or imported into, or carried or exported out of the said City: And whereas considerable Quantities of such Goods, Wares, Merchandize, and other Articles, may, after the making of such Canal as aforesaid, be loaded, shipped, or landed at, on, or near the Quays, Wharfs, Banks, or Basins of the said Canal, so that Loss may arise to the said City; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors, by any Person or Persons appointed or authorized by them, to ask, demand, take, and receive a Duty of One Penny *per* Ton upon all Goods, Wares, Merchandize, and other Articles, except Manure, loaded, shipped, or landed at or on the Basins, Quays, or Wharfs at the East End of the aforesaid Canal, or within One Mile's Distance of such East End; for which Sums so to be levied or collected, the said Company, or the Person appointed by them, shall account once in Three Months, and pay the same to the Treasurer of the said City, upon being allowed Five *per Centum* upon the Amount of such Collection for the Trouble of collecting the same; and that the Books of the said Company, so far as necessary to show the Amount of the Duties so collected, shall at all Times be open to the Inspection of the said Magistrates and Town Council, or of any Person authorized by them to examine the same; which Rates or Dues so to be levied and accounted for shall be in full Compensation and Indemnity to the said Magistrates and Town Council of all Damages and Loss which the said City may or shall sustain in Manner aforesaid.

Goods having  
paid such  
Duties may  
be exported  
Duty-free  
at Leith.

CXXVIII. Provided always, and be it enacted, That all such Goods, Wares, Merchandize, and other Articles which, have paid such Duties as aforesaid, and are not liable to pay any further Duties, may be exported at the Port of *Leith* free of Duty while and as long as Goods which have paid Shore Dues on Importation may at such Port be exported Duty-free.

Certain Rates  
to Ministers  
of Edinburgh  
may be levied  
on Canal.

CXXIX. Provided always nevertheless, and be it enacted, That for the Purpose of securing those concerned against any Loss which they might otherwise sustain in the levying of a Custom or Duty of Thirteen Shillings and Four-pence *Scots* upon each Ton and Pack of Goods, from whatsoever Country or Countries other than *Scotland*, imported by Sea or Land into the City of *Edinburgh*, or into the Towns of *Leith* and *Newhaven*, or any Part of the Liberties of the same, granted to the aforesaid Magistrates of  
*Edinburgh*,

*Edinburgh*, for Behoof of the Ministers of that City, by a Charter or Gift from His late Majesty King *Charles* the First, dated the Seventeenth Day of *May* in the Year of Our Lord One thousand six hundred and thirty-six, as the said Charter was ratified, confirmed, and explained by the Parliament of *Scotland* on the Twenty-second Day of *March* in the Year of our Lord One thousand six hundred and sixty-one, the said Company of Proprietors, for the Use and Behoof foresaid, shall be, as they hereby are, authorized and required, by some Person or Persons appointed and authorized by themselves, to demand, levy, and take upon all imported Goods, of the Description specified in the said Charter or Gift and Act of Parliament, at the Basins, Quays, or Wharfs at the East End of the aforesaid Canal; or at any other Place within One hundred Yards Distance thereof, the same Custom or Duty which the Magistrates and Council of *Edinburgh*, in behalf of the said Ministers, have been in use to levy at the Places where the said Custom or Duty has heretofore been levied and taken; and the Books of the said Company of Proprietors, so far as necessary to show that the said Duties have been fairly levied, and the Amount of the Sums collected, shall at all Times be open to the Inspection of the said Magistrates and Town Council, and all or any of the Ministers of *Edinburgh*, or of any Person or Persons authorized by them to examine the same; and for the Sums so to be levied or collected, the said Company of Proprietors, or some Person appointed by them, and for whom they shall be answerable, shall account once every Three Months, and pay the same to the Treasurer of the said City of *Edinburgh*, for Behoof of the said Ministers, upon being allowed, for the Trouble of collecting, the like Per-centage as the said Magistrates and Council may at the Time allow for collecting the Duties hereby authorized to be collected for the proper Account and Behoof of the Community.

CXXX. And whereas large Sums have been borrowed and expended upon the High Roads within the County of *Edinburgh* by the Trustees acting in the Execution of an Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for rendering more effectual several Acts for repairing the Turnpike and other High Roads in the County of Edinburgh, and for repairing the Roads from the City of Edinburgh to the Town of Leith*, and the other Acts therein recited; the Repayment of which Sums depends upon the Amount of the Tolls levied on the said Turnpike Roads, which it is conceived may be diminished by means of the said Canal, which is intended to be carried through or across certain of the said Roads; be it therefore enacted, That if the Amount of the Tolls to be levied upon such of the said Turnpike Roads as shall be cut through or crossed by the said Canal, for and during or in the Period of Three Years after the said Canal shall be completed and used for the Purposes of Navigation, shall be less than the Amount of such Tolls for and during or in the Period of Three Years preceding the Time when the said Canal shall be completed and used for the Purposes of Navigation, then the said Trustees shall and may receive from the Proprietors of the said Canal such Sum of Indemnification as shall and may be agreed upon between them, in consideration of any Loss which may be sustained by the said Trustees through the making of the said Canal, regard being had, in settling such Indemnification, to the Diminution of the Expence of maintaining the said Roads, which will be occasioned (should the said Tolls be diminished as aforesaid) by the Decrease of travelling along the same,

*Edinburgh*  
Road Trustees indemnified.

same, in consequence of the making of the said Canal; and in case they cannot agree, then the Amount of such Indemnification shall be ascertained by a Jury, and paid upon their Award, in the Manner in which Satisfaction is directed by this Act to be made for Damages done to Lands, Tenements, and other Heritages, in the Execution of this Act: Provided always, that no Person who is a Road Trustee under the said recited Acts, and no Person who is a Proprietor of any Share or Shares of the Stock of the said Company, shall be eligible to be of such Jury.

Trustees on  
Bathgate  
Roads indem-  
nified.

CXXXI. And whereas the Trustees appointed by an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for altering and enlarging the Powers of Three Acts of His present Majesty, for making and repairing the Roads from the new Bridge over the Water of Almond by Bathgate to Ballieston, on the Confines of the Counties of Edinburgh and Linlithgow, by the Town of Bathgate to Ballieston in the County of Lanark; and several other Roads mentioned in the said Acts*, have, under the Sanction of the said Act and the Acts therein recited, expended very considerable Sums of Money in opening up a level and commodious Communication by a Turnpike Road betwixt the Cities of *Edinburgh and Glasgow*: And whereas the Revenue arising from the Tolls levied on the said Road may be diminished by means of the said Canal, which in its Course crosses the Line of the said Road; be it therefore enacted by the Authority aforesaid, That Compensation shall be made to the Trustees upon the said Road for the Injury and Loss which the Funds of the Trust under their Management may sustain through the means of the said Canal, by the Diminution of the Revenue arising from the Tolls to be levied on the said Road, or otherwise; and for ascertaining the Amount of such Compensation, it shall be competent for the Trustees upon the said Road, and the said Company of Proprietors hereby incorporated, to transact and agree concerning the same, or to refer the same to Arbitration, or either Party may apply to the Sheriff of the Shire of *Linlithgow* to summon a Jury for that Purpose, in the same Manner as Juries are appointed by this Act to be summoned; and such Compensation shall be so ascertained by Transaction, Reference, or Verdict of a Jury as aforesaid, at the End of the first Five Years after the opening of the said Canal, for the said Five Years, and the same shall be ascertained in like Manner at the End of Five Years thereafter; and upon ascertaining the Indemnification to be made for the last of these Periods in Manner aforesaid, the Trustees on the said Road, and the said Company, or the Arbiter or Arbiters to be named by them, or the Jury to be summoned as aforesaid, shall ascertain and determine the annual Amount to be paid as such Compensation to the said Road Trustees in all Time thereafter, under this express Condition and Declaration; that as soon as the Debt of the said Road Trust shall be reduced to Ten thousand Pounds, all annual or other Compensation shall cease and determine.

CXXXII. And whereas the Trustees acting in Execution of an Act of Parliament passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually making and repairing the Roads from Carlowrie Bridge on the River Almond to Linlithgow Bridge on the River Avon, and other Roads in the County of Linlithgow*, are authorized and empowered to levy certain Tolls and Rates upon the said Road from *Carlowrie Bridge to Linlithgow Bridge*, which Road will be in Two  
several

several Places crossed by the said Canal: And whereas the Amount of such Tolls may be diminished by means of the said Canal by this Act authorized to be made; be it therefore enacted, That if the Amount of the Tolls to be levied upon the said Road for and during or in the Period of Three Years after the said Canal shall be completed and used for the Purposes of Navigation, shall be less than the Amount of such Tolls for and during or in the Period of Three Years preceding the Time when the said Canal shall be completed and used for the Purposes of Navigation, then the said Trustees shall and may receive from the Proprietors of the said Canal such Sum of Indemnification as shall and may be agreed upon between them, in consideration of any Loss which may be sustained by the said Trustees through the making of the said Canal; Regard being had in ascertaining and settling such Indemnification to the Diminution of the Expense of maintaining the said Road which will be occasioned (should the said Tolls be diminished as aforesaid) by the Decrease of travelling along the same in consequence of the making of the said Canal; and in case they cannot agree, then the Amount of such Indemnification shall be ascertained by a Jury, and paid upon their Award, in the Manner in which Satisfaction is directed by this Act to be made for Damages done to Lands, Tenements, and other Heritages in the Execution of this Act: Provided always, that no Person who is a Road Trustee under the said recited Act, and no Person who is a Proprietor of any Share or Shares of the Stock of the said Company, shall be eligible to be of such Jury.

CXXXIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to repeal, alter, or diminish any of the Rights, Powers, or Privileges of the Company of Proprietors of the Forth and Clyde Navigation, for supplying the said Navigation with Water, or for any other Purposes, by virtue of the several Acts relating to the said Navigation.

Saving Rights of Proprietors of Forth and Clyde Navigation.

CXXXIV. And be it further 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 Judges, Justices, and other Persons whomsoever, without being specially pleaded.

Public Act.

## SCHEDULE to which this Act refers.

COUNTY.	PARISH.	Number on the Plan.	OWNERS.	OCCUPIERS.	Description of Property,
Linlithgow	Linlithgow	4.	Louis Henry Ferrier Esq.	Robert Easton	Cotter's Garden.
Do.	Do.	30.	Alexander Learmonth	Himself	Park.
Edinburgh	Colington	6.	John Inglis Esq.	Hugh Macwhirter	Bleachfield.
Do.	Do.	7.	Alexander Monro M. D.	Henry Turnbull	Garden.
Do.	Do.	9.	Thomas Sievwright Esq.	Sundries	Cothoufes and Gardens.
Do.	St. Cuthberts or Westkirk	4.	James Walker Esq.	Charles Cuningham Esq.	Park.
Do.	Do.	5.	Bain Whyt Esq.	Henry Gudge	Garden.
Do.	Do.	7.	James Haig Esq.	Alexander Buncle	Do.
Do.	Do.	8.	Do.	Himself	Distillery Yard.
Do.	Do.	9.	Robert Richmond	Himself	Garden and House.
Do.	Do.	10.	Reverend George Smith	William Scott	Garden.
Do.	Do.	11.	Robert Blair	Thomas Hunter	Do.
Do.	Do.	12.	Thomas Hunter	Himself	Do.
Do.	Do.	13.	Margaret Grindlay	Herfelf	Do.
Do.	Do.	14.	James Miller	Himfelf	Do.
Do.	Do.	15.	James Morison	Himfelf	Do.
Do.	Do.	16.	Captain James Durie	Himfelf	Do.
Do.	Do.	17.	Mrs. Elizabeth Chifholm	Mrs. Mary Smith	House and Garden.
Do.	Do.	18.	Do.	William Redpath	Garden.
Do.	Do.		Duncan Farquharfon	— Stuart	Do.
Linlithgow	Torphichen	1	RESERVOIR AT BAR- BAUCHLAY. Sir Thomas Livingstone	Andrew Auld	House.
Linlithgow	Torphichen	1. 1.	AVON FEEDER. Captain Grant	Himfelf	Plantation.
Do.	Linlithgow	2. 2.	William Blair, Minor	Himfelf	Do.
Do.	Do.	3. 3.	Disputed Property	John Bell	Do.
Edinburgh	Kirknewton	1.	ALMOND FEEDER. Hon. Henry Erskine	Himfelf	Plantation.
Do.	Do.	2.	Earl of Morton	William Marshall	Do.
Linlithgow	Uphall	1.	Hon. Henry Erskine	Himfelf	Planted Walks and Lawn