

Power to alter the Line of Canal in certain Places.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much and such Parts of the said recited Act as authorized and empowered the said Company to make and complete the said Canal according to the Line prescribed by the said Act, on the Estates of *Bonnington* and *Ratho* in the Parish of *Ratho*, on *Cliftonhall* Estate in the Parish of *Kirkliston*, all in the County of *Edinburgh*, on *Hopeton* Estate in the Parish of *Kirkliston* and County of *Linlithgow*, on the Estate of *Meadowbank* in the Parish of *Polmont*, and on the Lands of *Glenfuir* and on that Part of *Callendar* which lies to the Westward of the said Lands of *Glenfuir* in the Parish of *Falkirk*, in the County of *Stirling*, shall be and the same are hereby repealed; and the said Company of Proprietors shall be and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and others, to make and complete the said Canal of the Depth and Dimensions authorized by the said recited Act at the Places aforesaid, and in and through the Properties of the Persons whose Names are set forth in the Schedule hereunto annexed, and according to the Line delineated and laid down in Red in the Maps or Plans lodged with the several Clerks of the Peace of the said Counties during the Month of *September* last; any thing in the said recited Act to the contrary notwithstanding.

Canal to be completed to a certain Place.

II. Provided always nevertheless, and be it enacted, That the said Company shall (notwithstanding the intended Deviation through the Lands of *Glenfuir*) and they are hereby required, within the Period limited by the said Act for making the said Canal, to make and complete the said Canal in the Line authorized by the said Act through the Lands of *Glenfuir* to the public Road to the West of the said Lands, any thing in this Act to the contrary notwithstanding: And provided further, that it shall not be lawful to or for the said Company to demand or receive any other or higher Tolls for any Articles whatsoever passing along such Part of the said Canal as is last above described, than shall at the Time be demanded or received on the like Distance upon any other Part or Parts of the said Canal.

Restraining the Company from altering the Line on the Estate of *Almond*, or carrying it through *Callendar Park*.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Company to make any such Deviations of the Line of the said Canal as are so marked in Red in the said Plan lodged with the Clerk of Peace of the County of *Stirling* in the Month of *September* last as aforesaid, on the Estate of *Almond* in the Parish of *Muiravonside* and County of *Stirling*, belonging to *William Forbes* Esquire, of *Callendar*, or from the Lands belonging to Sir *Thomas Livingstone* Baronet, through *Callendar Park* on the Estate of *Callendar*, Parish of *Falkirk*, and County aforesaid, also belonging to the said *William Forbes*; but the said Company are hereby required to carry the said Canal in so far as the same is intended to pass through the Estates of the said *William Forbes* of *Callendar*, lying to the Eastward of *Glenfuir*, in the Line authorized by the said recited Act, and no otherwise, any thing in this Act contained to the contrary notwithstanding.

IV. Provided

IV. 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, to make the said Alterations in the Line of the said Canal nearer to the Mansion House of *Ratho*, or to the Mansion House of *Cliftonhall*, both in the County of *Edinburgh*, than is laid down on the said Plan lodged with the said Clerks of the Peace in *September* last as aforesaid.

Company restrained from making Canal near to the Mansion House of Ratho and Cliftonhall.

V. And be it further enacted, That the Provisions contained in the said recited Act regarding the Supply of Water to the House and Lands of *Glenfuir*, and the building of a Bridge across the said Canal, and the Erection of Houses or Stables on the said Lands of *Glenfuir*, shall be and the same are hereby repealed: Provided always, that nothing herein contained shall repeal or impair, or be construed in any way to repeal or impair, the Obligation imposed upon the said Company by the said recited Act to convey Water at the Expence of the said Company to the Mansion House of *Bantasskine* from the Source, in the Manner and in all Time thereafter as specially provided by the said recited Act.

Repeal of Provision regarding Glenfuir.

VI. And be it further enacted, That not only during the making of the said Canal, but also in all Time coming after it shall be completed, neither the said Company, nor any Person or Persons employed by them, shall enter into any of the Grounds belonging to *George Earl of Morton* situated further South than the Farm Steading of *Jaw*, or farther West than the Road leading from *Addiston Mains* to *Gogar* and *Ratho*, for the Purpose of taking Materials for making the said Canal, or for any of the other Purposes authorized by the said recited Act, excepting always for the Purpose of making the Feeder as authorized by the said recited Act; nor shall the said Company, after the said Canal and Feeders shall have been made and completed, enter either the Lands above described, or any other of the Lands belonging to the said *George Earl of Morton* for any of the Purposes aforesaid, save in the Event of any Accident happening to the said Canal or other Works in any of the Lands of the said *George Earl of Morton*, for the Purpose of taking Materials for and repairing the same.

Provision regarding Earl of Morton's Lands.

VII. And whereas a Survey has been taken to ascertain the Practicability of making the Alterations hereby authorized on the Line of the said Canal, and a Map or Plan, with a Book of Reference, has been made, showing the Line or Course of the said Alterations by a Red Line, and authenticated Copies thereof have been deposited in the Offices of the Clerks of the Peace for the Counties of *Edinburgh*, *Linlithgow*, and *Stirling* as aforesaid; 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 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 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

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

Fourteen Days Notice to him given for that Purpose, shall be 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.

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

VIII. 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 Alterations hereby authorized to be made, 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, or Stirling*, (none of such Justices of the Peace being a Proprietor of the Canal or other Works by the said recited Act or by this Act authorized to be made, or of Lands, Grounds, or Heritages through which the same passes or is meant to pass,) and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Not to deviate more than 100 Yards.

IX. And be it further enacted, That the said Company, in making the Alterations hereby authorized on the Line of the said Canal, shall not deviate from the Lines laid down on the said Plans showing such Alterations more than One hundred Yards.

Bodies Politic, &c. empowered to sell and convey Lands.

X. And be it further enacted, That after any Lands, Grounds, Tenements, or Heritages shall, under the said recited Act or this Act, be set out and ascertained for making the said Canal, Reservoirs, and Feeders, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before mentioned, or any of them, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity whatsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Heritages which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, to the said Company; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company; and such of them as shall be made of any Lands, Tenements, or other Heritages to the said Company may be made in the Form prescribed by the said recited Act; which Conveyance being registered in the Manner therein prescribed, and recorded in the Register of Seisins of the County in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers of such Counties are hereby authorized and required to register, shall have the same

Contracts and Sales to be made at the Expence of the Company.

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 Seisins 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 Hundred Words of each such attested Copy (besides the Stamp Duty), and so in proportion for any greater or less Number of Words.

XI. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons by the said recited Act or by this Act 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 the said recited Act or 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 herein-before 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 as 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 herein-after directed; and the said Sheriff-Depute or Substitute is hereby empowered and required, upon Application from the said Company, or from their Clerk, or from any Owner or Owners, Occupier or Occupiers of any such Lands, Tenements, or Heritages as above described, for the Time being, to summon and return Forty-five substantial and disinterested Persons, and the Sheriff-Depute or his Substitute shall appoint a Day and Place for proceeding in the said Matter, of which Six Days previous Notice in Writing shall be given to the Clerk of the said Company personally, or left at the Company's Office in *Edinburgh*, and to such Proprietors and Occupiers personally, or left at his, her, or their usual Place or Places of Abode; and at the Time and Place appointed the Sheriff-Clerk of the County as aforesaid, or his Deputy or Substitute, shall, in the Presence of the said Sheriff-Depute or his Substitute, and the Party or Parties interested, if he, she, or they shall attend, put into a Box or Glass the Names of the

Satisfaction to be made for Lands, &c.

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

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Witnesses to
be sworn and
examined.

Verdict of
Jury to be
final.

Persons re-
questing
Juries to
enter into
Bonds to
prosecute.

whole Forty-five Persons so summoned and returned, and shall out of such Box or Glass draw out the Names of Fifteen Persons, and the Fifteen Persons whose Names shall be thus drawn shall form a Jury for the Purposes aforesaid; and in case of the Death of any of the said Fifteen Persons, or of their Inability to attend, the said Sheriff-Depute or his Substitute, shall direct the Sheriff-Clerk, or his Deputy or Substitute, to draw from amongst the remaining Names of the Persons summoned by the said Sheriff-Depute or his Substitute, in the Manner before mentioned, such an additional Number of Names as may be necessary to make up a complete Jury of Fifteen Persons able to attend; and the said Fifteen Persons are hereby required to appear before the said Sheriff-Depute or his Substitute, at such Time and Place as in his Warrant or Precept shall be directed and appointed to that Effect; and the said Sheriff-Depute or his Substitute is hereby authorized and empowered, by Warrant under his Hand, to call before him such Person or Persons as shall be thought proper or necessary to be examined as a Witness or Witnesses before him touching or concerning the Premises, and to send his Precept for all and every such Person or Persons who is and are hereby required to appear before the said Sheriff-Depute or his Substitute; and the said Sheriff-Depute or his Substitute shall and may administer Oaths for the better Discovery of the Truth in regard to the Enquiry by him to be made to any Person or Persons therein concerned, or to any other Person or Persons whatsoever, and shall and may authorize the said Jury or any Five of their Number to view the Place or Places and Matters in question; and the said Jury upon their Oaths (which Oaths the said Sheriff-Depute or his Substitute shall and may administer) shall enquire of and give their Verdict for such Damage or Recompence, Price or Prices, as they shall judge fit to be awarded to such Owners or Occupiers as aforesaid, or any of them, for any such Lands, Grounds, Tenements, or other Heritages, or any Part thereof, or the Recompence to be made for the Damages which shall or may be sustained as aforesaid; 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.

XII. 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, 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; and failing such Person or Persons entering into a Bond
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as aforesaid within Twenty-one Days after being required in Writing by the said Company so to do, it shall and may be lawful to and for the said Company to enter upon such Lands, Grounds, Mills, Tenements, or Heritages, upon depositing in the meantime in the Hands of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, the Price offered to be paid by the said Company for such Lands or others, but the said Company shall nevertheless be liable to pay the Price or Rent to be ascertained by the Jury, who shall value such Lands or other Heritages if the same shall turn out to be more than the Sum offered and deposited.

XIII. 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 the said recited Act or 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 and Sub-Soil by means of boring or making Trial Pits, and for searching for Materials as authorized by the said recited Act and by this Act,) 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.

Lands not to be entered till Price paid or tendered.

XIV. And whereas it may happen, by making the said Canal and other Works, that certain Lands and Grounds acquired by the said Company may be separated so as inconveniently to leave narrow and small Pieces or Parcels thereof; be it therefore enacted, That in all Cases where such Pieces or Parcels are not required for the Use of the said Company for the Purposes of the said Canal and other Works, the Person or Persons from whom any such Piece or Parcel was purchased, and failing him, her, or them, or in case of his, her, or their declining to purchase, 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 Grounds of such former Proprietor or Proprietors, or Owner or Owners, adjoining thereto, so as to render the same Parcels of Land convenient to the several former Proprietors or Owners or Occupiers thereof, in such Manner as such former Proprietor or Proprietors or Owner or Owners of the said Lands or Grounds for the Time being shall, by any Writing

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

Writing under his, her, 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.

Power to anticipate Calls.

XV. And whereas by the before-recited Act the Company are not entitled to make Calls upon the Subscribers for more than Ten *per Centum* on the Capital of the said Company every Six Months for Five Years: And whereas, from the Progress already made in the Work, there is every reason to believe that the Completion of the whole Canal and other Works would be furthered and promoted if the Company were authorized to anticipate the said Calls for One Year for that Purpose; be it therefore enacted, That the Committee of Management appointed in Terms of the before-recited Act shall and may have Power and Authority, upon a Resolution of any Special or Annual General Assembly of the Company to that Effect, to borrow and to receive from any Person or Persons, any such Sum or Sums of Money, not exceeding the Amount of One Year's Call as aforesaid, as may be necessary for expediting the said Work, and that upon such Terms and at such Rate of legal Interest as may be agreed upon between the Parties, for which Sums so to be borrowed and advanced the whole Funds and Property of the said Company shall alone be answerable.

Transfer of Shares.

XVI. And be it further enacted, That on the Sale or Transfer of any Share or Shares of the said Undertaking, it shall be optional to the Purchaser or Purchasers of such Share or Shares to register such Transfer in the Books of any Court in *Scotland*, or elsewhere, other than in the Books of the said Company; and in case any Transfer (which shall always be made in the Form prescribed by the said recited Act) shall not be so registered in the Books of any Court in *Scotland*, such Transfer shall be delivered to the Clerk of the said Company, to be deposited with the Records of the said Company, and the said Clerk shall cause a Memorial or Entry thereof to be made in the Book or Books of the said Company to be kept for that Purpose, for which no more than Five Shillings shall be paid, and the said Clerk is required to make such Memorial or Entry thereof accordingly; and such Transfer, when so deposited and entered, and not sooner, shall entitle the Assignee or Assignees therein, or his, her, or their Executors or Assigns, to the full Benefit thereof; and it shall not be in the Power of the Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or the Money due or to become due thereon or thereby secured, or any Part thereof.

Value of Mines how to be ascertained.

XVII. And whereas by the said recited Act the said Company are required to make Satisfaction for the Value of 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; be it enacted, That such Provision for ascertaining the Value of such Mines and Minerals by such Persons appointed as aforesaid shall be and the same is hereby repealed, and such Value shall be ascertained in such

such and the like Manner as the Value of any Lands, Heritages, Mills, Waters, or other Property to be taken by virtue of the said recited Act or this Act is hereby appointed to be ascertained.

XVIII. And be it further enacted, That the said recited Act, and all the Powers and Authorities therein contained, excepting in so far as hereby repealed, altered, or explained, or as the Powers and Authorities thereby given are inconsistent with or repugnant to this present Act, shall continue in full Force, and have full Effect and Operation, in the same Manner as if this Act had not been made. Original Act to be held in full Force except as hereby altered.

XIX. And be it further enacted, That the Expences of obtaining and passing this Act shall be paid out of the Monies authorized to be levied by the said recited Act or by this Act. Expences of Act how to be paid.

XX. 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 others, without being specially pleaded. Public Act.

SCHEDULE referred to in the Act.

County.	Parish.	Owner.	Occupier.
Edinburgh -	Ratho -	{ William M'Knight Crawford or Alexander Bonar - - - } { The Heirs of Matthew Wilkie of Bonnington - - - }	William M'Knight Crawford. The said Heirs.
	Kirkliston -	— Maitland Gibson - - -	James Thomson.
Linlithgow -	Ditto -	The Earl of Hopetoun	{ William Wilkie. David Fortune. Widow of L. Alexander.
Stirling -	Polmont -	Henry Johnston of Meadowbank -	Himself.
	Falkirk -	Colonel William Duncan -	Himself.
	Ditto -	The Forth and Clyde Navigation -	The same.

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