



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xlviii.

An Act for altering and amending several Acts for making and maintaining the *Forth and Clyde* Navigation. [8th July 1820.]

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

8 G. 3. c. 63.

11 G. 3. c. 62.

[Local.] 17 A. ' also

- ‘ also a Collateral Cut from the same to the City of Glasgow ; and for
 ‘ making a Navigable Cut or Canal of Communication from the Port and
 ‘ Harbour of Borrowstounness to join the said Canal at or near the Place
 ‘ where it will fall into the Firth of Forth :’ And whereas another Act
 was passed in the Thirteenth Year of the Reign of His said late Majesty,
 13G.3. c.104. intituled *An Act to enlarge the Powers of Two Acts made in the Eighth
 and Eleventh Years of the Reign of His present Majesty, for making and
 maintaining a Navigable Cut or Canal from the Firth or River of Forth,
 at or near the Mouth of the River of Carron, in the County of Stirling,
 to the Firth or River of Clyde, at or near a Place called Dalmuir Burn-
 foot, 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 Com-
 munication from the Port and Harbour of Borrowstounness to join the said
 Canal at or near the Place where it will fall into the Firth of Forth :*
 And whereas another Act was passed in the Twenty-fourth Year of the
 24G.3. c.59. Reign of His said late Majesty, intituled *An Act for extending, amend-
 ing, and altering the Powers of an Act made in the Eighth Year of the Reign
 of His present Majesty, intituled ‘ An Act for making and maintaining a Na-
 ‘ vigable 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 Dum-
 ‘ barton, and also a Collateral Cut from the same to the City of Glasgow ;
 ‘ and for making a Navigable Cut or Canal of Communication from the Port
 ‘ and Harbour of Borrowstounness, to join the said Canal at or near the
 ‘ Place where it will fall into the Firth of Forth :’* And whereas another
 Act was passed in the Twenty-seventh Year of the Reign of His said
 27G.3. c.20. late Majesty, intituled *An Act for varying and extending the Powers
 of the Company of Proprietors of the Forth and Clyde Navigation :* And
 whereas another Act was passed in the Twenty-seventh Year of the
 27G.3. c.55. Reign of His said late Majesty, intituled *An Act for altering and
 extending the Line of the Cut or Canal authorised to be made and maintained
 by so much of several Acts made in the Eighth, Eleventh, Thirteenth, and
 Twenty-fourth Years of the Reign of His present Majesty, as authorises the
 making and maintaining a Navigable Cut or Canal from the Firth or
 River of Forth, at or near the Mouth of the River of Carron, in the
 County of Stirling, to the Firth or River of Clyde at or near a Place called
 Dalmuir Burnfoot, in the County of Dumbarton, and also a Collateral Cut
 from the same to the City of Glasgow ; for deepening the said Cut or Canal ;
 and for explaining and amending so much of the said Acts as relates to the
 making and maintaining the said Cut or Canal :* And whereas another Act
 was passed in the Thirtieth Year of the Reign of His said late Majesty,
 30G.3. c.73. intituled *An Act for forming a Junction between the Forth and Clyde Navi-
 gation and the Monkland Navigation, and for altering, enlarging, and ex-
 plaining several former Acts passed for making and maintaining the said Na-
 vigations :* And whereas another Act was passed in the Thirty-ninth Year
 of the Reign of His said late Majesty, intituled *An Act for empowering the
 Company of Proprietors of the Forth and Clyde Navigation to repay into the
 Court of Exchequer in Scotland the Sum advanced to them for the Purpose
 of completing the said Navigation ; for repealing so much of an Act of the
 Twenty-fourth Year of His present Majesty as relates to the said Company,
 and for enabling the Barons of the said Court of Exchequer to advance Part of
 the Sum so to be received to the Company of Proprietors of the Crinan Canal,
 on certain Conditions :* And whereas another Act was passed in the Forty-
 sixth

sixth Year of the Reign of His said late Majesty, intituled *An Act to alter and amend the several Acts passed for making and maintaining the Forth and Clyde Navigation*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *An Act to enlarge, alter and amend the Powers of the several Acts for making and maintaining the Forth and Clyde Navigation*: And whereas by the said first recited Act of the Eighth Year of the Reign of His said late Majesty, it was enacted, that the Sum of One hundred and fifty thousand Pounds Sterling therein mentioned, or such Part thereof as should be raised by the Proprietors of the said Company, should be divided and distinguished into Fifteen hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds Sterling Money *per* Share, and that the said Fifteen hundred Shares should be vested in the said Proprietors and their several and respective Successors, Executors, Administrators and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum or Sums they and each of them had severally subscribed, or to which they had been assumed by original Subscribers or their Executors, and should contribute and pay thereunto; and every the Bodies Politic and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators and Assigns, who had severally subscribed or had been assumed as aforesaid, and should pay the Sum of One hundred Pounds Sterling Money, or such Part thereof as should be demanded towards carrying on and completing the said then intended Navigation, should be entitled to and receive, after the said Navigation should be completed, the entire and neat Distribution of One fifteen hundredth Part of the Profits and Advantages that should and might arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of the said Act, and so in Proportion for any greater Number of Shares: And whereas it was by the said first recited Act further enacted, that if it should at any Time happen that the Distribution made among the said Proprietors within the Space of One Year, out of the Profits of the said Undertaking, should exceed the Rate of Ten Pounds *per Centum*, upon the principal Sum or Sums of Money which should have been raised and contributed for the Purposes of the said Act, then and in every such Case the several Rates, Tolls, and Duties to be taken during the Course of One entire Year, to be computed from the First Day of *January* next following such Distribution as aforesaid should be lower than the highest Rates, Tolls, and Duties therein allowed to be taken, in each Case respectively, in the Proportion of One-eighth Part for every Twenty Shillings Sterling, by which such Distribution should have exceeded the Rate of Ten Pounds *per Centum* upon the principal Sum or Sums before mentioned; and it should not be lawful for the said Company of Proprietors, their Successors and Assigns, during the Course of such entire Year as aforesaid, to demand or take any higher or greater Rates, Tolls, or Duties than in the Proportion aforesaid: And whereas by the said recited Act of the Thirty-ninth Year of the Reign of His said late Majesty, after reciting that notwithstanding the Act for making and maintaining the said Canal, passed in the Year of our Lord One thousand seven hundred and sixty-eight, and the said Work was immediately thereafter begun, yet the Proprietors thereof had never received any Return, either of Interest or Dividends, for the Money advanced by them; and over and above that Money, and the Fifty thousand Pounds therein mentioned, the

46G.3.c.120.

54G.3.c.195.

8G.3.c.63.
s.29.8G.3.c.63.
s.58.39G.3.c.71.
s.4.

the said Company had expended all the Money arising from the Rates and Duties received on the said Navigation, amounting, the whole Money so laid out, to the Sum of Four hundred and twenty-one thousand five hundred and twenty-five Pounds Sterling; and that it was just that the said Proprietors should receive a reasonable and sufficient Indemnification for the heavy Loss they had sustained in completing this great national Undertaking; it was therefore enacted, that the capital Stock of the said Company should amount to the said Sum of Four hundred and twenty-one thousand five hundred and twenty-five Pounds Sterling Money; and that the several Proprietors of the said Navigation should be entitled to receive Dividends on the said Sum proportionably and according to their respective Shares and Interests therein: And whereas since the Capital Stock of the said Company was increased or accumulated in Manner aforesaid, the said Company of Proprietors, in virtue of the said recited Acts, and particularly of the said Act of the Fifty-fourth Year of the Reign of His said late Majesty, have altered, widened, and enlarged the said Canal and Collateral Cut, and increased the Depth thereof to Nine Feet, and have enlarged and extended the Basin and formed new Wharfs at *Port Dundas*; and in so doing, and in executing other Works for the Improvement of the said Navigation since the passing of the said Act of the Thirty-ninth Year of the Reign of His said late Majesty, have laid out and expended sundry Sums of Money amounting to Ninety-eight thousand three hundred and fifteen Pounds, including the Sum of Forty thousand Pounds borrowed under the Authority of the said Act of the Fifty-fourth Year of His said late Majesty's Reign: And whereas all the Dividends received by the said Company of Proprietors out of the Revenues or Profits of the said Navigation, since the passing of the said Act of the Thirty-ninth Year of the Reign of His said late Majesty, (before which Time no Interest or Dividend was received by them) do not amount to a Sum equivalent to Five Pounds *per Centum* of yearly Interest upon the Sums which at the Time of the passing of the said Act had been laid out and expended by them upon the said Navigation; and it is just and reasonable that the said Company of Proprietors should be fully remunerated for all the Money then and since expended by them in completing and improving the said great national Undertaking, and the Works thereto belonging: And whereas it would be highly beneficial to the Public if the said Company of Proprietors were empowered to borrow a further Sum of Money, to enable them to execute and carry into complete Effect the Powers of the said last recited Act of the Fifty-fourth Year of the Reign of His said late Majesty, for deepening the said Canal, Collateral Cut, and Cut of Junction, to the full Depth of Ten Feet, and for providing additional Supplies of Water for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said Three several recited Clauses of the said Two Acts, passed in the Eighth and Thirty-ninth Years of the Reign of His said late Majesty, shall be and the same are hereby repealed.

Recited
Clauses of
Acts

8 G. 3. c. 63.
& 39 G. 3.
c. 71. re-
pealed.

Capital Stock
of the Com-
pany accu-
mulated to
519,840*l.*

II. And be it enacted, That from and after the passing of this Act the Capital Stock of the said Company shall be and is hereby declared to amount

amount to the Sum of Five hundred and nineteen thousand eight hundred and forty Pounds Sterling Money, (being the Amount of the Capital Stock or Sum of Four hundred and twenty-one thousand five hundred and twenty-five Pounds, declared by the said Act of the Thirty-ninth Year of His said late Majesty's Reign, together with the said Sum of Ninety-eight thousand three hundred and fifteen Pounds expended as aforesaid since the passing thereof), and the same shall be and is hereby vested in the several Proprietors of the said Navigation, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably and according to their respective Shares and Interests therein; and that the said several Proprietors, and their several and respective Executors, Administrators, and Assigns, shall be entitled to receive Dividends out of the Revenues or Profits of the said Navigation and other Works proportionably and according to their respective Shares and Interests in the said accumulated Capital Stock or Sum of Five hundred and nineteen thousand eight hundred and forty Pounds; any thing herein or in any or either of the said recited Acts to the contrary thereof notwithstanding.

III. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest, upon the Credit of the Tolls, Rates, and Duties granted by the said recited Acts, any Sum or Sums of Money not exceeding in the Whole the Sum of Eighty thousand Pounds Sterling, for making the said Canal, Colateral Cut, and Cut of Junction, Ten Feet deep in every Part thereof, as authorized by the said last-recited Act, and providing additional Supplies of Water for that Purpose; and that the Assignments of the Tolls, Rates, and Duties arising or to arise by virtue of the said recited Acts for securing the Payment of the Sums to be borrowed under the Authority hereby granted, shall be sealed with the Company's Seal, signed by the Governor and countersigned by the Secretary; and that Entries of all such Assignments, and of all Transfers and other Conveyances thereof, shall be made by the Superintendent of the said Company, in the Book or Books prepared according to the Directions contained in the said last-recited Act, for entering and registering the Assignments for securing the Payment of the Sums thereby authorized to be borrowed, and the Transfers and other Conveyances thereof; and that all Powers and Authorities for borrowing Money, and all Clauses, Matters, and Things as to the Assignments for securing the Payment thereof, and to the Transfers or other Conveyances of the same, contained in any of the said recited Acts, in so far as not hereby altered or amended, shall remain in full force and be effectual for enabling the said Company of Proprietors to borrow any Sum or Sums of Money not exceeding the said Sum of Eighty thousand Pounds for the Purposes aforesaid, and shall be extended to the Assignments to be granted for securing the Payment at *London, Edinburgh, or Glasgow*, of the Money to be borrowed under the Authority given by this Act, and to the Transfers or other Conveyances thereof.

The Company may borrow Money not exceeding 80,000*l.*

IV. And be it further enacted, That the Money so to be borrowed, and for which such Assignments shall be given and granted, shall be applied for carrying the Purposes herein-before mentioned into effectual Execution, and to or for no other Use or Purpose whatsoever.

Money borrowed to be applied to the Purposes of this Act only.

Offices of Superintendent or Clerk and Treasurer or Receiver not to be held by the same Person.

V. Provided always, and be it further enacted, That it shall not be lawful for the Governor and Council of the said Company of Proprietors, or the Committee for managing the Affairs of the Company in *Scotland*, for the Time being, to continue or appoint the Person who has been, or who, by virtue of the said recited Acts, or any of them, may be appointed to act as Superintendent of the said Navigation, or as Clerk to the said Committee, or the Partner of any such Superintendent or Clerk, a Treasurer, Receiver, or Collector for the Purposes of the said recited Acts and this Act, or to continue or appoint any Person who has been or may be appointed a Treasurer, Receiver, or Collector by virtue of the said recited Acts or any of them, or of this Act, or the Partner of any such Treasurer, Receiver, or Collector, the Superintendent of the said Navigation, or Clerk to the said Committee; and if any Person shall act in both the Capacities of Superintendent and Treasurer, Receiver or Collector, or of Clerk and Treasurer, Receiver or Collector, for the Purposes of the said recited Acts or this Act, or any of them; or if any Person, being the Partner of any such Superintendent or Clerk, shall act as Treasurer, Receiver, or Collector, or being the Partner of any such Treasurer, Receiver, or Collector, shall act as Superintendent or Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any competent Court in *Scotland*.

Former Acts continued in force except in so far as hereby repealed or altered.

VI. And be it further enacted, That the said recited Acts, and all the Powers and Authorities therein contained, excepting in so far as the same, or any Part thereof, are or is hereby repealed or altered, or the Powers and Authorities thereby given, are inconsistent with or repugnant to this present Act, shall continue in Force and have full Effect and Operation in the same Manner as if this Act had not been passed.

Public Act.

VII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1820.