



ANNO QUARTO & QUINTO

# VICTORIÆ REGINÆ.

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## Cap. Iv.

An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the *Forth* and *Clyde* Navigation.

[21st June 1841.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign of His 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, whereby the Persons therein named, their several and respective Successors, Executors, Administrators, and Assigns, were united into a Company, and made one Body Politic and Corporate, by the Name of "The Company of Proprietors of the Forth and Clyde Navigation," for carrying on, making, completing, and maintaining the said navigable Cut or Canal from the Firth or River of Forth to the Firth or River of Clyde, and collateral Cut to the City of Glasgow, (called*

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8 G. 3. c. 63.



- the *Forth and Clyde Navigation*,) with other Works therein mentioned: And whereas another Act was passed in the Eleventh Year of the Reign of His said Majesty King George the Third, intituled
- 11G.3. c.62. *An Act to explain, amend, and render more effectual an Act made in the Eighth Year of His present Majesty's Reign, intituled 'An Act for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot in the County of Dumbarton; and also a collateral Cut from the same to the City of Glasgow; and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness, to join the said Canal at or near the Place where it will fall into the Firth of Forth:'* And whereas another Act was passed in the Thirteenth Year of the Reign of His
- 13G.3. c.104. said Majesty King George Third, intituled *An Act to enlarge the Powers of Two Acts made in the Eighth and Eleventh Years of the Reign of His present Majesty, for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot in the County of Dumbarton; and also a collateral Cut from the same to the City of Glasgow; and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness, to join the said Canal at or near the Place where it will fall into the Firth of Forth: And whereas another Act was passed in the Twenty-fourth Year of the Reign of His said Majesty King George the Third,*
- 24G.3. c.57. *intituled An Act to enable His Majesty to grant to the Heirs of the former Proprietors, upon certain Terms and Conditions, the forfeited Estates in Scotland which were put under the Management of a Board of Trustees by an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, and to repeal the said Act: And whereas another Act was passed in the said Twenty-fourth Year of the Reign of His said Majesty King George the Third, inti-*
- 24G.3. c.59. *tuled An Act for extending, amending, and altering the Powers of an Act made in the Eighth Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot in the County of Dumbarton; and also a collateral Cut from the same to the City of Glasgow; and for making a navigable Cut or Canal of Communication from the Port and Harbour of Borrowstounness, to join the said Canal at or near the Place where it will fall into the Firth of Forth:'* And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said Majesty King George the Third, inti-
- 27G.3. c.20. *tuled 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 said Twenty-seventh Year of the Reign*
- 27G.3. c.55. *of His said Majesty King George the Third, intituled An Act for altering and extending the Line of the Cut or Canal authorized to be made and maintained by so much of several Acts made in the Eighth, Eleventh, Thirteenth, and Twenty-fourth Years of the Reign of His present Majesty as authorizes the making and maintaining a navigable*



gable 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 Majesty King George the Third, intituled *An Act for forming a Junction between the Forth and Clyde Navigation and the Monkland Navigation, and for altering, enlarging, and explaining several former Acts passed for making and maintaining the said Navigations*, which Monkland Navigation was authorized to be made by virtue of an Act passed in the Tenth Year of the Reign of His said Majesty King George the Third: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His said Majesty King George the Third, 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 Year of the Reign of His said Majesty King George the Third, 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 Majesty King George the Third, 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 another Act was passed in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act for altering and amending several Acts for making and maintaining the Forth and Clyde Navigation*: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving, enlarging, and extending the Forth and Clyde Navigation, and certain Harbours and Works belonging thereto and connected therewith, and for making and maintaining Two Branch Cuts or Canals from the said Navigation*: And whereas under and by virtue of the said recited Acts, or some of them, the said navigable Cut or Canal between the Firths of Forth and Clyde, the said collateral Cut to the City of Glasgow, and the said Cut of Junction with the Monkland Canal (called the Forth and Clyde Navigation), have been long since completed and opened to the Public; and the said Company have also made certain Harbours, Basins, Wharfs, and other Conveniences connected therewith, and have made considerable Progress with the Works by the said last-recited Act authorized to be made and completed at or near Grangemouth and Port Dundas: And whereas the said Company have, in addition to their Capital Stock, expended a large Sum of Money in the Execution of the Powers of the said Acts, or some of them, including the Sum of Fifty-seven thousand Pounds borrowed under the Authority

30 G. 3. c. 73.

39 G. 3. c. 71.

46 G. 3. c. 120.

54 G. 3. c. 195.

1 G. 4. c. 48.

6 &amp; 7 W. 4. c. 43.



rity of the said last-recited Act, and it is expedient that they should be enabled to raise and borrow further Sums of Money for completing the said Harbours, Basins, and other Works at *Grangemouth* and *Port Dundas*, and for effecting the necessary Improvements of the said Navigation, and of the Harbours, Basins, and other Works belonging thereto or connected therewith, for the better Accommodation of Ships and Vessels resorting to and using the same, especially for lengthening the Locks; so as to admit Sea-going Vessels of a larger Class, and for completing the Wet Dock at *Grangemouth* of such Dimensions as to accommodate large Ships and Steam Vessels: And whereas it is expedient that the subsisting Powers of the said recited Acts in any Manner relating to the said Company, or to the Canals, Cuts, and other Works belonging to them, or which they are authorized to carry into effect, should be continued, amended, and enlarged, and that further Powers should be given to the said Company for the Maintenance, Support, and Management of the said Navigation; and it would be productive of great Convenience and Advantage if such subsisting Powers were repealed, and, instead thereof, amended, enlarged, and further Powers and Provisions were granted and consolidated in One Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 said Company of Proprietors of the *Forth and Clyde* Navigation, incorporated by the said first-recited Act, shall be and the same is hereby dissolved, and all the Powers, Provisions, Penalties, Matters, and Things contained in the said recited Acts, so far as they relate to the said *Forth and Clyde* Navigation and the Company of Proprietors thereof, shall be and the same are accordingly hereby repealed: Provided always, that nothing herein contained shall extend to affect the Rights or Interests of any Person or Company in respect of the Ownership, Use, or Enjoyment of any Branch Cut or Wharf which may have been made or constructed by them under or by virtue of the Powers and Provisions contained in the said recited Acts, or any of them; and provided also, that nothing herein contained shall extend to affect the Rights and Interests of the Company of Proprietors of the *Monkland* Navigation, under the said recited Act of the Thirtieth Year of the Reign of His late Majesty King *George* the Third, or under any other of the said recited Acts, which in so far as regards the said *Monkland* Navigation shall continue to be and remain in full Force.

The Company incorporated by the first-recited Act dissolved, and the Powers of the recited Acts relating thereto repealed.

Re-establishment of the Navigation Company.

II. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who were immediately before the passing of this Act Proprietors of Shares in the Joint Stock or Fund of the Company of Proprietors of the *Forth and Clyde* Navigation, incorporated by the said first herein-before recited Act, shall be and they are hereby re-united into and they and their Successors, Executors, Administrators, and Assigns, Proprietors for the Time being of Shares in the Capital or Joint Stock of the Company hereby established, shall for ever remain and be a Company for maintaining, supporting, and improving all and every the Canals, Cuts,



and Harbours made by the said Company by virtue of the said recited Acts so repealed as aforesaid, or any of them, together with all Reservoirs, Aqueducts, Tunnels, Culverts, Bridges, Embankments, Feeders, Locks, Basins, Docks, Towing Paths, Wharfs, Quays, Warehouses, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and other Works and Appurtenances thereto appertaining or belonging; and also for making, maintaining, and improving the other Works hereafter mentioned, according to the Powers, Provisions, and Directions herein-after contained; and for that Purpose shall be One Body Corporate by the Name of "The Company of Proprietors of the *Forth and Clyde* Navigation," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name may sue and be sued, and shall have full Power to purchase and hold Lands, Tenements, and Heritages, to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain; and shall have full Power to sell and dispose of any Lands, Tenements, and Heritages hereby vested in them, or to be hereafter purchased or acquired by them, in the Manner directed by this Act.

III. And be it enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the said hereby dissolved Company shall be and the same are hereby vested in the said Company hereby established; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said hereby dissolved Company shall pay the same, together with all Interest (if any) due or to accrue due for the same to the said Company hereby established; and all Debts which immediately before the passing of this Act were due and owing by the said hereby dissolved Company shall be paid with all Interest (if any) due and to accrue due thereon by the said Company hereby established; and all Tolls which immediately before the passing of this Act were due and payable, or then accruing due, under or by virtue of any of the said recited Acts, or any other Acts or Act, to the said hereby dissolved Company shall be and become due and payable to the said Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Tolls by this Act made payable to the said Company hereby established, and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, Liabilities, and Securities, made or entered into before the passing of this Act, to, with, in favour of, or by or for the said hereby dissolved Company, shall be and remain as good, valid, and effectual in favour of or against and with reference to the said Company hereby established, and may be proceeded on, enforced, and satisfied in the same Manner to all Intents and Purposes, as if the said Company hereby established had been a Party to, executed, and incurred the same, or had been named or referred to therein, instead of the said Company incorporated by the said first-recited Act.

The Personal Estate, Debts, Contracts, and Liabilities of the former Company vested in the Company hereby established.

IV. And be it enacted, That all Tolls made or imposed under or by virtue of the said several recited Acts so repealed as aforesaid, or

Tolls now payable to continue till any altered.

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any of them, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have become due and payable, shall continue to be due and payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means, and under such Restrictions and Regulations, as any Tolls to be received in pursuance of this Act may be collected or recovered.

Sales of Shares, and Appointment of Proxies, to remain in force.

V. And be it enacted, That all Sales, Transfers, and Dispositions before the passing of this Act executed of any Share or Shares in the Joint Stock of the said Company incorporated by the said first-recited Act, and all Appointments of Proxies made, shall remain in full force and virtue, and shall be and continue available in all respects whatsoever in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate, and Penalties to be recoverable.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said hereby dissolved Company, previously to the passing of this Act, shall abate, cease, be discontinued, or prejudicially affected by this Act; but, on the contrary, that the same shall continue and take effect, both in favour of and against the said Company hereby established, in the same Manner in all respects as the same would have continued and taken effect in relation to the said hereby dissolved Company if this Act had not been passed; and also that all Penalties incurred by any Offence against the Provisions of the said recited Acts or any of them, previously to the passing of this Act, may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said recited Acts or any of them may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said Company hereby established being, in reference to the Matters aforesaid, in all respects substituted in the place of the said hereby dissolved Company.

Books, &c. made Evidence by the former Acts to continue Evidence.

VII. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts or any of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Maps, &c. to remain in Custody of the Clerk of the Peace.

VIII. And be it enacted, That the several Maps or Plans and Books of Reference, which in pursuance of the said recited Acts or any of them have been deposited with the respective Clerks of the Peace of the several Counties to which the same relate, shall remain in the Custody of the said Clerks of the Peace, to the end that all Persons interested in any Manner therein may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom at their Pleasure, such Person paying to the Clerks from whom such Inspection, or Copy, or Extract may be demanded respectively, the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copy or Extract; and the said Maps or Plans and

Books



Books of Reference, or any Copy thereof, or so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the respective Clerks who may have made the same, shall be admitted as Evidence in all Courts whatsoever.

IX. And be it enacted, That the Secretary, Superintendent, and every Clerk, Agent, Collector, and other Officer, appointed by virtue of or acting under the Authority of the said recited Acts or any of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom by the Governor and Council of the said Company, according to the Provisions herein-after contained; and every such Secretary, Superintendent, Clerk, Agent, Collector, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Officers to continue till removed.

X. And be it enacted, That the several Persons who immediately before the passing of this Act composed the Governor and Council of the said hereby dissolved Company shall respectively continue in Office until the General Meeting to be holden under the Authority of this Act on the Fourth *Wednesday* of the Month of *April* in the Year One thousand eight hundred and forty-two, and shall be invested with and may have and exercise the same Powers and Authorities as if they had been respectively nominated and appointed by virtue of this Act.

Present Governor and Council to be continued till a General Meeting.

XI. And be it enacted, That from and immediately after the passing of this Act the Canal, already made under the Authority of the several Acts so repealed as aforesaid, or some of them, from the Firth or River of *Forth*, near the Mouth of the River of *Carron*, by, through, or into the Parishes of *Polmont*, *Bothkennar*, and *Falkirk* in the County of *Stirling*, *Cumbernauld* and *Kirkintilloch* in the County of *Dum-barton*, *Cadder* and Barony of *Glasgow* in the County of *Lanark*, *East Kilpatrick* and *West Kilpatrick* in the said County of *Dum-barton*, to the Firth or River of *Clyde* at or near *Bowling Bay* in the said last-mentioned Parish and County, and the said collateral Cut and Cut of Junction also made under the Authority of the several Acts so repealed as aforesaid, or some of them, from the said main Canal at a Point or Place in the Barony Parish of *Glasgow* aforesaid, by, through, or into the said Barony Parish and the Royalty of *Glasgow*, in the said County of *Lanark*, to the West End of the *Monkland* Canal in the Royalty of *Glasgow* aforesaid, and also the Harbours, Basins, Wharfs, Roads, Streets, Quays, and other Conveniences made by the said Company at *Grangemouth*, *Bowling Bay*, *Hamilton Hill*, and *Port Dundas*, and also the Works made by them for improving the Entrance leading from the Firth of *Forth*, to the Harbour of *Grangemouth*, and all other the Cuts, Branches, Extensions, Harbours, Reservoirs, Basins, and other Works made by the said Company hereby dissolved,

Canals and Works of former Company vested in the Company now established.



dissolved, or vested in them under or by virtue of the said recited Acts or any of them, together with all Reservoirs, Warehouses, Basins, Aqueducts, Tunnels, Culverts, Weirs, Drains, Soughs, Roads, Bridges, Embankments, Feeders, Locks, Docks, Towing Paths, Wharfs, Quays, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and other Works thereto belonging; and the Ground and Soil thereof respectively, and all and every other the Streams, Lands, Heritages, Rights, and Privileges which, immediately previous to the passing of this Act, were vested in the said Company incorporated by the first herein-before recited Act, or in any Person in Trust for them for the Purposes of the said recited Acts so repealed as aforesaid, or any of them, shall be and continue absolutely vested in the said Company hereby established, their Successors and Assigns, in such and the like Manner as they would have remained vested in the said dissolved Company if the said recited Acts had not been repealed; and which Canal, collateral Cut, Cut of Junction, Harbours, Reservoirs, Streams, Works, Heritages, and Premises aforesaid are situate in or pass from, through, or into the said Parishes of *Polmont, Bothkennar, Falkirk, Cumbernauld, Kirkintilloch, Cadder*, Barony of *Glasgow, East Kilpatrick* and *West Kilpatrick*, and the Royalty of *Glasgow* aforesaid, and the Parishes of *Torphichen* in the County of *Linlithgow*, *Kilsyth* and *Slamannan* in the said County of *Stirling*, *New Monkland, Shotts, Bothwell*, and *Old Monkland*, in the said County of *Lanark*, or some of the said Parishes and Places.

Powers, Provisions, Tolls, &c. contained in or granted by other Acts (except those repealed) to or for the Benefit of the Company to be in force.

XII. And be it enacted, That all Powers, Provisions, Tolls, Matters, and Things reserved, contained, or granted, in or by any Act of Parliament (other than the said several Acts hereby repealed), to or for the Benefit of the said hereby dissolved Company, and not since repealed, shall, notwithstanding the Repeal of the said several herein-before recited Acts, be of the like Force, Operation, and Effect as if the same Acts had not been repealed, and shall appertain and attach to and be exercised, enforced, demanded, and received by the said Company hereby established in as full and effectual a Manner, to all Intents and Purposes whatsoever, as if the same had, in and by such other Act of Parliament as aforesaid, been expressly reserved, contained, or granted to or for the Benefit of the said Company hereby established.

Power to raise additional Capital in Shares.

XIII. And whereas the estimated Expence of completing the said Harbour and Works at *Grangemouth* and *Port Dundas*, authorized by the said last-recited Act, and of enlarging the Locks and deepening the said Navigation, and of effecting the other necessary Improvements of the same, amounts to the Sum of One hundred and forty-three thousand three hundred and eighty Pounds, and it is proposed to raise such Sum partly by the Creation of new Shares and partly by way of Mortgage; be it enacted, That it shall be lawful for the said Company, by the Order of any General Meeting, to raise by Contribution among themselves, or by the Admission of new Subscribers, or in part by each or either of those Means, and in such Shares and Proportions as they may think proper, any Sum not exceeding the Sum of One hundred and twenty-nine thousand seven hundred Pounds; and for that Purpose to issue One thousand two hundred and ninety-seven Shares



Shares of One hundred Pounds each, at such Price and in such Manner as shall be determined at any General Meeting of the said Company, and the Sum so to be raised shall be considered as Part of the Capital Stock of the said Company.

XIV. And whereas the present Capital of the said Company amounts to the Sum of Five hundred and nineteen thousand eight hundred and forty Pounds; be it enacted, That from and after the passing of this Act the Sum of Six hundred and forty-eight thousand five hundred Pounds, including the Sum herein-before authorized to be raised, shall be the Capital Stock of the said Company; and the said Sum of Five hundred and nineteen thousand eight hundred and forty Pounds, constituting the present Capital of the said Company, shall be and is hereby vested in the several existing Proprietors of the said Navigation, and their several and respective Executors, Administrators, and Assigns; and the said Sum of One hundred and twenty-nine thousand seven hundred Pounds, hereby authorized to be raised, shall be vested in the Persons respectively subscribing the same, 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 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 the Sums paid up on their respective Shares and Interests in the said accumulated Capital Stock or Sum of Six hundred and forty-eight thousand five hundred Pounds.

Capital  
Stock of the  
Company  
to be raised  
to 648,500*l.*

XV. And be it enacted, That the said Capital of Six hundred and forty-eight thousand five hundred Pounds shall be divided into Six thousand four hundred and eighty-five Shares of One hundred Pounds each; and each of which Shares shall be distinguished by its appropriate Number.

Shares.

XVI. And be it enacted, That all Shares in the said Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Heritable or Real Estate.

Shares Per-  
sonal Estate.

XVII. And be it enacted, That the Superintendent of the said Company shall keep a Book, to be called the "Register Book of Shareholders;" and in such Book shall be fully and distinctly entered from Time to Time the Names of the several Corporations, and Names and Additions of the several Persons, being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting or at some subsequent Meeting of the Company.

Registry  
of Share-  
holders.

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XVIII. And



Addresses  
of Share-  
holders.

XVIII. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called the "Shareholders Address Book," and a Duplicate thereof, the one to be kept by the Secretary, and the other by the Superintendent, in which the said Secretary and Superintendent shall severally from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholders be a Corporation, the Clerk or Agent of such Corporation, may at all Times peruse such Books *gratis*, and may require a Copy thereof or of any Part thereof; and for every One hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates  
of Shares.

XIX. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in the Schedule A. to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to  
be Evidence.

XX. And be it enacted, That all Certificates of Shares to be granted as aforesaid shall be admitted in all Courts as *primâ facie* Evidence of the Title of the Shareholders, their Executors, Administrators, Successors, or Assigns, to the Shares therein specified; nevertheless the Want of such Certificates shall not prevent the Holder of any Share from disposing thereof.

Certificate to  
be renewed  
when de-  
stroyed.

XXI. And be it enacted, That if any Certificate to be granted as aforesaid be worn out or damaged, then, upon the same being produced at some Meeting of the Governor and Council of the said Company, such Governor and Council may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or, if such Certificate be lost or damaged, then, upon Proof thereof, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed, and in either Case a due Entry of the substituted Certificate shall be made by the Superintendent in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Shares to be  
transfer-  
able.

XXII. And with respect to the Transfer of Shares, be it enacted, That, subject to the Regulations herein contained, every Shareholder in the said Undertaking, and his Executors and Administrators, may sell and transfer his Shares in the said Undertaking, and the Instrument of Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect; and such Instrument (when duly executed by the Seller and Purchaser) shall be delivered



to the Superintendent of the said Company, who shall keep and register the same in a Book to be kept for that Purpose, to be called the "Register of Transfers," and shall endorse such Entry on the Instrument of Transfer, for which Entry and Endorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Company; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted, for which Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and such Endorsement, being signed by the Superintendent, shall be considered in every respect the same as a new Certificate; and until such Transfer shall have been made and registered as aforesaid the Seller of the Share shall remain and be held liable for all future Calls which may become payable in respect thereof, and the Purchaser shall not be entitled to receive any Share of the Dividends which may be paid by the Company, nor to vote in respect of such Share.

XXIII. And whereas there are now and may be hereafter many Shareholders of the said Company who reside in *England*, and Sales of Shares are frequently made by Persons in *England* to Persons in *Scotland*, and *vice versa*; and it would be attended with Inconvenience if all Transfers of Shares were required to be executed according to the Forms of the Law of *Scotland*; be it therefore enacted, That Transfers which have already been or which may hereafter be made of Shares of the said Company shall be valid and effectual if executed according to the usual Mode of executing such Instruments either in *England* or *Scotland*, or partly according to the one and partly according to the other.

Regulating  
Form of  
Transfer of  
Shares.

XXIV. And be it enacted, That no Person or Corporation shall sell or transfer any new Share which he or they shall possess in the said Undertaking upon which any Call shall have been made, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of such Share.

After a Call  
made no  
Share to be  
sold until  
Call is paid.

XXV. And be it enacted, That it shall be lawful for the said Company to close the Register Book of Transfers for a Period not exceeding Seven Days before each of the annual General Meetings of the said Company, and all Transfers made during that Period, whilst the said Books are lawfully closed, shall, as between the Party claiming under the same and the said Company, but not otherwise, be considered as made subsequently to such General Meeting.

Power to  
close Trans-  
fer Books  
at certain  
Periods.

XXVI. And with respect to the Registration of Shares the Interest of which may have become transmitted in consequence of the Death or Bankruptcy of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by Transfer according to the Provisions of this Act; be it enacted, That no Person, claiming by virtue of any such Transmission or other Means as aforesaid, shall be entitled to receive any Share of the Profits

Transmission  
of Shares by  
other Means  
than Trans-  
fer.



Profits of the said Undertaking, nor to vote in respect of any such Share, nor to transfer such Share, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Governor and Council of the said Company shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been transmitted, and shall be made and signed by some credible Person before some Justice of the Peace; and such Declaration shall be left with the Superintendent, who shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders in the said Company, for which Service the said Company may demand and take any Sum not exceeding Two Shillings and Sixpence.

Proof of  
Transmission by Mar-  
riage or  
Will.

XXVII. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage or other sufficient Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will, or Letters of Administration, or an official Extract therefrom, if granted in *England*, or Testamentary, or Testament dative, if expedite in *Scotland*, or an official Extract thereof, shall, together with such Declaration, be produced and shown to the said Superintendent, who shall make an Entry thereof in the said Register Book of Transfers; and it shall be lawful for the Governor and Council of the said Company from Time to Time to make such Regulations touching the Form and Manner of transferring Shares in the said Navigation, and the Payment of the Dividends on the Stock of the said Company, as shall appear to them to be for the Security and Benefit of the said Company.

Recording  
Declaration  
not to infer  
Liability of  
Company.

XXVIII. And be it enacted, That neither the recording of such Declaration nor the Entry of any Transfers shall imply any Liability on the Part of the Company for the Regularity or Validity of the Transfer or Title therein set forth, and all Payments of Dividends or other Acts done by the Company, or by any of their Officers, without Notice of the Irregularity or Invalidity of any such Transfer or Title, shall be effectual, so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

Notices to  
Joint Pro-  
priators of  
Shares.

XXIX. And be it enacted, That with respect to any Share to which several Persons are or may be jointly entitled, either in their own Right, or as Executors or Administrators, all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share or Parties in whose Names the same may be held.

XXX. And



XXX. And be it enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Tutor, Curator, or Guardian, (if any,) or if not, of the Parent of such Minor, or of any Judicial Factor, shall be a sufficient Discharge to the said Company for the same.

Receipt of the Parent or Guardian of a Minor sufficient Discharge.

XXXI. And be it enacted, That the said Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party, or of any One of the Parties, in whose Name any such Share shall stand in the Books of the Company, shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts, and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Company not bound to regard Trusts.

XXXII. And for the Purpose of enforcing Payment of the Capital hereby authorized to be raised, be it enacted, That the Governor and Council of the said Company shall have Power from Time to Time to make such Calls of Money from the several Persons and Corporations who shall become Shareholders in the said Undertaking by virtue of the Provisions of this Act, in respect of the Capital respectively subscribed or owing by them, as they from Time to Time shall find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any such Shares shall not amount to more than the Sum appearing as the Amount or Value of such Share in the Books of the said Company, and so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking, and so that the total Amount of such Calls in any One Year shall not exceed Thirty Pounds upon each Share, and an Interval of Three Months at least shall elapse between the Day appointed for Payment of another Call, and Twenty-one Days Notice at the least shall be given of every such Call (by Advertisement inserted in One or more Newspapers published in *London, Edinburgh, and Glasgow*); and every Shareholder shall be liable to pay his rateable Proportion of the Monies to be called for as aforesaid to such Persons, and at such Times and Places, and in such Manner, as shall be appointed as aforesaid.

Power of Governor and Council to make Calls.

XXXIII. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, from the Day appointed for the Payment thereof to the Time when the same shall be actually paid.

Interest on Calls unpaid.

XXXIV. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond

Payment of Subscriptions before Call made.

[*Local.*]

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the



the Sums actually called for ; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay or allow Interest, at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder, paying such Sum in advance, and the Company may agree upon.

Enforcement  
of Calls by  
Action.

XXXV. And be it enacted, That if at any Time appointed for Payment of a Call as aforesaid the Owner or Proprietor for the Time being of any such Share fail to pay the Amount of such Call to which he may be liable, together with Interest (if any) which may be due thereon as aforesaid, it shall be lawful for the said Company to sue such Shareholder for the Amount of such Call, and recover the same by Action in any competent Court, together with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration  
in Actions  
for Calls.

XXXVI. And be it enacted, That in any Action to be brought by the said Company against any Shareholder to recover any Money due in respect of any Call, it shall be sufficient for the Company to declare that the Defender, being a Proprietor of One or more Shares (as the Case may be) in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to, in respect of One or more Calls (stating the Amount and Number thereof), whereby a Right of Action hath accrued to the said Company by virtue of this Act.

Matter to be  
proved in  
Action for  
Calls.

XXXVII. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defender, at the Time of making such respective Calls, was a Proprietor of One Share or more in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act ; and it shall not be necessary to prove the Appointment of the Governor and Council who made such Calls, nor any other Matter whatsoever ; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceeded Ten Pounds *per Share*, or was made payable before the Expiration of Three Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required, or that Calls amounting to more than Thirty Pounds in the whole had been made within the Twelve Calendar Months then preceding.

Proof of Pro-  
prietorship.

XXXVIII. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *prima facie* Evidence of such Defender being a Shareholder and of the Number and Amount of his Shares.

Forfeiture of  
Shares for  
Nonpayment  
of Calls.

XXXIX. And be it enacted, That if any Shareholder fail to pay any Call to which he may be liable, together with the Interest (if any) due thereon, the Governor and Council of the said Company, at any Time after the Expiration of Six Months from the Day appointed for  
Payment



Payment of such Call, may declare such Share forfeited, and that whether they may have sued for the Amount of such Call or not.

XL. And in order to prevent the Forfeiture of Shares through Inadvertency, be it enacted, That before declaring any Share forfeited the Governor and Council of the said Company shall cause Notice in Writing of such Intention, under the Hand of the Secretary of the said Company, to be given or sent by Post unto or delivered to some Inmate of the usual or last Place of Abode of the Person appearing by the Register Book of Proprietors to be the Owner of such Share; and if the Holder of any such Share be abroad, or cannot be found, or if the Interest in such Share shall be known by the Governor and Council to have been transmitted otherwise than by Transfer as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Party to whom the same may have been transmitted shall not be known to the said Governor and Council, the said Governor and Council shall give Notice of such Intention in the *London and Edinburgh Gazette*, and in some One Newspaper published in *Glasgow*, and such Notices shall be given or published at least Twenty-one Days before the Declaration of Forfeiture.

Previous Notice of Forfeiture to be given.

XLI. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at a General Meeting of the said Company, such General Meeting being held after the Expiration of Two Calendar Months at the least from the Day on which such Notice of the Intention to forfeit shall have been given as aforesaid; and it shall be lawful for the Company to confirm such Forfeiture at such Meeting, and by an Order to be made at the same or at any subsequent General Meeting to direct the Governor and Council of the said Company to dispose of the Shares so forfeited, or any of them; and after such Confirmation the said Governor and Council may sell and dispose of such forfeited Shares at public Auction or by private Contract, and together or in Lots, or in such Manner and for such Price as they may think fit, and any Shareholder or other Person shall be entitled to purchase the same.

Forfeiture to be confirmed.

Forfeited Shares may be sold.

XLII. And be it enacted, That a Declaration in Writing made by some credible Person not interested in the Matter before any Justice of the Peace, that the Call in respect of a Share was made, and that Notice thereof had been given, and that Default in Payment of the Call had been made, and that the Forfeiture of the Share had been declared and confirmed, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Governor and Council of the said Company, or of any Two of them, for the Price of such Share, shall constitute a good Title to such Share; and thereupon the Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be given to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale.

Evidence as to Forfeiture of Shares.

XLIII. And



No more Shares to be sold than sufficient for Payment of Calls.

XLIII. And be it enacted, That the said Governor and Council shall not sell or transfer more of the Shares of such Defaulter than shall be sufficient, as near as can be ascertained at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Declaration of Forfeiture and Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom the forfeited Share prior to such Sale shall have belonged.

On Payment of Calls for-forfeited Shares to revert.

XLIV. And be it enacted, That if Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the said Company shall have been sold, such Share shall revert to and again become the Property of the Party to whom the same belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

Extent of Liability of Shareholders.

XLV. And with respect to the Liability of the Shareholders to the Engagements of the Company, be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Company may purchase Shares.

XLVI. And be it enacted, That it shall be lawful for the said Company, or the Governor and Council thereof, by the Authority of any General Meeting of the said Company, to buy up any Shares in the said Navigation, and to direct that such Shares shall merge in the Capital or Joint Stock of the Company, or that the same shall be transferred to the Secretary of the said Company, or to some other Person or Persons in Trust for the said Company; and such Shares may, in such last-mentioned Case, at any Time thereafter be sold for the raising of any Sum of Money which may be wanted for or towards the Maintenance or Improvement of the said Navigation or any Part thereof, or otherwise for the Benefit of the said Navigation, or may be merged in the said Capital or Joint Stock, as any such General Meeting shall direct.

Company empowered to borrow 149,000*l.*

XLVII. And whereas the said Company have borrowed, under the Powers of the said recited Acts, the Sum of Sixty-seven thousand Pounds, which is now due and owing on the Credit of the said Undertaking; be it enacted, That all Mortgages, Bonds, and other Securities granted by the said Company for securing the said Sum of Money so borrowed, are and shall be as binding and effectual as though the same had been granted under the Powers of this Act, and it shall be lawful for the said Company, by the Authority of any of their General Meetings, to borrow on Mortgage any Sum of Money not exceeding in the whole the Sum of One hundred and forty-nine thousand Pounds Sterling, in addition to the Sum already borrowed as aforesaid, and, for securing the Repayment of the Money to be so borrowed, with Interest, to mortgage the said Navigation and the future Calls on the Shareholders of the Company in manner herein-after mentioned: Provided that



that until One Half of the additional Capital by this Act authorized to be raised in Shares shall have been paid up it shall not be in the Power of the said Company to borrow more than One hundred and six thousand Pounds.

XLVIII. And be it enacted, That if, after having borrowed any Part of the Money hereby authorized to be borrowed on Mortgage, the Company pay off the same, or any Part of the Money already borrowed, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage. Re-borrowing.

XLIX. And be it enacted, That the Certificate of the Sheriff of the County of *Lanark* that One Half of the additional Capital hereby authorized to be raised has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One Member of the Council or the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made, and upon Production to the said Sheriff of such Evidence as he shall think sufficient such Sheriff shall grant the Certificate aforesaid. Evidence of Authority for borrowing additional Sum.

L. And be it enacted, That every Mortgage hereafter to be granted for securing Money borrowed by the Company shall be by Deed, under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect, and shall be sealed with the Company's Seal, signed by the Governor, and countersigned by the Secretary. Mortgages.

LI. And be it enacted, That the Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums to be advanced, with Interest, without any Preference one above another, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever, save and except that the Mortgages heretofore granted shall have Priority over the Mortgages hereafter to be granted in pursuance of this Act. Rights of Mortgagees.  
Priority of existing Mortgages.

LII. And be it enacted, That no Mortgages hereafter to be granted (although they should comprise future Calls on the Shareholders) shall preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company. Application of Calls notwithstanding Mortgage.

LIII. And be it enacted, That a Register of Mortgages already granted, and of Mortgages to be granted, shall be kept by the Register of Mortgages.

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Superintendent,



Superintendent, and within Fourteen Days after the Date of any such Mortgage hereafter to be granted an Entry or Memorial, specifying the Number and Date of such Mortgage, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and the said Register shall be signed by the Governor, and every Page thereof (the Number being specified) shall be marked with the Initials of his Name, and such Register may be perused at all seasonable Times by any of the Shareholders, or by any Mortgagee, or by any Person interested in any such Mortgage, without Fee or Reward.

Transfer of Mortgages.

LIV. And be it enacted, That from Time to Time any Party entitled to any Mortgage already granted or hereafter to be granted may transfer his Right and Interest therein to any Person by a Deed duly stamped, wherein the Consideration shall be truly stated, and every such Transfer may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages.

LV. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Superintendent, who shall thereupon cause an Entry or Memorial thereof to be made in the same Manner as hereby required in the Case of original Mortgages; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding Two Shillings and Sixpence.

Payment of Interest on Loans.

LVI. And be it enacted, That the Interest of the Money already borrowed, or to be borrowed by the said Company, shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

LVII. And be it enacted, That the Interest on any such Mortgage shall not be transferrable except by a Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

LVIII. And be it enacted. That the Company may, if they think proper, fix a Period for the Payment of the Principal Money so to be borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, if required, be paid to the Party entitled to such Mortgage.

Repayment of Money borrowed where no Time is fixed.

LIX. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Principal Money thereby secured, the Party entitled to the Mortgage may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage,



gage, demand Payment of such Principal Money, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee, shall be by Writing delivered to the Superintendent, and if by the Company shall be by Writing, and given either personally to such Mortgagee, or if such Mortgagee be unknown, or cannot be found, such Notice shall be given in the *London* and *Edinburgh* Gazette and in some one Newspaper published in *Glasgow*; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage, unless on Demand of such Money the Company fail to pay the same, pursuant to such Notice.

LX. And, in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage already granted or to be granted, at the respective Times at which such Interest, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest, or any Part thereof, shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, or if such Principal Money be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same in the Court of Session in *Scotland*, or if his Debt amount to the Sum of Twenty thousand Pounds he may alone, or if his Debt does not amount to the Sum of Twenty thousand Pounds he may in conjunction with other Mortgagees, whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the Sum of Thirty thousand Pounds, require the Appointment of a Receiver, by an Application to be made as is herein-after provided.

For enforcing Payment of Arrears of Interest and Principal.

LXI. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to the Court of Session in *Scotland*, and on any Application so made, and after hearing the Parties, it shall be lawful for the said Court, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls, until the Sums aforesaid be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, (as the Case may be,) shall be then due, and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Appointment of a Receiver.

LXII. And be it enacted, That all Mortgages heretofore granted by the said Company, and all Mortgages hereafter to be granted by them, and the Sums thereby secured, shall be considered as Personal Estate, and as such shall be enjoyed and divisible.

Mortgages to be Personal Estate.

LXIII. And



Mortgagees  
not to vote.

LXIII. And be it enacted, That no Party shall, in right of any Mortgage, be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Access to  
Account  
Books by  
Mortgagees.

LXIV. And be it enacted, That at all seasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to  
convert Loan  
into Capital.

LXV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sum hereby authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to raise the whole of the said Sum, as well as the said Sum of Fifty-seven thousand Pounds borrowed under the said last-recited Act as aforesaid, by creating new Shares of the Company, or to continue at Interest only a Part of such Sums if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of a General Meeting of the Company, called for the Purpose, having been previously obtained.

New Shares  
to be con-  
sidered same  
as original  
Shares.

LXVI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls or otherwise, as if it had been Part of the original Capital, except as to the Value of the Shares, the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares  
at Premium,  
new Shares  
to be offered  
to original  
Share-  
holders.

LXVII. And be it enacted, That if, at the Time of creating any new Shares under the Powers of this Act, the existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum to be raised thereby shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the existing Shareholders at the Time of creating such new Shares, in proportion to the Number and Value of the existing Shares held by them respectively, and such new Shares shall be offered to such Shareholders in the proportion of One for every existing Share held by them respectively, and such Offer shall be made by Letter, under the Hand of the Secretary, given to or sent by Post to each Shareholder, or left at his usual Place of Abode; and such new Shares shall vest in and belong to the Shareholders, who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Governor and Council of the said Company; and if any Shareholders fail for One Month after such Offer of new Shares to accept the same, and pay the Instalment called for in respect thereof, it shall be lawful for the Company to dispose of such  
Shares



Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

LXVIII. And be it enacted, That if, at the Time of such Augmentation of Capital taking place, the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the Company may think fit. If not at a Premium, to be issued as Company think fit.

LXIX. And be it enacted, That all the Money to be raised by the said Company, whether by Subscription or Loan, shall, in the first place, be applied for and towards the paying and defraying the Charges and Expences of procuring and passing this present Act, and afterwards in carrying the Purposes of the said Company into execution. Application of Capital.

LXX. And be it enacted, That a General Meeting of the said Company shall be holden upon the Fourth *Wednesday* after the passing of this Act, and an Annual General Meeting upon the Fourth *Wednesday* of the Month of *April* in every Year after the passing of this Act, at some convenient Place in *London* or *Westminster* or Liberties thereof, to be appointed by the Governor and Council of the said Company, and such Meetings may be adjourned from Time to Time to any Place or Places in *London* or *Westminster*, or Liberties thereof; and another General Meeting shall be holden upon the Fourth *Wednesday* of the Month of *October* next after the passing of this Act, and an Annual General Meeting upon the Fourth *Wednesday* of the Month of *October* in every Year after the passing of this Act, at some convenient Place in *Glasgow*, to be appointed by the said Governor and Council, and such Meetings may be adjourned from Time to Time to any Place or Places in *Glasgow*; and the Meetings so appointed to be holden as aforesaid shall be called "Ordinary Meetings." Ordinary Meetings to be held.

LXXI. And be it enacted, That no Matters, except such as are appointed by this Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening the same. Business at Ordinary Meetings.

LXXII. And be it enacted, That every Meeting of the said Company, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting," and such Meetings may be convened by the Governor and Council, at such Times as they may think fit, in *London* or *Westminster*, or Liberties thereof. Extraordinary Meetings.

LXXIII. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition, or in the Notice upon which it shall have been convened. Business at Extraordinary Meetings.

LXXIV. And be it enacted, That it shall be lawful for any Nine or more Shareholders, holding in the Aggregate One thousand five hundred Shares of One hundred Pounds each, by Writing under their Extraordinary Meetings may be required by their

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the Share-  
holders.

their Hands, at any Time to require the Governor and Council to call an Extraordinary Meeting of the said Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Secretary, or given to at least Three Members of the Board of Governor and Council, or left at their last or usual Places of Abode; and forthwith, upon the Receipt of such Requisition, the said Governor and Council shall convene a Meeting of the Shareholders in *London* or *Westminster* or Liberties thereof; and if for Twenty-one Days after Service of such Requisition the said Governor and Council fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting in manner after mentioned.

Notice of  
Meetings.

LXXV. And be it enacted, That Fourteen Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement in the *London* and *Edinburgh* Gazette, and in one of the *Glasgow* Newspapers, declaring in such Notice at what Place in *London* or *Westminster*, or Liberties thereof, or in *Glasgow*, and the Time when such Meeting is to be held; and every Notice of an Extraordinary Meeting shall specify the Purpose for which the Meeting is called.

Adjourn-  
ments.

LXXVI. And be it enacted, That every Meeting of the said Company may be adjourned from Time to Time, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Subscribers  
to have a  
Vote for  
every Five  
Shares, by  
themselves  
or Proxies.

LXXVII. And be it enacted, That every Proprietor of Five Shares of One hundred Pounds each in the Capital of the said Company, and his Successors, Executors, Administrators, and Assigns, shall have One Vote in respect of such Five Shares, at every Ordinary or Extraordinary Meeting to be holden in pursuance of this Act; and every Proprietor possessed of Shares to a greater Amount than Five, and his Successors, Executors, Administrators, and Assigns, shall have an additional Vote at such Meetings, in respect of every Five Shares of One hundred Pounds each of the Capital of the said Company held by him: Provided always, that no Shareholder shall have more than Fifty Votes, and that no Person shall be entitled to vote in respect of any Share the Calls on which have not been fully paid up.

Method of  
voting.

LXXVIII. And be it enacted, That such Votes may be given either personally or by Proxies, being themselves Shareholders qualified to vote, and duly constituted by Writing according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect, under the Hand of the Party, or under the Seal of the Corporation appointing such Proxy, and such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Shareholders appointing such Proxies had voted in Person; provided that no Person shall act as Proxy for more than Ten absent Proprietors; and every Question, and also every Election or other Matter or Thing whatsoever, made, proposed, or discussed at such Meeting, shall be determined by the



the Majority of Votes and Proxies constituted as aforesaid then present, computing One Vote in respect of every Five Shares of One hundred Pounds each of the Capital of the Company possessed by each Shareholder voting either in Person or by Proxy, the Chairman or President of the Meeting being entitled to vote not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

LXXIX. And be it enacted, That no Person shall be entitled to vote as the Proxy of any Person or Corporation as aforesaid unless the Instrument appointing such Proxy shall have been transmitted to and received by the Secretary or Superintendent of the said Company Eight Days at least before the holding of the Meeting at which such Proxy is intended to be used.

Proxies to be previously sent to the Secretary.

LXXX. And be it enacted, That whenever several Persons shall be jointly possessed of or entitled to any Shares in the said Undertaking constituting a sufficient Qualification to vote as aforesaid, the Person whose Name shall stand first in the Register of Shareholders of the said Company as a Proprietor with other Persons of such Shares, shall, for the Purpose of voting at any Meeting of the said Company, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be deemed and allowed to be the Vote for or in respect of the whole Property in such Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Shares: Provided always, that no Person jointly and separately possessed of Shares in the said Undertaking shall be entitled to claim any Qualification entitling him to vote separately in respect of any Share or Shares held by him jointly with any other Shareholder or Shareholders.

Votes of Joint Shareholders.

LXXXI. And be it enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Curator, or by the Judicial Factor on his Estate; and such Curator or Judicial Factor may vote, in respect of the Interest of such Lunatic or Idiot, either in Person or by Proxy; and such Minor shall and may vote by his Tutor, Curator, or Guardian, or by any of his Tutors, Curators, or Guardians; and such respective Tutors, Curators, or Guardians, or any of them, may vote in respect of the Interest of such Minors either in Person or by Proxy.

Lunatics and Minors to vote by Curators and Guardians.

LXXXII. And be it enacted, That there shall be a Governor and Seven Members of Council for managing the Affairs of the said Company; and the present Governor and Members of the Council of the said Company shall continue in Office until the Fourth *Wednesday* of the Month of *April* next after the passing of this Act, or until others are appointed in their Stead, according to the Provisions of this Act.

Duration of Governor and Council.

LXXXIII. And be it enacted, That at the said Ordinary General Meeting of the said Company to be holden on the Fourth *Wednesday* in

General Meeting for electing Go-



Governor and  
Council.

in the Month of *April* in every Year the Shareholders present, personally or by Proxy, may either continue in Office the then present Governor and Members of Council respectively, or any of them, or elect a new Governor and any new Members of Council.

Qualification  
of Governor  
and Council.

LXXXIV. And be it enacted, That no Person shall be capable of being the Governor or a Member of the Council of the said Company unless he be a Shareholder possessed of Twenty-five Shares of One hundred Pounds each, and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being Governor or a Member of the said Council; and that neither the Governor nor any Member of the said Council shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be Governor or a Member of the said Council.

General  
Meeting to  
consist of  
not less than  
Nine Pro-  
prietors hold-  
ing at least  
Fifteen hun-  
dred Shares.

LXXXV. And be it enacted, That in order to constitute a Meeting, whether ordinary or extraordinary, there shall be present, either personally or by Proxy, Nine or more Shareholders holding in the Aggregate at least Fifteen hundred Shares of One hundred Pounds each; and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters which may be transacted at such Meeting; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*, except as herein-after mentioned.

Failure of  
Meeting for  
Election of  
Governor  
and Council.

LXXXVI. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which the Governor and Council are to be elected, be it enacted, That if any Meeting at which such Election ought to take place shall not be constituted in manner aforesaid, no Election of new Governor and Council or Re-election of existing Governor and Council shall be made, but in such Case another Meeting shall be held at the same Place on the Fourteenth Day after the Day of such intended Meeting; and if at such other Meeting the said Number of Shareholders so qualified as aforesaid be not present, personally or by Proxy, within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders so qualified as aforesaid be not present within One Hour from the Hour appointed for the Meeting, the existing Governor and Council shall continue to act and retain their Powers until the Ordinary Meeting on the Fourth *Wednesday* of *April* in the following Year.

General  
Meeting to  
be called for  
filling up  
Vacancies.

LXXXVII. And be it enacted, That if the Governor or any Member of the Council shall happen to die, or shall quit his Office, or become disqualified, then it shall be lawful for the Survivors or the major Part of the Survivors of the Board of Governor and Council, and they are hereby required, to call an Extraordinary Meeting of the  
said



said Company for the Purpose of filling up such Vacancy or Vacancies, of which Meeting Notice shall be given in the same Manner and under the same Conditions and Restrictions as are herein-before provided with respect to the calling of any other Extraordinary Meeting of the said Proprietors: Provided always, that in the event of the Governor or any Member of the Council so dying, quitting Office, or becoming disqualified, the Acts of the Remainder, constituting a Quorum, shall not be invalidated by reason of any new Governor or Member of Council not having been elected in his Stead.

LXXXVIII. And be it enacted, That the Governor appointed or to be chosen by virtue of this Act shall preside at all Meetings of the Company and of the Board of Governor and Council and Committee thereof; and in case of his Absence the Majority of the Proprietors, Council, or Committee present at such Meeting shall choose One of their own Number out of those present (such Person being a Shareholder qualified as aforesaid) to preside for the Time being.

Chairman at Meetings.

LXXXIX. And be it enacted, That, if the Governor, or any of the Members of the Council, at any Time subsequently to his Election, accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Works to be done for the Company, or if such Governor or Member of the Council at any Time cease to be a Holder of Twenty-five Shares in the Company, then in any of the Cases aforesaid the Office of such Governor or Member of Council shall become vacant, and thenceforth the Person in respect of whom the Office of Governor or Member of Council shall so have become vacant shall cease from voting or acting as such.

Cases in which Office of Member of Council shall become vacant.

XC. And be it enacted, That every Ordinary General Meeting which shall be holden by virtue of this Act shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Navigation, and for that Purpose shall have Power to adjourn themselves over from Time to Time to such Place or Places in *London* or *Westminster*, or Liberties thereof, or in *Glasgow*, as the Case may be, as shall be thought necessary; and such Ordinary General Meetings in *London* or *Westminster* shall alone have Power to appoint and remove the Treasurer of the Company, to order the Amount of Remuneration to be paid to the Governor and Council and Treasurer, to determine as to the borrowing of Money on Mortgage, and as to the Augmentation of Capital, and Declaration of Dividends for the Half Year ending on the Thirty-first Day of *March* in every Year, and also to confirm or disallow any Acts of the said Governor and Council, but not so as to invalidate any Act lawfully done by them or by their Authority: Provided always, that the Proprietors assembled at the said General Meetings in *Glasgow*, or at any Adjournments thereof, shall not consider any Matter of or concerning the said Navigation or Company other than the said Accounts, and the Balance Sheet and Scheme, showing the Profits, if any, of the Company for the Half Year ending on the Thirtieth Day of *September* previous to any such General Meeting, herein-after directed to

Powers of General Meetings.



be prepared, or determine or order any such Matter other than the Amount of the Dividend or Distribution of such Profits amongst the Shareholders, for such Half Year as aforesaid, in the Manner hereinafter provided.

Powers of the Company to be exercised by the Governor and Council.

XCI. And, with respect to the Exercise of the Powers of the Company, be it enacted, That the Governor and Council shall have the Management and Control of the Affairs of the Company, and may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting; and amongst other Powers to be exercised by the Governor and Council,

They may appoint and displace any of the Officers of the Company except the Treasurer:

They may fix the Salaries of all Officers, but not the Remuneration to themselves and to the Treasurer:

They may make and enforce the Calls upon the new Shares of the respective Shareholders:

They may declare the Forfeiture of Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting as aforesaid:

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs:

They may purchase the Lands authorized to be acquired by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company:

They may fix the Tolls to be taken by the Company, and they may make Bye Laws for the Regulation of the Affairs of the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf, and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Governor and Council prior to any Resolution passed by such General Meeting.

Contracts signed by Two Members of Council to be binding.

XCII. And be it enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company which shall be signed by any Two Members of the Committee of Council, and approved by the Board of Governor and Council, shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company or any of the other Parties thereto failing in the Execution thereof.

Meetings of Governor and Council.

XCIII. And be it enacted, That the Governor and Council shall hold Meetings at such Times as they shall appoint for the Purpose, in *London* or *Westminster* or the Liberties thereof, and they may meet and adjourn as they think proper from Time to Time; and at any Time the Governor or any Two Members of the Council may require the



the Secretary to call a Meeting of the Governor and Council, and in order to constitute such a Meeting there shall be present at the least Three Members of the Council; and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Governor or Chairman, in addition to his Vote as a Member of the Board of Governor and Council, shall have a casting Vote as Chairman.

XCIV. And be it enacted, That the said Governor and Council shall have full Power and Authority to nominate and appoint Three of their own Number, of whom Two shall be a Quorum, to be a Committee for managing the Affairs of the said Company in *Scotland*, to be called "The Committee of Council of the Company of Proprietors of the *Forth* and *Clyde* Navigation," whose Acts and Proceedings shall be subject to the Control, Orders, and Regulations of the said Governor and Council: Provided always, that the Governor and other Members of the Council not appointed on the said Committee may attend the Meetings of such Committee, and shall have a Voice in the Conduct of the Affairs under the Management of the said Committee, in like Manner as any other Member thereof; and the Governor or Chairman, in case of an Equality of Votes, shall have a casting Vote.

Committees may be appointed by Governor and Council.

XCV. And be it enacted, That the Orders and Proceedings of all Ordinary and Extraordinary Meetings of the said Company, and of the said Governor and Council and Committee respectively, shall be entered in some Book or Books to be provided for that Purpose, and shall be signed by the Governor or Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, before all Judges, Justices, and others, and that without Proof of such respective Meetings have been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Members of the Council or of such Committee respectively, or of the Signature of such Governor or Chairman, as the Case may be, all of which last-mentioned Acts shall be presumed.

Orders and Proceedings to be entered in a Book.

XCVI. And be it enacted, That all Acts done by or by the Authority of the Governor and Council, or any Committee appointed by them, shall be valid, although it may be afterwards discovered that any One or more Members of the said Council or Committee was or were, at the Time of doing or authorizing such Act, disqualified or unduly appointed.

Informalities in Appointment of Governor and Council not to invalidate Proceedings.

XCVII. And be it enacted, That neither the Governor nor any Member of the Council of the said Company shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Governor or Member of the Council of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Governor

For the Indemnity of the Governor and Council.



Governor and Council or Committee by this Act, be subject or liable to be sued or prosecuted, either collectively or individually, by any Person whomsoever, in any Court whatsoever, and that the Bodies, Goods, Lands, and Tenements of the said Governor and Council and Committee, or any of them, shall not be liable to Execution of any legal Process, by reason or on account or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, and the Governor and the several Members of the said Council and Committee, their respective Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made, or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them out of the Assets of the said Company; and the said Governor and Council or Committee may apply the existing Funds or Assets of the Company for the Purpose of such Indemnity, or, if necessary, may make and enforce Calls for that Purpose of the Capital (if any) of the Company remaining unpaid.

Duty of the Secretary.

XCVIII. And be it enacted, That the Person who has been or shall be chosen Secretary to the said Company shall attend all the General Meetings of the said Company and of the Governor and Council, in *London* and *Westminster* or Liberties thereof, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of all the Acts, Proceedings, and Transactions of the General Meetings of the said Company and of the Governor and Council, by virtue of and under the Authority of this Act, and shall preserve true and regular Duplicates of all Accounts and Proceedings to be transmitted from the Committee appointed by the Governor and Council, and shall fulfil and obey all such Orders as he shall from Time to Time receive from the said Governor and Council; and every Proprietor of the said Company shall and may at all convenient Times have recourse to and peruse and inspect the said Accounts, and may demand and have Copies thereof, or of any Part thereof, provided such Copy is made at the Expence of the Party applying for the same; and if any such Secretary shall refuse to permit any Proprietor to inspect or peruse such Accounts, or refuse to make any Copies thereof, the same being to be paid for as aforesaid, he shall for every such Offence pay and forfeit the Sum of Five Pounds Sterling, to be deducted from his Salary, provided the said Governor and Council shall think proper to make such Deduction.

Company to appoint a Treasurer.

XCIX. And be it enacted, That at the First Ordinary General Meeting to be holden in *London* or *Westminster* after the passing of this Act the Company shall elect a Treasurer, and any subsequent General Meeting may remove from Office any such Treasurer; and if such Treasurer die or resign, or be so removed, another Treasurer shall be elected at a General Meeting, and from Time to Time any such Meeting



Meeting may fix the Salary or other Emoluments allowed to such Treasurer as they think proper.

C. And be it enacted, That the Governor and Council may at any Time suspend the Treasurer, and may appoint some Person temporarily to fill the Office of Treasurer so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any Case they shall forthwith call an Extraordinary Meeting of the Company, for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer so suspended, and of electing a new Treasurer, as the Case may be.

Suspension  
of Treasurer.

CI. And be it enacted, That neither the Person who has been or who may be appointed to act as Superintendent to the said Navigation, nor the Person who has been or may be appointed Secretary to the said Company, or the Partner of any such Superintendent or Secretary, shall be capable of acting as a Treasurer, Receiver, or Collector, for the Purposes of this Act, and neither the Person who has been or may be appointed Treasurer, Receiver, or Collector, nor the Partner of any such Treasurer, Receiver, or Collector, shall be capable of acting as the Superintendent of the said Navigation, or as Secretary to the said Company; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Offices of  
Superinten-  
dent or Se-  
cretary and  
Treasurer  
not to be  
held by the  
same Person.

If he shall accept the Office of Superintendent and Treasurer, Receiver or Collector, or of Secretary and Treasurer, Receiver or Collector, or if any Person being the Partner of any such Superintendent or Secretary shall act as Treasurer, Receiver, or Collector, or as Deputy for the Treasurer, Receiver, or Collector, or in any Manner officiate for the Treasurer, Receiver, or Collector, or being the Partner of any such Treasurer, Receiver, or Collector shall act as Superintendent or Secretary, or as the Deputy of such Superintendent or Secretary, or in any Manner officiate for such Superintendent or Secretary in the Execution of this Act, or if any such Secretary or Treasurer hold any Place of Profit or Trust under the Company other than that of Secretary or Treasurer, as the Case may be:

And any Person may sue for such Penalties in any competent Court in *Great Britain*, and on Recovery thereof be entitled to full Costs of Suit.

CII. And be it enacted, That the said Company shall and they are hereby required (where they have not already done so) to take sufficient Security from every Treasurer, Receiver, or Collector appointed or to be appointed for the Purposes of this Act, for the faithful Execution of his Office, before he shall be intrusted with any Monies of the Company.

Security to  
be taken  
from Col-  
lectors.

CIII. And be it enacted, That every Officer or Person who shall be appointed or employed by the said Company shall from Time to Time, when thereunto required by the Governor and Council of the said Company, make out and deliver to them, or to such Person as they shall for that Purpose appoint, a true and perfect Account in

Officers to  
account.

[Local.]

12 K

Writing



Writing under his Hand of all Monies which shall have been received by him on behalf of the Company, and such Account shall state how, and to whom, and for what Purpose the same shall have been disposed of; and, together with such Account, such Officer or Person shall deliver the Vouchers and Receipts for such Payments; and every such Officer and Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing to the said Governor and Council, or to such Persons as they shall appoint to receive the same.

Summary  
Remedy  
against Offi-  
cers failing  
to account.

CIV. And be it enacted, That if any such Officer or Person fail to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall fail to deliver up to the said Governor and Council, or to such Person as they shall appoint, within Three Days after being thereunto required, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power relating to the Execution of this Act, or belonging to the said Company, then and in every such Case, Complaint being made thereof by the said Governor and Council or their Committee, or by any other Person on their Behalf, to the Sheriff or any Justice of the Peace of the County where such Officer or other Person appointed or employed as aforesaid resides or shall be found, the said Sheriff or Justice shall grant Warrant for bringing such Officer or Person before him, and upon his appearing, or not being to be found, shall hear and determine the Matter of such Complaint in a summary Way, and adjust and declare the Balance from such Officer or Person; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the Inspection of the said Account produced, it shall appear to the said Sheriff or Justice that any of the Monies of the Company are in the Hands of or owing from such Officer or Person, the said Sheriff or Justice may, and he is hereby empowered, upon Nonpayment thereof, to grant Warrant for such Money to be levied by Poinding and Sale of the Goods and Effects of such Officer or Person; and if sufficient Goods or Effects shall not be found to answer and satisfy the said Monies, and the Expences of such Poinding and Sale, then the said Sheriff or Justice may and he is hereby required to grant Warrant for committing such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail for a Period not exceeding Three Months, unless he shall previously fulfil the Duties for the Omission of which he may be so committed, and such Commitment may take place in any of the following Cases; that is to say,

If such Officer or Person as aforesaid do not appear before the Sheriff or Justice at the Time and Place appointed for that Purpose, or if he shall appear and fail to make out and deliver such Account in Writing, or if he shall refuse to produce and deliver up the said Vouchers and Receipts (if any) relating thereto, or if he shall refuse to deliver up any Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession belonging to the Company:

Provided always, that the said Governor and Council, or their Committee, may compound with such Officer or Person for any Money



Money due from him, or take such Security for the same as they may think fit.

CV. And be it enacted, That no such Proceeding against or dealing with any such Officer or Person as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer or Person.

Sureties not to be discharged.

CVI. And be it enacted, That true and regular Accounts shall be kept of all Sums of Money received and expended for or on account of the said Company by the said Governor and Council, and all Persons employed by and under them, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid.

Governor and Council to cause Accounts to be kept.

CVII. And be it enacted, That the Books of the Company shall be brought to a Balance on the Thirty-first Day of *March* and Thirtieth Day of *September* in each Year after the passing of this Act, and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and such Balance Sheet shall be examined and docketed by the Governor and Council, or any Three of their Number, and shall be signed by the Governor, or by the Chairman of the Meeting at which such Balance Sheet shall have been examined.

Books to be balanced.

CVIII. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, or Duplicates thereof, shall, for Seven Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the Offices of the Secretary and Superintendent of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Members of the Council.

Inspection of Accounts by Shareholders at stated Times.

CIX. And be it enacted, That at such Ordinary Meeting the Governor and Council shall produce to the Shareholders assembled such Balance Sheet as aforesaid, applicable to the Period immediately preceding such Meeting.

Balance Sheet to be produced.

CX. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirtieth Day of *September*, or some other convenient Day in each Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Governor and Council, or any Three of them, and shall transmit a Copy of the said Account, free

Annual Account to be made up and a Copy transmitted to the Sheriff Clerk.



free of Charge, to the Sheriff Clerk at *Glasgow* for the County of *Lanark*, on or before the Thirty-first Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Declaration  
of Dividends.

CXI. And be it enacted, That previously to every Ordinary Meeting of the Company the Governor and Council shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the immediately preceding Balance of their Books, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not  
to reduce  
Capital.

CXII. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced.

Fund for  
Contingencies.

CXIII. And be it enacted, That before apportioning the Profits aforesaid the Company may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Navigation, or any Part thereof, and may divide the Balance only among the Proprietors.

Dividend not  
to be paid  
unless all  
Calls paid.

CXIV. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid.

Declaring  
what shall  
be good  
Service of  
Notice on  
Company.

CXV. And, with respect to the Service of Notices upon the Company, be it enacted, That any Summons or Demand, or any Notice, or any Writ or other Proceedings at Law or in Equity, which it may be required to serve upon the said Company, may be served either personally upon the Superintendent of the said Company, or by leaving the same at the Office of the said Company in *Scotland*, or by delivering the same to some Inmate at the Place of Abode of such Superintendent; or in case the Place of Abode of the Superintendent shall not be found or known, then the same may be personally served upon any Member of the Committee of Council in *Scotland*, or delivered to some Inmate at the Place of Abode of such Member.

Declaring  
what shall  
be good  
Service of  
Notice by  
the Com-  
pany.

CXVI. And be it enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such



Person, or of such Clerk or other Officer of such Corporation, or at the Office of such Clerk or other Officer; or in case such Clerk or Officer, or his Residence, cannot be conveniently found or known, then personal Service upon any Director of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Director, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed; and if such Person shall be absent from *Scotland*, the said Summons, Demand, Notice, Writ or other Proceeding in Law or in Equity, or otherwise, shall be served personally on the known Commissioner, Factor, or Agent of such Person (if any), or delivered to some Inmate of the last or usual Place of Abode of such Commissioner, Factor, or Agent.

CXVII. And be it enacted, That every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Member of the Council, or by the Secretary or Superintendent of the said Company, and need not be under the Common Seal of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

Authentica-  
tion of No-  
tices.

CXVIII. And be it enacted, That in all legal Proceedings, Arbitrations, and References under this Act it shall be lawful for any Two or more Members of the Governor and Council of the said Company to grant such general or other Releases or Discharges as may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness; and every such Release or Discharge shall be as valid and effectual as if made under the Common Seal of the said Company.

Members of  
Council em-  
powered to  
grant Re-  
leases to  
Witnesses.

CXIX. And be it enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Secretary, Superintendent, or Treasurer of the said Company for the Time being may do all the same Acts, and may have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Interim Factor and Trustee or Assignee, acceding to Compositions and Discharges, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

How Debts  
may be  
proved in  
Cases of  
Bankruptcy.

CXX. And be it enacted, That it shall be lawful for the said Company, at any General Meeting to be holden by virtue of this Act, to give and grant to such Officers and Servants as shall have served them with Integrity and Fidelity, and who shall, by reason of Age or Infirmary, be incapable of further Service, Annuities for their respective Lives or for shorter Terms, and also give any Donation or annual Sum of Money to any public Charity for any charitable or benevolent Purposes in any of the Counties in which any Part of the said Navigation or other Works is situated.

Company  
may grant  
Annuities to  
infirm Offi-  
cers and  
Servants,  
and contri-  
bute to pub-  
lic Charities.

[Local.]

12 L

CXXI. And



Pursuers not  
to recover  
after Tender  
of Amends.

CXXI. And be it enacted, That no Pursuer shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or by virtue of any Power or Authority hereby given, if sufficient Tender of Satisfaction shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action shall be brought.

Lands set  
out for the  
Navigation  
exempted  
from public  
Burdens.

CXXII. And, with respect to the Lands set out, ascertained, and purchased to and by the said Company for the Use of the said Navigation, by virtue of the Powers given them by the said recited Acts, except in Cases where they have purchased the whole of the Land of the original Proprietor, be it enacted, That the said Company shall not be chargeable with any Part or Portion of the Land Tax, Minister's Stipend, or of any other public Burdens or Taxations whatsoever for the Lands which have been so set out, ascertained, and purchased, but that all such Taxations and public Burdens shall be chargeable upon the Lands remaining with the Vendor or Vendors after such partial Alienation to the said Company as aforesaid, and shall be levied from them, their Heirs and Successors in the said Lands, in the same Manner as if such partial Alienations had never been made; and the said Vendor or Vendors, and all other Person or Persons interested in the Lands so sold to the Company of Proprietors, as Superiors or otherwise, shall be entitled to the same Rights and Privileges from the remaining Parts of these Lands as if such Sale or Sales to the said Company had never been made: Provided always, that nothing herein contained shall be held to limit or affect any Liability which by Law does or may attach to the said Company, or to the Property now belonging to or occupied by, or which may hereafter belong to or be occupied by them, to be rated or assessed for the Relief of the Poor, nor to impose any such Liability for any such Rate or Assessment upon any Lands remaining with any Vendor or Vendors after any partial Alienation to the said Company as aforesaid.

Power to  
purchase  
Lands.

CXXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of any Lands, to the Extent which they are hereby authorized to purchase, for the absolute Purchase, for a Consideration in Money or an annual Feu Duty, of any such Lands, or such Part thereof as they shall think proper, and of all subsisting Leases therein, and of all Rents, Charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever.

Persons  
under legal  
Disability  
and others  
empowered  
to sell and  
convey  
Lands.

CXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being infest in, possessed of, or entitled to any such Lands, or any Estate or Interest therein as aforesaid, to sell and dispoise, and to feu and convey or release the same to the said Company, and to enter into and execute all necessary Agreements, Deeds, and Writings for such Purpose; that is to say, all Corporations, Heirs of Entail, Life-renters, Tenants for Life or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce, or otherwise interested, Tutors,  
Curators,



Curators, or other Guardians, Judicial Factors, and Trustees for charitable or other Purposes, Factors *loco Tutoris*, Executors, and Administrators, and all other Persons whomsoever; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only for and on behalf of themselves and their respective Heirs, Successors, Executors, and Administrators, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated or unborn; and as to such Married Women as if they were sole; and as to such Tutors, Curators, Guardians, Judicial Factors, and Trustees on behalf of those for whom they may respectively act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other incapacitated Persons, and that to the same Extent as such Infants, Minors, Bankrupts, Lunatics, Idiots, Married Women, or other incapacitated Persons respectively could have exercised the same Powers, under the Authority of this Act, if they had respectively been under no Disability.

CXXV. And be it enacted, That it shall be lawful for the said Company from Time to Time to contract with any Person or Corporation hereby empowered to sell as aforesaid, and willing to sell the same, for the Purchase of any Lands, not exceeding in the whole Fifty Statute Acres (in addition to the Lands hereby vested in, or which, before the passing of this Act, have been purchased by the said Company), in such Place or Places as the said Company shall deem eligible or convenient for any of the Purposes following; (that is to say,)

Power for the Company to purchase Fifty Acres of Land.

For the Purpose of making any Reservoir or Wharf, and any Coal or other Yards, Houses, Warehouses, or other Buildings and Conveniences for the Purpose of receiving, lodging, depositing, or keeping any Goods carried or conveyed or intended to be carried or conveyed upon the said Navigation:

For the Purpose of making any convenient Roads, Avenues, or Ways leading thereto:

And it shall be lawful for any Person or Corporation hereby empowered to sell as aforesaid to sell and convey to the said Company, and their Successors, any Lands whatsoever for the Purposes last aforesaid, or any of them.

CXXVI. And be it enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they may have purchased for the Purposes last aforesaid, or any Part thereof, in such Manner, and for such Considerations, and to such Persons as they may think fit, and again from Time to Time to contract for and purchase any other Lands which they may deem more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same or any Part thereof as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company for such last-mentioned Purposes shall not at any One Time exceed Fifty Acres.

Company empowered to sell such Lands and to re-purchase.

CXXVII. And be it enacted, That it shall not be lawful for the said Company, under the Power to purchase Land for such additional Purposes

Company not to purchase more



than Fifty Acres of Land from incapacitated Persons.

Purposes as aforesaid, to purchase from any Person or Corporation who, except by virtue of this Act, would be incapable of making a complete and effectual Sale and Conveyance thereof, more than Fifty Statute Acres in the whole; and in case the said Company shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for any Person or Corporation under legal Disability to sell to the said Company any other Lands or Tenements in lieu of the Fifty Statute Acres or any Part thereof so sold or disposed of by the said Company.

Power to buy small Pieces of Land containing Materials adjacent to the Canal.

CXXVIII. And be it enacted, That it shall be lawful for the said Company to purchase from any Person willing to sell the same, over and besides the Land herein-before authorized to be purchased, any small Pieces or Parcels of Ground lying adjacent to or near the said Navigation, Towing Paths, or other Works by this Act authorized to be made or maintained, containing any Stone or other Materials proper for maintaining and repairing such Part of any of such Towing Paths or other Works where such Materials shall be wanted for that Purpose, not exceeding the Quantity of Twenty Statute Acres.

Form of Conveyance to the Company.

CXXIX. And be it enacted, That all Conveyances of Lands to be hereafter purchased by the Company may be according to the Form in the Schedule (F.) to this Act annexed, or as near thereto as Circumstances will admit; and such Conveyances, being duly executed, and being registered in the particular Register of Sasines kept for the County or District in which the Lands are locally situate, or in the general Register of Sasines for *Scotland* kept at *Edinburgh*, within Sixty Days from the last Date thereof, (which the respective Keepers of the said Register are hereby authorized and required to do,) shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the said Company, and their Successors and Assigns, to the Premises therein described, any Law or Custom to the contrary notwithstanding.

Amount of Compensation to be ascertained by Valuation if Parties under Disability.

CXXX. And in case any Consideration Money or Compensation shall under the Provisions of this Act be payable to or claimed by any Party under any Disability or Incapacity, be it enacted, That such Consideration Money or Compensation shall not, unless the Amount of such Compensation be settled by a Jury, or by the Sheriff, in manner herein-after provided, be less than shall be determined by the Valuation of Two able practical Persons as Referees, one of whom shall be nominated by the Company, and the other by the other Party; and if such Two Referees cannot agree in the Valuation, then by such Third Person as the Sheriff of the County in which the Lands in respect of which such Compensation is claimed are situate shall for that Purpose appoint; and each of such Two Referees, if they agree, and if not, then the Umpire nominated by the said Sheriff, shall annex to his Valuation a Declaration of the Correctness thereof.

Compensation payable to Parties

CXXXI. And be it enacted, That if any Purchase Money or Compensation shall be payable, under the Provisions of this Act, to any



any Heir of Entail, Life-renter, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Husband, Guardian, or Curator, Judicial Factor or Trustee, or any Executor or Administrator, or Person under any Disability, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into some one of the chartered Banks in *Scotland*, to the Intent that such Money shall be applied, under the Direction and Authority of the said Court, to some one or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or to the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which the Money shall have been paid stood settled; or

In Payment to any Party becoming absolutely entitled to such Money.

CXXXII. And be it enacted, That the Order for Application of the said Money may be obtained on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until such Money can be so applied the Interest and annual Produce thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited. Order for Application.

CXXXIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into any of the chartered Banks in *Scotland*, and applied in manner herein-before directed, or otherwise the same may be paid, upon the Request of the respective Parties for the Time being entitled to the Rents and Profits of the said Lands, or of their respective Husbands, Guardians, Tutors or Curators, Judicial Factors, or Trustees, in the Cases of Married Women, Infants, Idiots, Lunatics, or other incapacitated Persons, and with the Approbation of the Company, to Two Trustees, to be nominated by the said respective Parties, such Nomination to be approved of by the said Company, and to be signified in Writing, under the Hands of the nominating Parties, and of Three Members at least of the Council of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the chartered Banks as aforesaid, but without obtaining or being required to obtain the Direction or Authority of the Court of Session. When less than 200l. and exceeding 20l.



When not exceeding 20l.

CXXXIV. And with respect to such Money as shall not exceed Twenty Pounds, be it enacted, That the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same may be payable, for their own Use and Benefit; or in the Case of Married Women, Infants, Idiots, Lunatics, or other incapacitated Persons, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Tutors or Curators, Judicial Factors or Trustees.

The Court may order reasonable Expences to be paid by the Company.

CXXXV. And be it enacted, That, where by reason of the Disability or Incapacity of any Party entitled to any Consideration Money or Compensation under this Act, such Compensation shall be required to be paid into any of the chartered Banks in *Scotland*, it shall be lawful for the Court of Session to order the Costs, Charges, and Expences attending the same, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Investment of the Compensation Money, and likewise the Costs, Charges, and Expences (occasioned only by the Exercise of the Powers conferred by this Act, and not by Litigation between Claimants or otherwise,) of any Proceedings had, as herein-before authorized, for the Investment of such Compensation Money, and for the Payment of the Interest thereof, or so much of such Costs, Charges, and Expences as the said Court shall think reasonable, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Company.

For settling Cases of Dispute as to Compensation.

CXXXVI. And for settling all Cases of Dispute as to the Compensation to which any Parties may be entitled under this Act, be it enacted, That if any Difference shall arise as to the Amount of any Compensation payable by the said Company under this Act, the Amount of such Compensation in every such Case, if the Sum claimed exceed Fifty Pounds, shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Notice by Company of Intention to have a Jury summoned.

CXXXVII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference, to the Sheriff of the County in which the Lands are situated, to summon a Jury, as herein-after provided, the Company shall give Notice in Writing to the Party with whom such Difference shall have arisen, of their Intention to cause such Jury to be summoned; and in such Notice the Company shall state what Amount of Compensation Money they are willing to give such Party.

Requisition by Party claiming Compensation that Jury be summoned.

CXXXVIII. And be it enacted, That if any Party who shall claim any such Compensation as aforesaid, exceeding in Amount Fifty Pounds, shall desire the Amount thereof to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Company of such his Desire, and he shall in such Notice state the Nature of his Claim, and the Amount of the Compensation demanded



by him in respect thereof, and unless the Company be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, such Party may, after Notice as aforesaid, make Application to the Sheriff of the County in which the Lands or Heritages which are the Subject of Compensation are situate to summon a Jury accordingly in the Manner herein mentioned.

CXXXIX. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Company, or the Party claiming Compensation, may present their Petition or make Application to the Sheriff, requiring him to summon a Jury for that Purpose. Warrant for summoning a Jury to be addressed to the Sheriff.

CXL. And be it enacted, That upon such Application the said Sheriff shall summon Thirty indifferent Persons, duly qualified to act as Jurymen in the Sheriff Court, to meet at such Time and Place as such Sheriff shall think fit to appoint, not being less than Twenty-one Days after the Date of such Application, and of which Time and Place the Party making such Application shall give not less than Fourteen Days Notice to the other Party. Summoning Jurymen.

CXLI. And be it enacted, That, out of the Jury appearing upon such Summons, the Sheriff shall in the usual Way impanel a Jury of Thirteen Persons, and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen. Impanneling Jury.

CXLII. And be it enacted, That the said Sheriff shall preside in the said Court, and the Party claiming Compensation shall be deemed the Pursuer, and shall have all such Rights and Privileges as the Pursuer in Actions at Law is entitled to; and if either Party so request in Writing, within Five Days after Notice of the said Application to such Sheriff to summon a Jury, the Sheriff shall summon and call before him or grant Commission for the Examination of every Person who shall be thought necessary by either Party to be examined as a Haver or Witness touching the Matter in question; and on the like Request the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Court of Session or Sheriff Court. Sheriff to preside.

CXLIII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation and Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oath as well as the Oaths of all Persons called to give Evidence. Oaths of Jurymen.

CXLIV. And



Verdict of  
Jury.

CXLIV. And be it enacted, That such Jury shall inquire of, assess, and fix, by the Verdict of a Majority of their Number, the Sum of Money to be paid by the Company by way of Satisfaction or Compensation for the Claim or Damage which shall be the Subject of their Inquiry.

Judgment,

CXLV. And be it enacted, That the Sheriff before whom the Inquiry is held shall give Judgment and Decree for such Satisfaction or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment and Decree thereon, to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever, and shall be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause; and the said Verdicts, Judgments, and Decrees, being first signed by the Sheriff, shall be kept by the Sheriff Clerk of the County, and shall be deemed Records to all Intents and Purposes; and the same, or Extracts thereof, or of any Part thereof, duly authenticated according to the Forms usual in *Scotland*, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the said Records, paying for each Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words,

Expences of  
Jury how to  
be paid.

CXLVI. And be it enacted, That in every Inquiry before a Jury, where the Verdict of such Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company, all the Costs of such Inquiry shall be defrayed by the Company; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Company shall have such Dispute, and the Remainder shall be defrayed by the Company, and, having been taxed and decerned for in manner herein mentioned, shall and may be deducted out of the Money decerned to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so decerned for shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Lands or Heritages shall have been prevented from treating with the Company, all the Costs shall be borne by the Company.

Particulars  
of the Costs.

CXLVII. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incidental to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable  
by



by the Company, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the said Sheriff he shall give his Warrant accordingly.

CXLVIII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Jurymen shall be applied in satisfaction of the Costs of Inquiry, so far as the same shall extend; and, in addition to the Penalty hereby imposed, every such Jurymen shall be subject to the same Regulations, Pains, and Penalties as if such Jurymen had been returned for the Trial of any Cause in the Court of Session.

Penalty on  
Sheriff and  
Jury for  
Default.

CXLIX. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on  
Witnesses  
making  
default.

CL. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and, before either of them has presented his Petition to the Sheriff, give Notice in Writing of such Desire, such Question shall be so tried; and for that Purpose either of the Parties may, by Petition to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Petition, summon both the Parties to appear before him, by themselves or their Agents, at some convenient Time and Place (not being less than Five Days from the Service of such Summons), appointed by him, for the Purpose of nominating a Special Jury; and, at the Place and Time so appointed, the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Court; and the Sheriff shall appoint a Day for the Parties, or their Agents, to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the said Courts.

Special Jury  
to be sum-  
moned at the  
Request of  
either Party.

CLI. And be it enacted, That the Special Jury on such Inquiry shall consist of Thirteen of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Chal-

Deficiency  
of Jurymen.

[*Local.*]

12 N

lenges



lenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Special Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Common Jury.

Other Inquiries before Special Jury by Consent.

CLII. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jurymen not to attend more than once.

CLIII. And be it enacted, That no Special Jurymen shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Jurors to be under same Regulations as in Civil Causes.

Persons giving false Evidence to be guilty of Perjury.

CLIV. And be it enacted, That every Jurymen and Witness summoned or cited to attend such Trial shall also be subject to the same Regulations, Pains, and Penalties as if such Jurymen and Witnesses respectively had been summoned or cited to serve upon any Jury, or give Evidence in any Civil Cause in *Scotland*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being Quakers, upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury or Sheriff, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall and may by Law be subject.

Settling Disputes as to Damages to a small Amount.

CLV. And be it enacted, That in case any Difference shall arise between the said Company and any Persons entitled to Compensation under this Act, and such Difference cannot be adjusted and settled between the said Parties, and in case the Amount claimed does not exceed the Sum of Fifty Pounds, the Sum to be paid shall be ascertained and determined by the Sheriff of the County in which the Lands or Premises in respect of which such Claim shall arise shall be situated; and such Sheriff, upon summary Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle and also pronounce Decree for the Amount, if any, which shall be payable by the said Company, and the Costs of such Application shall be regulated according to the same Principle as herein-before provided in regard to Inquiries before Juries; and the Decision of such Sheriff shall not be subject to Review of any other Court, by Advocation, Suspension, or any other Process of Law whatever.

Notice of Injury to be given to

CLVI. And be it enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act, or



the said Sheriff, be allowed to receive or take notice of any Complaint to be made by any Party for any Injury or Damage sustained or to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice shall have been given in Writing, stating the Particulars of such Injury or Damage, and the Amount of Compensation claimed in respect thereof by or on behalf of such Party, to the said Company, within the Space of Six Calendar Months after the Time when such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Company  
within Six  
Months.

CLVII. And be it enacted, That if at any Time after the said Company shall have entered upon the Use or Enjoyment of any Lands, Heritages, or Premises which, under the Provisions of the said recited Acts, or any of them, or of this Act, they are authorized to purchase or acquire, or which are by this Act vested in them, and which may be permanently required for the Purposes of the said Navigation, any Person or Corporation shall appear to be entitled preferably to such Lands, Heritages, or Premises, or to any Estate, Right, or Interest affecting the same, which Title, Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase or to pay Satisfaction for, then, notwithstanding such Title, Estate, Right, or Interest, the said Company shall remain in the undisturbed Possession of such Lands, provided the said Company shall, within Six Months after Notice of such Estate, Right, or Interest, if undisputed by them, or if disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, purchase or pay Compensation or Satisfaction for the same, and also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Rents, Profits, Interest, or Income which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Company and the Time of the Payment of such Purchase Money or Compensation, so far as such Rents, Profits, Interest, or Income may be recoverable by such Party; and such Purchase Money or Compensation shall be agreed on or awarded and paid in the like Manner as, according to the Provisions in this Act, other Cases of Compensation are authorized to be agreed on, awarded, and paid.

Providing  
Remedy in  
case of Pro-  
ceedings for  
Recovery of  
Land pur-  
chased by  
the Com-  
pany.

CLVIII. And be it enacted, That if the Compensation to be given for any such last-mentioned Lands, Heritages, or Premises, or any Interest in the same, or for any Rents, Interest, or Income thereof, be estimated by a Jury, they shall assess the same at such Price as they shall find to be the Value of such Lands, Heritages, or Premises, Rents, Interest, and Profits, without regard to any Improvements or Works made in the said Lands, Heritages, or Premises by the Company, and as though the Navigation had not been formed.

How Value  
of such  
Lands to be  
estimated.

CLIX. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Lands, Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they

Company to  
pay the Costs  
of Litigation  
as to such  
Lands.



they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Expences of any legal Proceedings for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place, and such Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Company empowered to sell Land and Buildings not wanted for the Purposes of this Act.

CLX. And for the Purpose of making Provision respecting the Sale of Lands which shall not be required for the Purposes of the said Navigation, be it enacted, That it shall be lawful for the said Company to sell or feu all such superfluous Lands in such Manner as they may deem most advantageous; and Conveyances of such Lands from the said Company, under their Common Seal, shall be valid and effectual; and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money expressed to have been received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act: Provided always, that nothing herein contained shall be held to require the said Company to sell or dispose of any Parts of the Lands at *Hundred Acre Hill*, now called *Port Dundas*, acquired under the Authority of the said recited Act of the Thirtieth Year of the Reign of His Majesty King *George* the Third, which have not already been feued out or disposed of by them or their Committee in *Scotland*.

Lands not sold to vest in Owners of adjoining Lands.

CLXI. And be it enacted, That if the said Company do not sell such superfluous Lands within the Period aforesaid such of the said Lands as remain unsold after the Expiration thereof shall vest in and become the Property of the Owners of the Lands immediately adjoining, in proportion to the Extent of their Lands so adjoining the same.

Lands to be offered to adjoining Owners.

CLXII. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands they shall first offer to sell the same, so far as then belonging to them, to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Persons refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession, one after another, in such Order as the Company shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CLXIII. And be it enacted, That if such respective Persons be desirous of purchasing such superfluous Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Company, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase the same, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the



the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

CLXIV. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Company for the Purposes of the said Navigation.

Difference as to Price to be settled as in other Cases.

CLXV. Provided always, and be it enacted, That in any Case in which the said Company have purchased or acquired any Houses, Buildings, or Land within the Limits of any City, Burgh, or Town, or any other Land, being the whole Property or Estate adjoining the said Navigation on one Side thereof of the Person or Corporation from whom the same may have been purchased, or any Lands fronting upon a Street or public Highway, it shall be lawful for the said Company to feu out absolutely or sell and dispose of all or any Part of such superfluous Lands, Houses, and Buildings to such Person and in such Manner as the said Company shall think proper, without being required previously to offer to sell the same to the Person or Persons whose Lands and Premises adjoin, any thing in this Act to the contrary notwithstanding.

Proviso as to Sale of certain Lands.

CLXVI. And be it enacted, That all Dispositions and Conveyances to be made by the said Company under or by virtue of the several Powers and Authorities to them hereby given shall be sealed with the Company's Seal, signed by the Governor, and countersigned by the Secretary.

Conveyance from the Company.

CLXVII. And be it enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to support, maintain, and improve, and to use the said Canal, Collateral Cut, and Cut of Junction, made under the Authority of the said recited Acts or any of them, together with all Harbours, Basins, Reservoirs, Aqueducts, Feeders, Water Tanks, Fens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Banks, Fences, Ways, Roads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Warehouses, Tool Houses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works and Appurtenances to the said Navigation belonging or in anywise appertaining, or hereby vested in the said Company; and to do and perform all such Acts as the said Company shall think expedient

Company hereby established authorized to maintain the Canals, &c. already made.



for maintaining, repairing, improving, and supporting the said Navigation, and the Appurtenances belonging thereto, and for the full Use and Enjoyment thereof; and it shall be lawful for the said Company to supply the said Canal, Cuts, Harbours, Basins, Reservoirs, and Feeders, and every of them, with Water, from all and every the Brooks, Streams, Waters, and Watercourses from which the said Canal, Cuts, Harbours, Basins, Reservoirs, and Feeders, or any of them, were immediately before the passing of this Act lawfully supplied, by virtue of the said recited Acts or any of them, or of any Contract entered into or hereafter to be entered into for that Purpose; and to widen and enlarge the said Canal, Collateral Cut, and Cut of Junction, and the Works thereto belonging, and to raise the Banks or sink the Bed of the said Canal and Cuts, in such Place or Places and in such Way and Manner as the said Company shall think fit, for making the same not less than Nine Feet and not more than Ten Feet Depth of Water, navigable and passable for Boats, Barges, and other Vessels, the said Company making full Compensation for all Damages to be sustained by such Owners of any Lands, Heritages, Brooks, Streams, or Rivers respectively taken, used, removed, diverted, or injured in or by the Execution of the Powers hereby granted, or by such Occupiers thereof, or such other Persons interested therein, as before the passing of this Act would have been legally entitled to Compensation; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to the Provisions and Restrictions herein contained: Provided always, that nothing herein contained shall enable the said Company to purchase or take any Land or Grounds for any of the Purposes aforesaid without the Consent of the Owners and Occupiers of such Land or Ground.

In case of  
Damage to  
Monkland  
Navigation.

CLXVIII. And be it enacted, That in case the said Company shall, in the Exercise of the Powers hereby granted to them of deepening the said Canal, Collateral Cut, and Cut of Junction, or in the Exercise of any other of the Powers hereby granted to them, raise the Level of the Water in the said Canal, the said Company shall, at the same Time, and at their own Costs and Charges, raise to a corresponding Extent the Banks and Wharfs of the Lower Reach of the said *Monkland* Navigation which is joined to and upon the same Level with the Upper Reach of the said *Forth* and *Clyde* Navigation, and raise the Bridges over the said *Monkland* Navigation and Cut of Junction as far as may be rendered necessary by such raising of the Banks or raising of the Level of the Water thereof, and shall also strengthen the Banks of the Lower Reach of the said *Monkland* Navigation where required, and indemnify the said Company of Proprietors of the *Monkland* Navigation for all Loss and Damage occasioned by such Operations, and relieve them of the same; all which Operations upon the said *Monkland* Navigation, and Banks, Wharfs, and Bridges thereof, shall be done at the Sight and to the Satisfaction of the Company of Proprietors thereof, and of the Engineers to be employed by them in relation to the same.

CLXIX. Pro-



CLXIX. Provided always, and be it enacted, That before commencing any Works or Operations by means of which the Level of the Water in the said *Monkland* Navigation shall be in any way affected, the said Company shall and they are hereby required to give the Company of Proprietors of the *Monkland* Navigation Three Months Notice of their Intention to commence such Works or Operations, and to deliver with such Notice a Plan and Section of the Works or Operations intended to be carried into effect by the said Company.

Notice to be given to *Monkland* Canal Company.

CLXX. And be it enacted, That it shall be lawful for the said Company, by and with the Consent of the Owners and Occupiers of the Land, Grounds, and Premises in, upon, or through which the Works authorized by the said last-recited Act, and herein-after mentioned, are intended to be completed, to improve, enlarge, and extend the Harbour and Basin at *Grangemouth*, and to make, form, and maintain a new Harbour, Wet Dock, and Wharfs at, near, or adjoining the said Harbour and Basin, with an Entrance to such new Harbour from the River *Carron*; to improve the Entrance from the Firth or River of *Forth* into the said Harbours, by making a Bank or Sea Dyke from at or near the Outer Buoy at the Mouth of the River of *Carron* to the Western Termination of the present Bank or Sea Dyke; to make, erect, and maintain a Pier and Wharf at the Eastern Extremity of the said Bank or Sea Dyke hereby authorized to be made, for the landing and embarking of Passengers, Goods and Commodities, and also a Path and Road on the said Bank or Sea Dyke for the Convenience of Passengers and for tracking Vessels up and down the said River of *Carron*, and to improve, enlarge, and keep in repair the present Bank or Sea Dyke on the South Side of the new Cut from *Grangemouth*, and to make and maintain a Path and Road thereon for the Purposes aforesaid; and which Harbours, Basin, Wet Dock, and Wharfs at *Grangemouth*, and Works therewith connected, and the said Bank or Sea Dyke, Pier and Wharf, hereby authorized to be made and improved, and the said Paths and Road, and Entrance from the Firth or River of *Forth* to the said Harbours of *Grangemouth*, will be made, executed, pass, or be carried in, upon, from, or through the several Parishes of *Falkirk*, *Polmont*, and *Bothkennar*, in the County of *Stirling*, or some or one of them.

Power to improve and enlarge the Harbour, &c. at *Grangemouth*.

CLXXI. Provided also, and be it enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to make or execute any of the said Works at or near *Grangemouth*, or in the River of *Carron*, in, upon, through, adjoining, or contiguous to any Lands, Grounds, Tenements, or Property of or belonging to *Thomas* Earl of *Zetland*, without the Consent in Writing of the said *Thomas* Earl of *Zetland*, or his Heirs and Successors in the Estate of *Kerse*, first had and obtained.

Proviso as to Works at *Grangemouth*.

CLXXII. And whereas the said *Thomas* Earl of *Zetland* is entitled to the Rates and Duties by the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third authorized

Enabling the Company to contract with the Earl



of Zetland  
for certain  
Wharfage  
Rates at  
Grange-  
mouth.

authorized to be levied by the Right Honourable *Thomas* Lord *Dundas* (since deceased), his Heirs, Executors, Successors, or Assigns, on the South Side of the Outer Basin of the Harbour of *Grangemouth* aforesaid: And whereas the said South Side of the said Outer Basin, on which the said Rates and Duties are leviable, is or will be occupied and used for the Works hereby authorized to be enlarged and completed at or in the said Harbour; be it enacted, That it shall be lawful for the said Company to contract and agree with the said *Thomas* Earl of *Zetland*, his Heirs, Executors, Successors, or Assigns, for the Purchase or Acquisition by them of the said Rates and Duties so authorized to be levied by the said *Thomas* Lord *Dundas*, his Heirs, Executors, Successors, or Assigns, on the South Side of the Outer Basin of the Harbour of *Grangemouth* aforesaid, under the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third; and the said *Thomas* Earl of *Zetland*, his Heirs, Executors, Successors, and Assigns, are hereby authorized to assign and make over to the said Company the said Rates and Duties, with all his and their Right and Interest therein, and Powers and Authorities for recovering the same: Provided always, that the said Rates and Duties, together with all other Harbour and Wharf Rates and Duties which the said Company are hereby authorized to levy in or for the Use of the Harbour, Basins, and Wharfs at *Grangemouth*, hereby authorized to be improved, enlarged, and completed, shall be applied by them towards Reimbursement of the annual Feu Duty or Feu Duties, of the Land, Grounds, and Premises acquired or to be acquired for the said Harbour, Basins, Wharfs, and other Works, and the Expence of maintaining the same, and in Payment of the Interest of the Money advanced in making and executing the said Works, and that the Residue thereof, after satisfying those Purposes, shall be equally divided between the said Company and the said *Thomas* Earl of *Zetland*, or his Heirs, Executors, Successors, or Assigns.

Certain  
Works not  
to be made  
without the  
Consent of  
the Admi-  
rality.

CLXXIII. And whereas the several Ports, Harbours, Estuaries, Creeks, and navigable Rivers of the United Kingdom, within the Flux and Reflux of the Tide, are by Law under the Superintendence and Jurisdiction of the Lord High Admiral of the said Kingdom; be it enacted and provided, That nothing in this Act contained shall extend or be construed to extend to authorize the said Company, or any other Person or Persons, nor shall it be lawful for them, or any of them, to begin to make, build, or construct any Pier, Quay, Jetty, or Wharf, or to carry on any other Work, below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only under such Limitations and Restrictions as the said Lord High Admiral or Commissioners aforesaid shall deem expedient for the Safety and Convenience of Navigation; and that to enable the said Lord High Admiral or Commissioners to form a due Judgment therein the said Company shall, at least One Calendar Month before any Work below the ordinary High-water Mark shall be commenced, deposit in the Hydrographer's Office of the Admiralty a Plan describing  
the



the Position and Dimensions of all and every such proposed Works, the Materials of which they are to be constructed, and the Extent to which they are in every Part thereof intended to be carried below such High-water Mark, and so from Time to Time, as often as it shall be judged fit or necessary, to alter or improve any of such Works.

CLXXIV. And be it enacted, That the said Company shall and they are hereby required to build, finish, and complete, to the Satisfaction of the Commissioners of Her Majesty's Customs, a sufficient Watch-house or other Building for the Use of the Officers of Her Majesty's Customs, near the said new Harbour and Wharfs hereby authorized to be made, and that the Rates and Duties hereby directed to be levied in or for the Use of the said new Harbour and Wharfs shall not be levied until such Watch-house or other Building shall have been built, finished, and completed.

Watch-house to be built for Officers of Customs.

CLXXV. And be it enacted, That the said Company shall at all Times permit the Officers of Her Majesty's Customs freely to occupy the said Watch-house or Building, and to have Ingress to and Egress from the same, and shall at all Times keep the same in good and sufficient Repair.

Watch-house to be kept in repair.

CLXXVI. And be it enacted, That it shall be lawful for the said Company to extend, deepen, and enlarge the Harbour, Basins, and Wharfs at or near *Port Dundas* in the Barony Parish of *Glasgow* and County of *Lanark*, in such Manner as they shall think necessary and proper, for the Accommodation of the Boats, Vessels, and Traders resorting to and using the same; provided that such Extension and Enlargement be made in or upon the Lands or Grounds now belonging to the said Company.

Company to extend the Harbour and Basin of Port Dundas.

CLXXVII. And whereas a Map or Plan describing the Improvement and Enlargement of the said Harbour at *Grangemouth*, and other Works therewith connected, together with a Book of Reference to such Map or Plan respectively, containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerk of the Peace for the County of *Stirling*; be it enacted, That, subject to the Provisions herein-after contained, the said Company shall make and maintain the said Works upon the Lands and in the Line or Direction specified in the said Plan thereof.

The Works at Grangemouth to be made upon the Line described on the Plan deposited with the Clerk of the Peace.

CLXXVIII. And be it enacted, That all Persons interested may at all seasonable Times inspect such Plan, Sections, and Book of Reference, and may require to be furnished by any such Clerk of the Peace with Extracts therefrom and Copies thereof; and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Clerk of the Peace shall fail to

The Plan and Book of Reference to be open for Inspection.

[Local.]<sup>†</sup>

12 P

comply



comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Power to deviate from the Lines delineated on the Plans under certain Limitations.

CLXXIX. And be it enacted, That the said Company, in making and executing the said Improvement and Extension of the said Harbour at *Grangemouth*, with the Bank or Sea Dyke and other Works therewith connected, by this Act authorized to be made and executed, shall have full Power to deviate from the Courses or Directions delineated on the said Plan, so that such Deviation shall not extend to a greater Distance than One hundred Yards from the Courses or Directions thereof respectively delineated on the said Map or Plan, and shall not extend into any Lands not described in the said Map or Plan, without the previous Consent of the Owners and Occupiers of such Lands.

For supplying the Navigation with Water.

CLXXX. And be it enacted, That the said Company shall have Right to and the Possession and Enjoyment of all the Grounds, Streams, Reservoirs, Embankments, Dams, Sluices, and Aqueducts already acquired, formed, made, possessed, or enjoyed by them for supplying the said Navigation with Water, and for replacing the Water taken from the Rivers of *Carron* and *Kelvin*, under and by virtue of the said recited Acts or any of them, and that they shall have full Power to renew, repair, strengthen, alter, and improve the said Reservoirs, Embankments, Dams, Sluices, and Aqueducts, and to clear and widen the said Aqueducts, for preventing the overflowing or Escape of Water from the same, to the Injury or Damage of the adjoining Lands and Property: Provided always, that it shall not be lawful for the said Company, by virtue or under colour of this Act, to take Water from any Stream of which they have not already acquired the Enjoyment, nor to take any more Water from any Stream of which they have so acquired the Enjoyment than they would have a Right to take if this Act had never passed.

To convey the Water into the *Monkland* Canal;

CLXXXI. And be it enacted, That it shall be lawful for the said Company to convey the Water from the River *Calder*, and from any Reservoirs already made or hereafter to be made by them, into the *Monkland* Navigation at or near the East End of the same, and to maintain a Sluice to convey the Water from the Upper Reach to the Lower Reach of the said *Monkland* Navigation, at all Times when the said Company shall judge it necessary to draw off Water for the Use of the said Navigation; which said Sluice shall be the sole Property of the said Company, who shall from Time to Time and at all Times hereafter have a Right to use, maintain, repair, and renew the same by their own Servants or Workmen: Provided always, that the said *Monkland* Navigation shall be kept navigable so long as there shall be Supplies of Water for that Purpose capable of being drawn from the River *Calder* and Reservoirs to be made, as aforesaid, which Supplies shall be furnished under the Direction of the said Governor and Council or their Committee.

and to use the same as an Aqueduct.

CLXXXII. And be it enacted, That the said Company of Proprietors of the *Forth* and *Clyde* Navigation shall have full Power and Authority in all Time hereafter to use the *Monkland* Navigation as  
an



an Aqueduct, free of any Expence whatsoever, save and except the Sluice above mentioned, and to prevent the Water therein being used or diverted for any other Purpose than the Supply of the said Two Navigations in manner herein provided.

CLXXXIII. And be it enacted, That the Company of Proprietors of the *Monkland* Navigation shall from Time to Time and at all Times hereafter, at their own Expence, keep and maintain the *Monkland* Navigation in complete Repair, so as to make the same useful and proper as an Aqueduct for supplying the said *Forth* and *Clyde* Navigation with Water; and it is hereby declared, that the Expence of keeping and maintaining the said *Monkland* Navigation in complete Repair as an Aqueduct shall be the first Charge and Incumbrance upon the said *Monkland* Navigation and the Company of Proprietors thereof.

*Monkland*  
Canal to be  
kept in re-  
pair by the  
Proprietors.

CLXXXIV. And be it enacted, That it shall be lawful for the said Governor and Council, or their Committee for the Time being, to license or grant Permission to all Persons who already have erected or may hereafter erect and establish any Manufactory, Distillery, or other Work on the Sides of the said *Forth* and *Clyde* Navigation, to lay Pipes (of such Size or Dimensions as the said Governor and Council or Committee shall think proper,) through the Banks thereof, for conducting the Water therefrom to such Manufactory, Distillery, or other Work for the Purposes thereof; and all such Pipes shall be placed at the Sight and under the Direction and Superintendence of the Officers of the said Company, in such Way and Manner as the said Governor and Council or Committee shall direct and appoint, so as not to weaken or endanger the Banks of the said Navigation, and shall be so placed, and the Works they are intended to serve so constructed and situated, that the Surface of the Water to be taken and used therein shall not at any Time be under the Level of the Surface Water of the said Navigation, and that the Water, after serving the Purposes of such Works, shall be returned into the said Navigation, free from any Mud or Impurity which may be injurious thereto; and that no Person shall lay any such Pipe into the same without a previous Order in Writing of the said Governor and Council for the Time being, who shall and may from Time to Time establish such other Rules and Regulations as they shall think fit, for the Supply in particular Cases, and the proper Use of the Water hereby authorized to be given for the Purposes aforesaid, (the same not being contrary to the Law of *Scotland*;) and who shall and may remove every Pipe laid without their Consent, and stop or cut off the Supply of Water to any such Manufactory, Distillery, or other Work, in or for which the same shall not be used agreeably to this Act or such Rules and Regulations; and it shall be lawful for the said Governor and Council to provide, in any Licence or Agreement to or with any such Persons, suitable Penalties for the Infringement of the said Rules and Regulations, not exceeding Ten Pounds Sterling for each Offence, and not exceeding Five Pounds Sterling for each Day during which the Infringement of such Rules and Regulations shall continue after Notice shall have been given to the Person or Persons so offending to abate or remove the same; which Penalties

Power to  
allow Use of  
Water to  
Manufac-  
tories and  
Works on  
the Sides of  
the Canal.



Penalties may be levied, recovered, and applied in the same Manner as any Penalty is directed to be levied, recovered, and applied by this Act.

The Com-  
pany may  
run off the  
Water from  
the Canal  
and stop the  
Supplies to  
such Works.

CLXXXV. And be it enacted, That it shall be lawful for the said Company, when and as often as they shall think proper, to run off the Water from the said Navigation, for the Purpose of repairing the same or any Part thereof, or for any other Purpose whatsoever, and in case of a Scarcity or apprehended Scarcity of Water for the Purposes of the said Navigation, to stop the Supplies to the said Manu- factories, Distilleries, and other Works, without giving any Notice to the Proprietors or Occupiers thereof, and without being liable for any Damage any such Proprietor or Occupier may suffer or pretend to suffer by being thereby deprived of the Use of such Water.

Power to get  
Materials in  
Cases of  
sudden  
Damages.

CLXXXVI. And whereas it may happen, from Floods or from some unexpected Accidents, that the Tunnels, Reservoirs, Feeders, Locks, Weirs, Sluices, Flood Gates, Dams, Pens, Tanks, Basins, Banks, Trenches, Embankments, or other Works of the said Navigation may give way, or be damaged or destroyed, or the adjacent Lands flooded, damaged, or endangered, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damage; be it therefore enacted, That as often as any such Case shall happen it shall be lawful for the said Company to enter into any Lands adjoining or near to the said Navigation, (not being ornamental Ground attached to a Dwelling House, or not being an Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House,) and to dig for, get, work, take, carry away, and use all such Stone, Clay, Gravel, Soil, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Notice or Payment or Tender of Compensation to the Owner or Occupier of or other Person interested in such Lands, but doing as little Damage thereto as the Nature of the Case will admit of, and tendering reasonable Recompence to the Owner and Occupier of or other Person interested in such Lands, within the Space of Five Days next after the same shall be demanded, for all Damages which may have been done by means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, in case the several Parties concerned do not agree about the same, shall be determined and adjudged, or assessed, awarded, and recovered, in the Manner and by the Means herein prescribed with respect to Cases of disputed Compensation.

Company  
not to be  
entitled to  
Minerals.

CLXXXVII. And with respect to any Mines of Coal, Ironstone, Lime, Slate, or other Minerals under any Land purchased by the Company, and set out for the said Navigation and Works, be it enacted, That the Company shall not be entitled to any such Mines or Minerals, except only such Parts thereof as shall be necessary to be dug or carried away or used in supporting, improving, and repairing the said Navigation, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be  
deemed



deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed.

CLXXXVIII. And, for the Purpose of protecting the Canal and Works from Danger to be apprehended from the working of Mines, either under or closely adjoining the said Navigation, be it enacted, That no Proprietor of any Mines or Minerals, his Workmen or Servants, or other Person whomsoever, shall on any Account whatsoever open, dig, sink, or carry on any Works for the getting of Coal, Limestone, Ironstone, or other Minerals, within the Distance of One hundred Yards from the said Navigation, including all Towing Paths, Reservoirs, and other Works connected therewith; nor shall any Coal, Limestone, Ironstone, or other Minerals be got under the said Canals, Towing Paths, Reservoirs, or other Works, or under any Part thereof, or within or under any Land or Ground lying within the Distance of One hundred Yards of either Side of the said Navigation and Works, on any Account whatsoever, except as herein-after mentioned, without the Consent of the said Company for that Purpose first had and obtained.

Mines not to be worked within 100 Yards of the Canal.

CLXXXIX. And be it enacted, That if the Owner, Lessee, or Occupier of any Mines or Minerals lying under the said Navigation, or within the said Distance of One hundred Yards therefrom, shall be desirous of working the same, then and in such Case he shall give Notice in Writing under his Hand of such his Intention to the said Company at least Two Calendar Months before he shall begin to work or get any Part of such Mines lying under the said Navigation or within the Distance aforesaid; and upon the Receipt of such Notice it shall be lawful for the said Company to inspect or cause such Mine to be inspected; and if the said Company shall fail to inspect or cause such Mine to be inspected within Thirty Days after the Receipt of such Notice, then it shall be lawful for the Owner, Lessee, or Occupier thereof to work and get such Part of the said Mine as may lie under the said Navigation or within the Distance aforesaid, without the Consent of the Company, so that the same be done in a Manner proper and necessary for the beneficial working thereof; and if any Damage or Obstruction be occasioned to the said Navigation and Works by improper working of such Mines the same shall be forthwith repaired or removed, as the Case may require, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby by Action in the Court of Session; or if, upon such Inspection as aforesaid, the said Company shall refuse to permit the Owner, Lessee, or Occupier of the said Mine to work and get the same under the said Navigation, or within the Distance aforesaid, or such Part thereof as he might have come at and actually gotten, or in any Manner obstruct or prevent him from getting the same, then the said Company shall, within Two Calendar Months after such Refusal or Obstruction as aforesaid, pay or cause to be paid to such Owner, Lessee, or Occupier a fair and reasonable Price and Value or Com-

Notice to be given to the Superintendent of Intention to work Mines, &c.

[*Local.*]

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compensation



compensation for such Part of the said Mine lying under the said Navigation, or within the Distance aforesaid, as he might have come at and actually have gotten had he not been so obstructed or prevented as aforesaid; such Price or Value, in case of Difference as to the Amount thereof, to be settled as in other Cases of disputed Compensation by this Act provided for.

Price of Mines and Damages to be ascertained separately.

CXC. Provided always, and be it enacted, That if the Amount to be paid for the Purchase of any such Mines or Minerals, or Parts thereof, shall be ascertained by a Jury, such Jury shall also ascertain and assess the Compensation to be made by the said Company for any Damages which may be sustained by the Owner, Lessee, or Occupier of such Mines or Minerals, by reason of the severing or dividing of the same from any other Mines or Minerals belonging to him; such Damages and Compensation to be settled and ascertained separately and apart from the Price of the Mines or Minerals or Part thereof so to be purchased as aforesaid.

Method of discovering when Mines are worked under the Canal.

CXCI. And for the better discovering whether any such Mines are being worked or about to be worked under the said Navigation or within the Distance aforesaid, be it enacted, That it shall be lawful for the said Company, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the said Navigation passes wherein any such Mine may be or may be supposed to be, and likewise to enter into such Mine, and the Pits, Shafts, and Works belonging thereto, and there to view, search, measure, latch, and use all other Means for discovering the Distance of the said Canals, Towing Paths, Reservoirs, and other Works of the said Company from the working Parts of such Mines, and from Time to Time to return from and again enter into such Mines, and for such Purpose to make use of any Apparatus or Machinery belonging to the Owners, Lessees, or Occupiers of such Mines, and to use all necessary Means for discovering the Distance of the said Navigation from such Part of the said Mines as shall be in course of being worked, or about so to be.

In case the Mines are improperly worked.

CXCII. And be it enacted, That if it appear that any such Mine has been worked or got contrary to the Provisions of this Act, it shall be lawful for the said Company to require the Owner, Lessee, or Occupier thereof to adopt all such Measures as may be necessary for securing the Safety of the said Navigation; and if such Owner, Lessee, or Occupier do not forthwith proceed to adopt such Measures to the Satisfaction of the said Company, it shall be lawful for the said Company to construct such Works, and from Time to adopt such Measures as they may deem necessary for supporting and sustaining the said Navigation, and securing the same against any Danger which they may apprehend from the working of such Mine, and to recover the Expence against such Owner, Lessee, or Occupier by Action in any competent Court of Law.

Mining Communications.

CXCIII. Provided always, and be it enacted, That if the working of any such Mine of Coal, Ironstone, Limestone, or other Minerals, under the said Navigation or within the above-mentioned Distance therefrom,



therefrom, be prevented by reason of apprehended Injury to the said Navigation, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines to make such Gateways, Headways, or Tunnels, and such Air and Water Gutters under the said Navigation, and within such Distance thereof as aforesaid, as may be necessary to enable them to ventilate, drain, and work the said Mines, so as such Gateways, Headways, or Tunnels do not exceed Six Feet in Height nor Four Feet in Breadth, and so as such Air and Water Gutters on the Sides of such Gateways, Headways, or Tunnels do not exceed Eighteen Inches in Height nor Eighteen Inches in Breadth, and so that all such Gateways, Headways, Tunnels, Water Gutters, and Air Gutters be not made nearer together than Sixty Feet, and so as the said Navigation be not endangered or liable to be impeded or injured thereby.

CXCIV. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered, on the Request of the Owner or Lessee of any Mines, Quarries, Factories, or Works lying near to the said Navigation or within Three Miles thereof, and with the Consent of the Owners and Occupiers of the Lands intervening between the said Mines, Quarries, Factories, or Works and the Line of the said Navigation, to make and construct such Branch Cuts or Canals, or Railways, as may be requisite for conveying the Produce of the said Mines, Quarries, Factories, or Works to and upon the said Navigation; and the Branch Cuts, Canals, or Railways so to be made shall be and become to all Intents and Purposes Part and Parcel of the said Navigation, and as such shall be subject to all the same Provisions as are herein contained with regard to the said Navigation so far as the same are or can be applicable thereto; and the said Company shall have Power to lease the said Branch Cuts, Canals, or Railways to the Owners or Lessees of the Mines, Quarries, Factories, or Works to which they may respectively lead, for such Rent as they may think fit, and for any Period not exceeding Seven Years.

Power for Company to make Branches to Mines lying near the Navigation, and to grant Leases thereof.

CXCV. And be it enacted, That it shall be lawful for the Owners of Lands through which the said Navigation passes, and they are hereby empowered, at their own proper Costs and Charges, to make a navigable Cut through their own Lands to communicate with the said Navigation and to pass through the Towing Paths of the same.

Owners of Lands empowered to make Cuts through their own Lands.

CXCVI. Provided always, That the said Land Owners shall be obliged to make and maintain sufficient Bridges, so that no Damage shall thereby be done to the Towing Paths or to the said Navigation, either during or after the Construction of the said Cuts, and so that the said Navigation shall not thereby be deprived of any Water, except once, to fill the Land Owners Cuts, and that only at the Time when the Water in the Main Canal runs over the Weir or Waster of the said Navigation; and if any Brook shall enter the Land Owners Cut the respective Owners thereof shall make Settling Places at such proper Distances as shall be approved of by the said Company or their Agents, and shall also make a sufficient Pair of Flood Gates occasionally to cut off the Communication with the Main Canal, and that it shall be in the Power of the said Company to shut or cause to be

Landowners to make Bridges, &c.



be shut the said Flood Gates at such Time and Times as shall appear to them to be necessary for preventing any Injury or Prejudice to the said Navigation by the Introduction of muddy Water, or of too great a Quantity of Water, or by the Leakage of such Land Owners Cuts; and in case the said Flood Gates shall at any Time be leaky or in Disrepair the said Company shall have Power to erect Dams across the Mouths of the said Land Owners said Cuts until the said Flood Gates shall be made sufficiently Water-tight, and that such Dams shall be placed and removed at the Expence of the said Land Owners respectively.

Indemnification to the Company for Damage sustained by letting out of the Water in private Branch Canals.

CXCVII. And be it enacted, That if by reason of the Insufficiency or giving way of the Banks of any Branch Cut now existing or hereafter to be made by any Proprietor, or of any Stop Gate connected therewith, or otherwise, the Water in any such Branch shall flow out of the same or over the Banks thereof, all Damages or Injury which shall be occasioned thereby shall be borne, defrayed, and made good by the Proprietor of such Branch to the Person sustaining Damage or Injury, on Demand in Writing made by the Person sustaining such Damage or Injury upon the Proprietor of such Branch.

Drains to be made into the Canal to convey the Water, &c.

CXCVIII. And be it enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to maintain or cause to be maintained such Arches, Tunnels, Drains, or other Passages, over, under, or into the said Canal, Collateral Cut, and Cut of Junction, and the Trenches, Streams, and Watercourses communicating therewith, and Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or laying near to the said Canal, Collateral Cut, and Cut of Junction, without obstructing and impounding the same; and that all such Arches, Tunnels, Drains, or other Passages shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Company; and if at any Time or Times after One Calendar Month's Notice shall be given in Writing by or on behalf of any Owner or Occupier of the adjacent Lands, who shall find himself aggrieved by the Obstruction of the said Watercourses, to the Superintendent of the said Company for the Time being, the said Arches, Drains, Tunnels, or other Passages shall not be cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act, it shall and may be lawful for any Person or Persons having an Order in Writing for that Purpose from the Sheriff of the County in which the same are situated, after Intimation to the said Company, and hearing Parties, as often as there shall be Occasion, to cleanse and repair such Arches, Tunnels, Drains, or other Passages, and the reasonable Expences thereof, to be ascertained by the said Sheriff, shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy the same for the Space of One Calendar Month after Demand thereof made upon their Superintendent, such Expences shall and may be recovered and levied in such Manner as other Claims against the said Company are by this Act directed and appointed to be recovered and levied.

CXCIX. And



CXCIX. And be it further enacted, That where by maintaining the said Canal, Collateral Cut, and Cut of Junction, or by maintaining the present or additional Towing Paths on either Side thereof, any Cattle which used to pasture in the adjacent Lands or Grounds, shall be cut off from and deprived of their usual Watering Places, then and in such Cases the said Company shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said Canal, Collateral Cut, and Cut of Junction, for Cattle to drink out of and water at, in every such Ground where they were heretofore accustomed to drink and water at as aforesaid, and to supply the said Watering Places with Water from and out of the said Canal, Collateral Cut, or Cut of Junction, if necessary.

Where Cattle are deprived of Watering Places others to be provided.

CC. And be it enacted, That where any Lands or Grounds fenced and inclosed have been set out and purchased by the said Company, for the Use of the Navigation aforesaid, then and in that Case, if the same shall appear to be necessary to the Sheriff of the County in which such Lands are situated, the said Company shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal, Collateral Cut, and Cut of Junction, and Navigable Trenches or Passages (or such Part or Parts thereof as were formerly inclosed), with a Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence, to be set and made on the Lands or Grounds which shall have been purchased by, conveyed to, or vested in them as aforesaid, (being fenced or inclosed,) from the Lands or Grounds next to such Towing Paths, and belonging to the adjoining Proprietor, and 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 as aforesaid.

Towing Paths to be fenced from the adjoining Lands.

CCI. And be it enacted, That if at any Time hereafter any Ditch or Drain belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Navigation shall, by reason of its not being sufficiently cleansed or opened, hinder or obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to or used by the said Company, and the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing, signed by the Superintendent of the said Company, it shall then be lawful for the said Company, (an Order in Writing for the said Purpose having been first obtained from the Sheriff of the County in which the same Ditches or Drains shall be,) and which Order the said Sheriff is hereby empowered to grant from Time to Time, as often as there shall be Occasion, to open and cleanse and cause to be opened and cleansed such Ditch or Drain; and the reasonable Expences thereof, when ascertained and allowed by such Sheriff, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof, such Charges and Expences shall and may be recovered

For keeping open the Ditches or Drains for carrying off the Water from the Navigation.

[*Local.*

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and



and levied in such Manner as Penalties are hereafter directed to be recovered.

Land Owners  
may erect  
Warehouses,  
&c. on their  
own Lands.

CCII. And be it enacted, That it shall be lawful for the Owner of any Lands through which the said Navigation, or any Part thereof, has been made, or shall be made, under or by virtue of this Act, to make, erect, or use any Wharfs, Quays, Landing Places, Cranes, Weighbeams or Warehouses, in or upon their own proper Lands adjoining or near to the said Navigation, or to land any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said Navigation, or to make and use proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that in making, erecting, or using thereof respectively he shall not obstruct or prejudice the said Navigation, or the Towing Paths on the Sides thereof, or any Works or Conveniences connected therewith; provided that all Rates, Dues, and Duties that shall from Time to Time be demanded for the Use of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses shall not be less than the Rates, Dues, and Duties which the said Company shall at the Time demand for the Use of similar Conveniences belonging to them.

Obstructions  
to the Navi-  
gation of the  
River Forth  
and Clyde  
may be re-  
moved.

CCIII. And be it enacted, That it shall be lawful for the said Company at all Times, so far as they may consider necessary, to remove and carry off any Rocks, Sand Banks, or other Obstructions whatsoever to the free Navigation of the said Firths or Rivers of *Forth* and *Clyde*, and of the River *Carron*, at any Place or Places between the respective Entries of the said Canal into the said Firths or Rivers and the Sea.

Rates and  
Duties to be  
levied.

CCIV. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Company to demand, take, and recover the following Rates and Duties; that is to say,

On all Goods and Commodities whatever navigated or conveyed along the said Navigation or any Part thereof, a Duty not exceeding Four-pence Sterling *per Ton per Mile*:

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

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

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

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

On every Ton of Goods and Commodities remaining above Twenty-four Hours upon any of the said Quays, Wharfs, or Landing



Landing Places, or at any Place on the Line of the said Navigation, a Duty not exceeding Two-pence Sterling *per Ton per Day*, and in the same Proportion for any greater or less Quantity than a Ton :

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

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

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

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

CCV. And be it enacted, That it shall and may be lawful to and for Her Majesty in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, and at all Times when and so often as She or they shall deem fit so to do, in and by Her or their Order in Writing, to reduce the Rates, Charges, or Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels as She or they in their Judgment shall deem expedient, to the same and the like Rates, Charges, or Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of *British* Ships or Vessels.

Power reserved to Her Majesty and Lords of the Treasury to reduce the Duties on Foreign Ships.

CCVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to any of Her Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Officers or Soldiers, or of any Horses, Arms, Ammunition, and Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of Her Majesty's Postmaster General.

Exempting Vessels in Her Majesty's Service.

CCVII. And be it enacted, That if any empty Boats or Vessels shall return loaded upon the said Navigation at any Time within the Space of Fourteen Days immediately after their passing as aforesaid, then Allowance and Deduction shall be made by the said Company to the Owners, Masters, or Navigators of such Boats or Vessels out of the said Tolls and 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 only rateably and in proportion to the Distance for which such new Ladings shall have borne and paid the Tolls first before mentioned ; provided that all Vessels having less than Fifteen Tons on board, and all Vessels of the Burden of Thirty Tons

Ascertaining the Tonnage of empty Vessels.

or



or upwards, which shall not have Two Thirds of their Lading on board, shall be deemed and taken to be empty Vessels within the Intent and Meaning of this Act.

Tolls to be levied on Vessels navigating the River Carron to or from the Firth of Forth.

CCVIII. And be it enacted, That, in consideration of the Charges and Expences to be incurred by the said Company in extending, making, and maintaining the said Bank or Sea Dyke from the Harbour of *Grangemouth* to the Mouth of the River of *Carron*, and the Towing Path thereon, it shall be lawful for the said Company, their Successors and Assigns, when the same shall be completed, to demand, take, and recover a Rate or Duty not exceeding Four-pence Sterling *per* Ton on all Ships, Boats, Barges, and other Vessels passing into or out of the said Harbour of *Grangemouth*, and using the said Towing Path of the said Company with Horses in navigating the said River of *Carron* from or to the Firth or River of *Forth*, to be levied according to the Register or Measurement of every such Ship, Boat, Barge, or other Vessel, and agreeably to such Orders, Rules, and Regulations as shall from Time to Time be issued by the Governor and Council of the said Company for the Time being, by virtue of the Powers by this Act given and granted.

Milestones to be erected.

CCIX. And be it enacted, That the Company shall set up, where they have not already done so, and hereafter maintain, Posts or other conspicuous Objects on the whole Extent of their Navigation, at a Distance of One Mile from each other, with Numbers or Marks thereon, describing such Distances.

Tables of Tolls to be set up.

CCX. And be it enacted, That Tables of all the Tolls authorized to be demanded by virtue of this Act, and which shall be exacted by the Company, shall be painted or printed in legible Characters, and affixed and continued at the Places where such Tolls shall be respectively payable, and shall be amended and renewed as often as the said Tolls shall be altered.

Tolls to be taken only whilst Milestones set up and Tables exhibited.

CCXI. And be it enacted, That it shall not be lawful for the said Company to demand or take any such Tolls during any such Times as such Tables thereof respectively shall not remain so affixed as aforesaid, or during which such Milestones as aforesaid shall not be set up and maintained as before directed, unless such Tables or Milestones respectively, or any of them, shall be removed, defaced, or obliterated by any other Means than the wilful Act or Neglect of the Company, when it shall be lawful for the said Company to demand and take the same Tolls as shall be so payable or demandable in the same Manner as if such Tables had remained affixed, undefaced, and unobliterated; but the said Company shall, as often as such Tables shall be so removed, defaced, or obliterated, replace and renew or repair the same (as the Case may be) within Twenty-one Days then next following.

Penalty for defacing Tables and Milestones.

CCXII. And be it enacted, That if any Person shall wilfully and maliciously pull down or deface any such Table or any such Milestone, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CCXIII. And



CCXIII. And be it enacted, That all Goods, Wares, Timber, and other Merchandize, passing along the said Navigation for any Space less than a Mile, shall pay the same Rates, Tolls, and Duties as if they had passed a whole Mile; and if they pass more than One Mile, but less than Two Miles, they shall pay the same as if they had passed Two Miles, and so on in the like Manner for the whole Length of the said Navigation, or any Part thereof.

Goods passing less than a Mile to pay Tonnage for a Mile.

CCXIV. And be it enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company leading to and from the said Canal, and to navigate upon the said Canal and Cuts of the said Company with Ships, Boats, or other Vessels, and to use the Wharfs and Quays belonging to the Company for loading and unloading the Cargoes of such Ships, Boats, or Vessels, and the said Towing Paths for hauling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company, not exceeding the Rates herein-before mentioned; but no Person shall be entitled in virtue of the Provisions herein contained, or on any other Ground whatsoever, to use the said private Roads and Ways, or the Towing Paths of the said Canal, or Roads on the Banks thereof, so as in any way to interrupt or impede the said Navigation.

Navigation to be free upon the Payment of Tolls.

CCXV. And be it enacted, That it shall be lawful for the said Governor and Council to lessen or reduce all or any of the Rates, Tolls, and Duties by this Act granted on all or any Sort of Goods passing upon the whole or any Part of the said Navigation as they shall think proper, and afterwards from Time to Time to advance all or any of the said Rates, Tolls, and Duties so lessened to any Sum or Sums of Money not exceeding the Rates, Tolls, and Duties granted by this Act.

Power to lessen the Rates upon the Whole or Part of the Canal.

CCXVI. And be it enacted, That all the Tolls, Rates, and Duties, Fares for Passengers, and Charges for hauling, propelling, or tracking Boats or Vessels, which the said Company are by this Act authorized to levy and receive, shall at all Times be charged equally for all Passengers as well as for all Goods and Commodities of a like Description carried or conveyed along or upon the same Parts and the like Distances of the said Navigation under the like Circumstances; and no Reduction or Advance in any such Tolls, Rates, Duties, Fares, or Charges shall be made, either directly or indirectly, in favour of or against any particular Company or Person using the said Navigation under the same Circumstances.

Rates to be charged equally.

CCXVII. And, for the better determining the Tonnage of all Goods, Wares, Merchandize, and Commodities passing along or using the said Navigation, be it enacted, That it shall be lawful for the said Company to levy Tolls either according to the Weight or Measure of such Goods, Wares, Merchandize, and Commodities, in the Option of the said Company; and when the said Tolls are levied by Weight, that One hundred and twelve Pounds Avoirdupois Weight, and no

Tolls to be levied by Weight or Measure.



more, shall be deemed and taken for One Hundred Weight; and when the said Tolls are levied by Measure, that Five Feet shall be deemed and reckoned a Barrel Bulk, and Eight Barrel Bulk or Forty Feet shall be deemed and reckoned a Ton.

Ascertaining  
the Tonnage  
of British-  
built Ships.

CCXVIII. And be it enacted, That all Tonnages of *British*-built Vessels shall be fixed and ascertained by the Register of the Vessel to which they apply, and in no other Manner.

Ascertaining  
the Tonnage  
of Timber.

CCXIX. And, for the better ascertaining the Tonnage of Timber and Wood to be charged with the Payment of such Rates, Tolls, and Duties, be it enacted, That it shall be lawful to the said Governor and Council to fix the Tonnage of all Timber conveyed along the said Navigation, provided that such Tonnage, when charged by Measure and not by Weight, shall not be rated below Forty Feet or above Sixty Feet *per* Ton of such Timber of different Kinds.

Ascertaining  
the Tonnage  
of Ships  
passing with-  
out unload-  
ing.

CCXX. And, for the better ascertaining the Tonnage payable to the said Company by Vessels passing without unloading, be it hereby enacted, That it shall be lawful for the said Company to demand from the Owner or Master, or other Person having the Charge of any such Vessel, or of the Goods on board the same, a true and just Manifest or Schedule in Writing, signed by him, distinguishing therein the Number, Bulk, Weight, or Measurement respectively of every Kind of Goods, Wares, and Merchandize, in manner and according to the Rules prescribed by the Revenue Laws of *Great Britain* when loaded from *British* Ports, and according to the Usage and Custom of Merchants when loaded from Foreign Ports, and also the Production of his original Cocket, Transine, Let-pass, or other Clearance or Clearances, that the same may be compared with the said Manifest before the said Vessel or Vessels shall have Liberty to pass a Lock.

Ascertaining  
the Quantity  
of Goods on  
board Ves-  
sels, and for  
laying a  
Penalty on  
Persons pro-  
viding false  
Manifests.

CCXXI. And be it enacted, That in case any Doubt shall arise as to the Quantity of Goods, Wares, and Merchandize on board any such Boat, Barge, or other Vessel liable in Payment of Tolls it shall be lawful for the said Company to ascertain the Quantity of the said Goods, Wares, and Merchandize by Weight or Measure at any Port or Place in *Great Britain* where the Goods are landed; and in case of any Fraud, by producing a false Manifest or otherwise reducing the Tonnage in order to evade Payment of Tolls, the Person offending shall forfeit and pay to the said Company Treble the Amount of the Tolls payable on the full Contents of the whole Cargo on board the said Vessel, and all Expences thereby incurred; and on Refusal of Payment thereof the said Company may and they are hereby empowered to seize and distrain any such Boat, Barge, or other Vessel and Goods in any Port of *Great Britain* until Payment thereof, together with the reasonable Charges of such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after taking thereof the same shall be appraised and publicly sold, returning the Overplus, if any, to the Owner.

CCXXII. And



CCXXII. And be it enacted, That if any Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel upon the said Navigation, or any Part thereof, shall, with Intent to avoid the Payment of the Tolls, Rates, or Duties due and payable to the said Company, unload or take into any Boat or Vessel any Goods whatsoever liable to pay any of the Tolls, Rates, or Duties due and payable to the said Company by virtue of this Act, at any other Place than at the public or private Wharfs or Quays upon or belonging to such Navigation, without having first obtained a Consent in Writing for that Purpose from the said Company, or some one of the Agents or Collectors of the Tolls of the said Company duly authorized for that Purpose, or if any Person shall do any other Act with Intent to evade the Payment of any such Tolls, then and in every such Case every such Person so offending shall, upon Conviction, forfeit and pay to the said Company for every such Offence any Sum not exceeding the Sum of Five Pounds.

Penalty for fraudulently unloading Goods to avoid Payment of Tolls.

CCXXIII. And for the more easy collecting the said Rates and Duties hereby authorized to be demanded and taken, be it enacted, That the Masters, Owners, and Managers of every Boat, Barge, and other Vessel using the said Navigation or any Part thereof shall give a just Account in Writing, signed by the Master, Owner, or Person having the Charge or Command of every such Boat, Barge, or other Vessel, to the Collectors of the said Rates and Duties at the Places where they shall attend for that Purpose, of the Tonnage of such Boat, Barge, or other Vessel, and of what Quantities of Goods shall be in or belonging to such Boat, Barge, or other Vessel, from whence brought, and where they intend to land the same; but if the Goods contained in such Boat, Barge, or Vessel shall be liable to the Payment of different Tolls, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each Toll, and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place than what is mentioned in that Account, they shall forfeit and pay to the said Company the Sum of Ten Shillings Sterling for every Ton of Goods which shall be in such Boat, Barge, or other Vessel respectively of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered as aforesaid, as the Case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand, of such Forfeitures, or any Part thereof, to the said Company, the same may be recovered and levied in such Manner and by such Methods as the said Tolls, Rates, and Duties hereby granted said Company are by this Act directed and appointed to be recovered and levied.

Masters of Vessels to give an Account in Writing to the Collectors of the Particulars of the Goods, &c.

A Penalty of 10s. Sterling per Ton.

CCXXIV. And be it enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, and Duties, and the Master or Person having the Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Tonnage of such Boat, Barge, or other Vessel, or the Weight and Quantity of the Goods, Wares, or Merchandize aforesaid,

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

it



it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat, Barge, or other Vessel, and all such Goods, Wares, and Merchandize as shall be therein contained; and in case the same shall, upon weighing, measuring, or gauging, appear to be of greater Tonnage, Weight, or Quantity than such Master, Owner, or Person having the Care of such Boat, Barge, or other Vessel affirm the same to be, the Master, Owner, or Person so affirming shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Tolls, Rates, and Duties are hereby appointed to be recovered and levied; but if such Boat, Barge, or other Vessel, Goods, Wares, and Merchandize, shall appear to be of less Tonnage, Weight, or Quantity than the Master, Owner, or Person so declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also such Sum by way of Compensation for Damage (if any) as shall appear to the Sheriff of the County on a summary Application to have arisen from such Detention.

Officers of  
Customs not  
to discharge  
any Vessels  
till Duties  
are paid.

CCXXV. And for the better securing the due Collection of all Tolls, Rates, and Duties made payable by this Act, be it enacted, That the respective Officers of Her Majesty's Customs in the Districts of the Eastern and Western Ends of the said Navigation shall be and they are hereby authorized, with the Permission of the Commissioners of Her Majesty's Customs, to ask and demand from all Masters of Boats, Barges, or other Vessels requiring Clearances, the previous Production of a Receipt, showing that the said Tolls, Rates, and Duties have been paid; and in case such Masters of Vessels shall, upon Request made, neglect or refuse to produce such Receipt, then it shall be lawful for the said Officers to withhold the Clearances aforesaid until such Receipt shall be produced.

Company  
may distrain  
for Duties.

CCXXVI. And be it enacted, That all Tolls, Rates, and Duties becoming due to the said Company under the Powers of this Act shall be paid to such Persons and at such Places as shall be appointed by the said Company, and under such Regulations as they shall in that Behalf direct; and in all Cases where the said Tolls, Rates, and Duties are not duly paid and satisfied it shall be lawful for the said Company to sue for the same in any competent Court, and for them, or their Collector, Wharfinger, Shore Master, or any other Person appointed by them, and acting under their Authority, to seize and distrain the Goods and Tackle of the Vessel which shall not have paid the said Tolls, Rates, and Duties, or any other Goods belonging to the Party from whom such Tolls, Rates, and Duties may be owing, and which are at the Time upon any Premises of the said Company, and Three Days after such Distress to bring the Goods or Tackle so distrained to public Sale, and if any Surplus shall arise from the Sale thereof, after Payment of the said Tolls, Rates, and Duties incurred as aforesaid, and the Expence of such Distress, the same shall be returned to the Owner or Master of the Vessel the Goods or Tackle of which shall be so distrained as aforesaid: Provided that such



Remedy of Distrain shall not extend to the Charges for hauling, tracking, or propelling Vessels on the said Navigation.

CCXXVII. And be it enacted, That if any Dispute shall arise concerning the Amount of any such Tolls, Rates, or Duties which may be owing to the Company, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector, Wharfinger, or other Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of such Tolls, Rates, or Duties, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case may be, shall be ascertained by the Sheriff of the County in which such Distress shall be made, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witnesses, and determine the Amount of the Tolls, Rates, or Duties due to the Company; and it shall be lawful for such Sheriff to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Non-payment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods of the Parties liable to pay the same by Warrant under the Hand of such Sheriff.

For settling Disputes about the Amount of Tolls.

CCXXVIII. And be it enacted, That it shall be lawful for the said Company to lay out and fix the Carriage and other Roads on the said Wharfs, and the Passages to and from the Landing Places thereon, and also to limit and determine the Extent of Ground adjoining the several Landing Places to be kept clear and unobstructed, and the Number and Position of Sheds, Cranes, and other Conveniences, and also to regulate the Manner of using the several Landing or Loading Places, and also to let any of the Ground of the said Wharfs to be used as Places of Deposit for any Articles or Commodities which shall be landed at the said Wharfs, or which may be intended to be conveyed along the said Navigation.

Wharfs, &c.

CCXXIX. And be it enacted, That it shall and may be lawful to and for the Company from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

Company empowered to make Bye Laws.

For governing or regulating the Use of the said Navigation, and of the Harbours, Basins, and other Works belonging thereto or connected therewith:

For regulating and governing of Pilots, Mariners, Bargemen, Trackers, and all other Persons who shall be engaged in piloting or conducting any Ship, Boat, or Vessel upon the said Navigation or any Part thereof, or in conducting any Ship, Boat, or Vessel into or out of any of the said Harbours or Basins:

For regulating the passing of Vessels along the said Navigation, and the placing and removing of Vessels entering, lying in, or going out of any of the said Harbours or Basins, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Harbour Masters, Shore Masters, Wharfingers, and other Persons employed by the said Company:

[Local.]

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For



For regulating the Admission of Vessels into the said Navigation and Harbour or Basins thereto belonging, and their Removal out of the same :

For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers, Quays, and Wharfs of the said Navigation :

For regulating, with Consent of the Commissioners of Her Majesty's Customs, the Hours during which the Gates or Entrances to the said Wet Dock at *Grangemouth* and the Premises belonging thereto shall be open :

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed upon the said Navigation, and Harbours, Basins, and Premises belonging thereto or connected therewith :

For regulating the Use of Fire, Candles, and Lamps within the said Harbours, Wet Dock, and Basins, and within any Vessel being within the said Navigation, Harbours, Wet Dock, and Basins, or any of them :

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Company :

For regulating the Police of the said Navigation, Harbours, and Works, and the Times and Manner in which the Police Officers shall perform their Duties :

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Company, and the Duties and Conduct of all Weighers and Meters appointed by them :

For regulating the Duties and Conduct of the Carriers employed on the Premises of the Company, and fixing the Rates to be paid to Carriers for carrying any Goods, Articles, or Things from or to the said Navigation, Harbours, Wet Dock, and Basins :

And it shall be lawful for the Company, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Law of *Scotland* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Company, and, if affecting other Persons than the Officers or Servants of the Company, be printed and published as herein provided.

Enforcing  
Bye Laws.

CCXXX. And be it enacted, That it shall be lawful for the Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices or Sheriff before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid.

Bye Laws  
to be con-  
firmed.

CCXXXI. And be it enacted, That no Bye Law which shall be made by the Company under the Authority of this Act, except such as may relate solely to the Shareholders, or the Governor and Council of the Company, or their Officers or Servants, shall be valid or binding, unless the same shall be allowed by the Sheriff of the County of *Lanark*; and it shall be incumbent on such Sheriff, on the Re-



quest of the Company, to inquire into any Bye Laws which may be tendered to him for that Purpose, and to allow or disallow of the same as he shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lanark* One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Company Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

CCXXXII. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Company, and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

A Copy of proposed Bye Laws to be open to Inspection.

CCXXXIII. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Boards, or on Paper and pasted on Boards, hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Company, and also on some conspicuous Part of the Works of the said Harbours or Basins at *Grangemouth* and *Bowling Bay*, according as such Bye Laws may relate to the said Harbours or Basins; and such Boards shall be from Time to Time renewed as often as the same or any Part thereof, or of the printed Paper pasted thereon, may be obliterated or destroyed.

Publication of Bye Laws.

CCXXXIV. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to be binding on all Parties.

CCXXXV. Provided always, and be it enacted, That the said Bye Laws shall be made within Six Months after the passing of this Act, and until the same shall be made, confirmed, and published in manner hereby directed, the Bye Laws and Regulations already made by the said Company, or their Governor and Council, under the Authority of the said recited Acts, shall remain and continue in force.

Existing Bye Laws to remain in force until others are made under this Act.

CCXXXVI. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Signatures of Three Members of the Council, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that painted Boards, containing a Copy thereof, or on which the same may have been pasted, were affixed or continued in the Manner by this Act directed; and in case of any such Boards, or such printed Paper thereon, being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board, or that such printed Paper, was replaced or restored as soon

Evidence of Bye Laws.



soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board, or such printed Paper thereon, did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty for pulling down Boards on which Bye Laws are painted.

CCXXXVII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Company, on which any Bye Law of the Company, or any Rate to be taken under this Act, shall be painted, or on which any such printed Paper as aforesaid may be pasted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Company may convey Passengers.

CCXXXVIII. And be it enacted, That it shall be lawful for the Company to provide Boats and other Vessels for the Conveyance of Passengers and their Luggage and Parcels on the said Navigation, and to convey such Passengers Luggage and Parcels: Provided always, that no Parcel to be so conveyed by them shall exceed Twenty-five Pounds in Weight, and that all Charges to be made by the Company for such Conveyance shall be the same in respect of all Persons conveyed for similar Distances and under like Circumstances as by this Act provided.

All other Persons may carry Passengers on the Canal.

CCXXXIX. And be it enacted, That it shall also be lawful for all other Companies and Persons to use the said Canal for the Conveyance of Passengers and their Luggage and Parcels, subject to such Terms and Regulations as the said Company shall from Time to Time determine; such Regulations being the same, as far as Circumstances will admit, in respect of all Passage Boats of a like Description, whether belonging to the said Company or to any other Company or Person, and being subject to Confirmation in like Manner as Bye Laws are by this Act directed to be confirmed.

Company may form Inclined Planes on the Canal, and use Horses, Boats, and Machinery for tracking and towing Vessels.

CCXL. And in order to facilitate the Trade and prevent the Detention thereof, and Obstruction to the Navigation of the said Canal, be it enacted, That it shall be lawful for the said Company to form Inclined Planes on the said Navigation, where the same shall be deemed necessary by them, for expediting the Passage of Boats and Vessels, and to purchase, provide, and use Horses, Boats, Steam Power, and Machinery for hauling, tracking, or towing Boats and Vessels on the said Navigation and Inclined Planes, and to employ a sufficient Number of competent Persons for these Purposes; and to demand and receive for such hauling, tracking, or towing such reasonable Hire or Remuneration as shall be fixed by the said Governor and Council, or as shall be agreed upon between some Person or Persons on their Behalf (authorized for that Purpose), and the Masters, Owners, or Persons having the Charge of any such Boats or Vessels, and requiring such hauling, tracking, or towing.

Masters to put their Names on the Outside of their Boats.

CCXLI. And for the better regulating of Masters of Boats, Barges, or other Vessels, and Bargemen and others, employed by or under them respectively, and for the more easy Detection of any thing by them or any of them respectively done contrary to the Directions



Directions of this Act, be it enacted, That every Master or Person having the Charge or Command of any Boat, Barge, or other Vessel, passing on the said Navigation, shall cause his Name to be set in large Capital Letters, on each of the Outsides of such Boat or other Vessel, higher than the same shall sink into the Water when full loaded, and shall permit and suffer every such Boat or other Vessel to be measured, at the Expence of the said Company, whenever it shall be required by them, or by any Person or Persons appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year; and every Owner, Master, or other Person having the Charge or Command of any such Boat or other Vessel, who shall fail to put his Name on any such Boat or other Vessel in manner aforesaid, or shall alter and deface, erase or destroy, any Letter describing such Name as aforesaid, or shall refuse to have his Boats or other Vessels measured as aforesaid, shall for every such Offence respectively forfeit to the said Company the Sum of Forty Shillings.

CCXLII. And be it enacted, That the Master or Owner of every Boat, Barge, or other Vessel, using the said Navigation, shall be and is hereby made answerable for any Damage or Mischief that shall be done by his Boat or other Vessel, or any of the Mariners, Boatmen, or other Persons belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works of the said Company, or by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall be done to the Owners or Proprietors of any Lands adjoining to the same; and that no Boat, Barge, or other Vessel shall be permitted to load or unload upon the said Navigation without a Stage to be laid across from the Gunnel of such Boat, Barge, or Vessel to the Bank of the said Navigation, so as to prevent any Dirt or Rubbish from falling in between the Vessel and the Bank; and every such Master or Owner of such Boat, Barge, or other Vessel may lawfully be convicted of such Trespass or Damage before the Sheriff of the County within which such Damage shall have been done, or other competent Court, either on the Confession of the Party offending or upon the Oath of some credible Witness, and upon such Conviction such Damage shall be recovered, with full Costs of Suit.

Masters, &c.  
answerable  
for Damage  
done by their  
Servants.

CCXLIII. Provided always, and be it enacted, That it shall be lawful for any such Master or Owner who shall pay for any Damage done by any Person in his Employ, to recover the Amount so paid by him from such Person by the same Means as the said Company are empowered to recover the same from such Master or Owner.

Owners may  
recover from  
their Ser-  
vants.

CCXLIV. And be it enacted, That no Boat, Barge, or other Vessel of less Burden than Fifteen Tons shall pass singly through any of the Locks of the said Navigation, without the Consent of the said Company, or some one of their Officers, in Writing first had and obtained.

Vessels un-  
der 15 Tons  
not to pass  
Locks with-  
out Consent  
of Company.

CCXLV. And be it enacted, That no Mariner, Boatman, or other Person navigating any Boat, Barge, or other Vessel upon the said Navigation,  
[Local.] 12 U

Regulations  
for Persons  
passing the  
Locks.



gation, and passing the same through any Lock now made or hereafter to be made upon the Navigation, shall suffer the Water to remain longer in such Lock than is necessary for such Boat or Vessel to pass through the same; and every such Mariner, Boatman, or other Person as aforesaid, in going down the said Navigation, shall shut the lower Gates of such Lock before he shall draw the Cloughs of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel into the said Lock, shall shut the upper Gates before he shall draw the Cloughs of the lower Gates thereof, and in going up the said Navigation, shall, so soon as he shall have passed, with his Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, or other Vessel in Sight of the said Lock, coming down the said Navigation, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Navigation, the Vessel going up the same, if within Sight of and at a Distance not exceeding Three hundred Yards, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for the Purpose) such Vessels shall go up and come down at such Lock by Turns, till all Vessels going up and coming down shall have passed, and by such Means as that One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before the Sheriff, or any Justice of the Peace of the County in which the Offence may occur, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat, Barge, or other Vessel, shall forfeit the Sum of Forty Shillings.

Penalties on  
wasting the  
Water or un-  
necessarily  
opening the  
Locks, &c.

CCXLVI. And be it enacted, That if any Person whomsoever shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, Sluice, or Clough, belonging to the said Navigation or any Part thereof, or shall flush or draw off the Water from any Part of the said Navigation, or any Reservoir, Watercourses, Trench, or Feeder belonging thereto, or otherwise mis-spend or waste such Water, such Person shall, upon Conviction, forfeit and pay to the said Company, for every such Offence, a Sum not exceeding Five Pounds.

Penalty for  
not shutting  
Draw-  
bridges.

CCXLVII. And be it enacted, That in case any Person shall pass, with any Boat, Barge, or other Vessel, any Drawbridge or Swivelbridge, which is at present or may hereafter be laid across or over the said Navigation or any Part thereof, and shall neglect to shut and fasten such Bridge after such Boat, Barge, or other Vessel shall have passed the same, so that by such Neglect the free and safe Passage for Travellers over such Bridge shall be interrupted, such Boatman or other Person shall, upon Conviction, forfeit and pay for every such Offence a Sum not exceeding Forty Shillings; and if any Person shall wilfully open any such Drawbridge



or Swivelbridge, when no Boat, Barge, or other Vessel is to pass through the same, so as to interrupt the free Passage over the same for Travellers, such Person shall, upon Conviction, forfeit and pay a Sum not exceeding Forty Shillings nor less than Ten Shillings.

CCXLVIII. And be it enacted, That if the Master or other Person having the Care of any Boat, Barge, or other Vessel shall, (unless compelled by some inevitable Accident or other reasonable Cause,) permit or suffer such Boat, Barge, or other Vessel to lie or be moored in the Night in any Part of the said Navigation, other than and except at some Wharf or Quay in some Basin or Place appointed for Boats, Barges, or Vessels to lie or moor in, he shall upon Conviction forfeit and pay to the said Company for every such Offence a Sum not exceeding Forty Shillings.

For prevent-  
ing Boats  
stopping at  
improper  
Places and  
Times.

CCXLIX. And be it enacted, That if any Boat, Barge, or other Vessel shall be wilfully placed or moored in any Part of the said Navigation, or of the fair Way leading from the Rivers *Forth* and *Clyde* into the said Navigation, so as to obstruct the same, and the Person having the Care of such Boat or Vessel shall not immediately upon Request made remove the same, he shall forfeit a Sum not exceeding Ten Shillings nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the said Company, or any of their Officers, 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 such Obstruction in the Navigation, and to seize and detain such Boat or Vessel and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel, shall be sunk in the said Navigation, or any Part thereof, and the Owner, or the Person having the Charge of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the said Company, or any of their Officers, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels lying  
so as to ob-  
struct the  
Navigation  
to be re-  
moved.

CCL. And be it enacted, That if any Person, other than and except the said Company, or their Officers or Servants, for the Purposes of the said Navigation, shall float any Timber thereon, or shall overload any Boat, Barge, or other Vessel with Timber, and suffer such Timber to lie over the Sides thereof, or shall overload any Boat or Vessel using the said Navigation, so as by such overloading to obstruct or be liable to obstruct the Passage of any other Boat, Barge, or other Vessel thereon, and shall not immediately upon Notice given to the Owner or Person having the Care of such Boat, Barge, or other Vessel, so obstructing the Passage as aforesaid, haul the same back into such Place as shall be proper or made for Boats, Barges, or other Vessels to pass each other, every such Owner or Person shall forfeit and pay to the said Company for every such Offence the Sum of Five Pounds, to be laid out by them in maintaining

Persons  
overloading  
and ob-  
structing the  
Passage of  
the Canal to  
forfeit 5*l.*



maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty for throwing Ballast into Canal; for riding on the Path, or unloading Boats across the same;

or throwing Rubbish on Towing-path.

CCLI. And be it enacted, That if any Person shall throw any Ballast, Gravel, Stones, Sand, Earth, Rubbish, or any other Matter or Thing whatsoever, into any Part of the said Navigation; or if any Person shall ride, lead, or drive any Horse, Ass, Mule, or other Beast (not being actually employed in towing or hauling a Boat on the said Navigation); or drive or conduct any Cart or other Vehicle whatsoever on any Towing Path belonging to the said Navigation; or shall load or unload any Boat from or upon, or carry or convey such Loading across any such Towing Path or Bank, without the Consent of the said Company, their Officers or Servants; or if any Person shall throw or deposit on any Part of any Bank or Towing Path belonging to the said Navigation any Dung or Rubbish of any Kind, or other Matter, except in Places where they may be authorized so to do; every such Person so offending shall, upon Conviction, forfeit and pay to the said Company for every such Offence a Sum not exceeding Forty Shillings.

Penalty on destroying Works.

CCLII. And be it enacted, That if any Person shall wilfully or maliciously injure the said Navigation, or break, throw down, remove, or destroy any Part of the Works belonging to the said Company, or any Part of the Materials of any such Works, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds and not less than Two Pounds, over and above paying the full Amount of Damage thereby done to the said Navigation and Works.

To prevent Obstructions on the Company's Wharfs.

CCLIII. And be it enacted, That in case any Goods, Wares, or Merchandize shall be at any Time placed, landed, or deposited on any Wharf belonging to the said Company in such Manner as to impede or obstruct the Passage to or from the Landing Place on such Wharf, or in any Manner to obstruct, impede, or block up the Passage to or from any Crane belonging to the said Company, then and in every such Case the Owner or Carrier of such Goods, Wares, or Merchandize, or other Person having the Care of the same, shall, on Conviction, forfeit and pay to the said Company for every such Offence a Sum not less than Ten Shillings nor exceeding Five Pounds; and in case the whole of the said Goods, Wares, and Merchandize by which any Wharf or Crane of the said Company may at any Time be obstructed, impeded, or blocked up as aforesaid shall not be removed or taken away within the Space of Six Hours from the Time when Complaint shall have been made of the same by any Officer or Servant of the said Company, to the Owner or Carrier thereof, or Person having Charge of the same, it shall be lawful for the said Company, their Officers or Servants, to cause such Goods, Wares, and Merchandize to be removed or taken away, and to charge the Expence of the Removal of the same to the Owner or Carrier or other Person having Charge of the same, and to impound such Goods, Wares, and Merchandize in such Place as they shall think proper, until such Expence, together with the Penalty for causing such Impediment or Obstruction,



tion, and all Tolls or other Charges due thereon to the said Company, shall have been fully paid and discharged.

CCLIV. And be it enacted, That in case the Owner or Carrier or other Person having Charge of any Goods, Wares, or Merchandize which shall be deposited or lying on any Wharf belonging to the said Company, shall not, within the Space of Seven Days after Notice in Writing on behalf of the said Company requiring the Removal thereof shall have been given to such Owner, Carrier, or other Person, or left at his usual or last Place of Abode, remove and carry away such Goods, Wares, and Merchandize from such Wharf, then and in every such Case such Owner, Carrier, or other Person shall forfeit and pay to the said Company for every such Offence a Sum not less than Ten Shillings nor exceeding Five Pounds; and it shall also be lawful for the said Company, at any Time after the Expiration of the said Seven Days, to cause such Goods, Wares, and Merchandize to be removed or taken away, and to charge the Expence of the Removal to the Owner, Carrier, or other Person having Charge of the same, and to impound such Goods, Wares, and Merchandize in such Place as the said Company, their Officers and Servants, shall think proper, until such Expence, together with the said Penalty, and all Tolls or other Charges due to the said Company, shall have been fully paid and satisfied.

To compel Persons to remove Goods from Wharfs.

CCLV. And be it enacted, That it shall be lawful for the Harbour Masters, Shore Masters, Wharfingers, or any other Persons employed by the said Company, and acting under their Authority, to regulate the berthing of all Vessels frequenting the Harbours, Wharfs, and Basins of the said Navigation, and to remove, at the Owner's Expence, such Vessels as may impede, hinder, or obstruct the Discharge and lading of such Vessels as are then in Employment; and all Masters, Owners, and others refusing to comply with the Regulations which shall from Time to Time be made and published by the said Company relative thereto, or who shall obstruct the Harbour or Shore Master or Wharfinger in the Execution of his Duty, shall forfeit to the said Company Five Pounds Sterling for each Offence.

Regulating the berthing of Vessels.

CCLVI. And for preventing Accidents by Fire in any of the Harbours and Basins belonging to the said Company, be it enacted, That, subject to such Modifications as shall be made in the Bye Laws of the said Company, no Person whomsoever shall have or keep or cause to be had or kept any Fire, Candle, or Lamp lighted aboard any Ship or Vessel within the said Harbours or Basins, at any Time whatsoever between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year, after the Hour of Seven in the Evening or before the Hour of Seven in the Morning; nor, at any Time whatsoever between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, after the Hour of Eight in the Evening and before the Hour of Five in the Morning, upon pain of forfeiting to the said Company for every Offence the Sum of Three Pounds.

For preventing Accidents by Fire.



No Pitch or  
other com-  
bustible  
Matter to be  
heated on  
board Ships  
in the Har-  
bour.

CCLVII. And be it enacted, That no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Thing shall at any Time hereafter be boiled and heated on board any Ship or Vessel in the said Harbours or Basins, or any of them, or in any Boat, except in a Boat lying alongside of some Ship or Vessel, nor within Twenty Feet of the Quays and Warehouses; nor shall any Gunpowder, exceeding the Quantity of Six Pounds, be suffered to remain on board any Ship or Vessel for any longer Time than Twenty-four Hours after the Arrival of such Ship or Vessel in the said Harbours or Basins; and every Master, Commander, or Owner of any Ship or Vessel, who shall offend in either of the above Particulars, shall forfeit for each Offence to the said Company the Sum of Five Pounds.

Vessels to  
have their  
Sails taken  
down before  
they enter  
the Harbour.

CCLVIII. And for the Security and Preservation of the said Harbours and Basins, be it enacted, That before any Ship or Vessel shall enter or pass into the same such Ship or Vessel shall have her Sails taken down, so that she may not enter under Sail; and every Master or Owner of such Ship or Vessel who shall omit or cause the Sails thereof to be so taken down shall for every such Offence forfeit the Sum of Five Pounds.

Persons  
on board  
having Nets  
to forfeit 5l.

CCLIX. And be it enacted, That if any Person, navigating or working or being on board any Boat or Vessel in the said Navigation, shall use any Fishing Net, Gun, or other Instrument for taking or destroying Fish or Game, such Person, being thereof convicted on the Oath of One or more credible Witness or Witnesses before the Sheriff of either of the said Counties of *Stirling*, *Lanark*, or *Dumbarton* respectively, shall for every such Offence forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Ship or Vessel shall suffer or permit any Person to make use of any such Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, and shall be thereof convicted as aforesaid before the Sheriff of either of the said Counties respectively, he shall for every such Offence forfeit and pay the Sum of Five Pounds.

Damages  
and Charges  
in case of  
Dispute to  
be settled by  
the Sheriff.

CCLX. And be it enacted, That in all Cases wherein Damages, Charges, Costs, or Expences are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and decerned for by the Sheriff of the County wherein such Damages, Costs, and Expences shall be incurred or directed to be paid, on a summary Petition presented to him by the Party entitled to recover the same; and where by this Act any Damages or Expences are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Expences, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Sheriff by or before whom any Offender shall be convicted of such Offence; and such Sheriff is hereby authorized and required, on Nonpayment in any of the Cases aforesaid, to enforce Payment of such Damages and Expences by a Warrant to poind and sell the Offenders

Large Goods



Goods and Effects in manner by this Act directed for levying of any Penalties or Forfeitures.

CCLXI. And be it enacted, That any Sheriff to whom any Application is authorized to be made, and before whom any judicial Proceedings shall in consequence take place or become necessary under or by virtue of this Act, shall and he is hereby authorized and required summarily to call before him all Parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce Judgment regarding the Matters mentioned in such Application or Proceeding, or to do the several Acts and Things required by this Act to be done by him without waiting the ordinary Course of the Roll of Causes before him, and without written Pleadings or a written Record, or reducing any Evidence which may be led by either of the Parties to Writing, unless and except where the said Sheriff shall consider that the Matters mentioned in such Application or Proceedings can with more Advantage be decided with written Pleadings and with a written Record, in which Case he shall proceed to make up a Record, and bring the said Matters to a Conclusion with all convenient Despatch.

Proceedings need not be in Writing.

CCLXII. And be it enacted, That whenever any Money shall by any Sheriff be decerned to be paid under the Authority of this Act as or by way of Compensation or Satisfaction for any Materials or Expences, or for any Damage or Injury, of any Nature or Kind soever, done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Direction or Order made by such Sheriff, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied or recovered by Pounding and Sale of any Goods or Effects of the said Company.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Pounding and Sale of the Goods of the Company.

CCLXIII. And for the Purpose of providing for the Recovery of Forfeitures and Penalties imposed by this Act, or by any Bye Law made in pursuance thereof, the Mode of Recovery whereof is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be sued for by the said Company, or any Person aggrieved by any Act of the said Company, and be adjudged and recovered by and under the Authority of the Sheriff of the County in which the Offence was committed, or of any Sheriff having Jurisdiction over the Party complained of; and on Complaint made to such Sheriff, by the said Company or Person aforesaid, of any Offence against this Act or the said Bye Laws, he shall grant a Warrant to summon the offending Party before him on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either personally or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or in default of the Appearance of the Party offending, it shall be lawful for the said Sheriff to proceed to the hearing of the Complaint, and on Proof of the Offence, either by voluntary Confession or other legal Evidence, forthwith to give Judgment on such Complaint

How Forfeitures and Penalties are to be recovered.



Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where the Sheriff shall find the Complaint relevant and proven he shall find the Penalty due, and so soon as the Penalty has been found due and its Amount fixed the Sheriff shall decern for the Amount, with Expences of Suit, in favour of the said Company or Person to whom the same is or shall be payable.

Penalties to be levied by Distress or Imprisonment.

CCLXIV. And be it enacted, That where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, the Sheriff shall have Power to find the whole or any Part thereof due to the said Company or Person suing for the same, or the whole or any Part thereof due to any other Person aggrieved, or the whole or any Part thereof due, to the Poor of the Parish in which the Offence was committed; and the Sheriff shall, at the same Time that he finds the Penalty due, and decerns for the Amount and Expences, grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Poinding and Sale of the Goods and Effects of the Offender, or by Imprisonment (except in the Case of Offences committed by the said Company) in the House of Correction, Bridewell, or Common Gaol, wherein he is authorized by Law to incarcerate Offenders, for a Period at the Discretion of the Sheriff, but not exceeding Three Months, it being hereby provided that a Record shall be preserved by the Sheriff Clerk of the County of the Complaint and Judgment: Provided always, that it shall be optional to and in the Power of the said Company or Person entitled to sue for such Penalties, if he or they shall deem it more advisable, to proceed in the Adjudication and Recovery thereof by such ordinary Process for Debt before the said Sheriff as is known to and authorized by the Law of *Scotland*, in deciding which Process the Sheriff shall have all the Powers as to fixing the Amount of Penalties and disposing of the same herein conferred on him.

For compelling Witnesses to attend.

CCLXV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Sheriff touching any Matter or Fact contained or involved in or affecting any Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Sheriff, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Expence, without a reasonable Excuse for his Refusal or Neglect, or appearing and shall refuse to be examined upon Oath or give Evidence before such Sheriff, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For securing transient Offenders.

CCLXVI. And, with respect to Offenders whose Names and Residences are not known, be it enacted, That it shall be lawful for any Officer or Servant of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Servant, and who shall commit any Offence against this Act or the said Bye Laws, and to convey such Person with all convenient Despatch before



the Sheriff or any Justice of Peace of the County or Magistrate acting for the District within which such Offence shall be committed, without any Warrant or other Authority than this Act, and such Sheriff, Justice, or Magistrate is hereby empowered and required to proceed with all convenient Despatch to the hearing and determining of the Complaint.

CCLXVII. And be it enacted, That if at any Time or Times hereafter any Collector, Surveyor, Agent, Officer, or Servant of the said Company shall have reasonable Cause to suspect that any Person guilty of Felony or that any stolen Goods is or are concealed on board any Boat or Vessel passing along the said Navigation, or lying in any of the Basins or Harbours thereof, it shall be lawful for such Collector, Surveyor, Agent, Officer, or Servant, assisted by such Person or Persons as may be deemed necessary for that Purpose, to stop and detain such Boat or other Vessel, and to search and examine the same, and to seize and detain any such Goods as shall be found on board such Boat or Vessel, and also to apprehend and detain any such suspected Person found concealed therein, and also the Boatmen and other Persons navigating or having the Charge of such Boat or Vessel, and to take such Boatmen and other Persons, and also any Person found concealed in such Boat or Vessel, with all reasonable and convenient Despatch, before a Justice of the Peace, to be dealt with according to Law.

Goods suspected to be stolen may be searched for.

CCLXVIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, or on the Ground of no Record having been made, nor shall the same be removed by Suspension, Advocation, or otherwise into or be in any way subject to Review by any Superior Court whatever, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CCLXIX. And be it enacted, That where by this Act any Sum of Money, whether in the Nature of a Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Pounding and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress how to be levied.

CCLXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Distress not unlawful for Want of Form.

CCLXXI. And be it enacted, That in all Cases which may come before any Sheriff Substitute under this Act, in which written Pleadings

Power of Appeal to Sheriff.



ings shall have been allowed and a written Record shall have been made up, and where the Evidence which have been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Five Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute and whole Process, and, if he thinks proper, hear the Parties *viva voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review, Stay of Execution, or Appeal, but shall be final and conclusive on the Parties.

Power of  
Appeal to  
Quarter  
Sessions.

CCLXXII. And be it enacted, That if any Person shall think himself aggrieved by the Order or Determination of any Justice of the Peace under the Provisions of this Act he may appeal to the Quarter Sessions of the County or District in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within One Month after the making of such Order or Determination, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant find sufficient Caution to prosecute such Appeal, and abide the Order of the Quarter Sessions thereon, which shall be final, and not subject to Review by Advocation, Suspension, Reduction, or other Process, any Law or Statute to the contrary notwithstanding.

Canal not to  
be exempted  
from Assess-  
ment under  
Prisons Acts.  
2 & 3 Vict.  
c. 42.

CCLXXIII. And be it enacted, That nothing herein contained shall exempt the said Canal from the Assessment authorized to be levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in Scotland*.

Saving the  
Rights of  
certain  
Land Own-  
ers.

COLXXIV. And whereas it was enacted by the said first-recited Act, "that it shall and may be lawful for all Owners of Lands, Bodies Politic or Corporate, Heirs of Entail, Trustees, Tutors and Curators of Minors and of Idiots and furious Persons, through whose Lands the said Main Canal or Collateral Cut shall pass, and they are hereby empowered, to erect or to grant Feu Rights for erecting Towns, Houses, and Buildings upon their Lands immediately adjoining to the said Main Canal or Collateral Cut, but so as the same shall not prejudice the said intended Navigation, or the Towing Paths thereof, and that in such Cases where the said Lands are now possessed under Lease or Leases, the Owner or Owners of the original Lessor or Lessors thereof shall have Power, and they are hereby empowered and authorized, to purchase from the Lessees, and other Persons interested therein, the Remainder of their Term or Terms, in such Parts or Portions of the said leased Lands as shall be within Five hundred Yards (but at no greater Distance) of the said Main Canal or Collateral Cut, and in case of Difference between them in respect of the Price or Prices to be paid, that the same shall be



be ascertained and settled in manner as herein-before directed with respect to other Lands or Grounds to be taken and used by the Company of Proprietors for the Purpose of the said Navigation: Provided always, that all Bodies Politic or Corporate, Heirs of Entail, Trustees, Tutors and Curators of Minors and of Idiots and furious Persons, granting Feu Rights as aforesaid, shall be bound and obliged to make the same, and with Reservation of a Feu Duty or Feu Duties at least equal to the present full Rent of the Lands:" And whereas by the said recited Act passed in the Thirtieth Year of the Reign of His Majesty King *George* the Third it was enacted, "that all Powers, Privileges, and Authorities now in force, given by the before recited Acts to the Proprietors of Lands adjacent to the said Main Cut or Canal or Collateral Cut, or to any other Person or Persons whomsoever, (except in so far as altered by this present Act,) shall be and the same are hereby extended to the said Collateral Cut now to be continued in manner herein-before directed;" be it enacted, That nothing herein contained shall be held to alter, abridge, or diminish the several Powers, Privileges, Authorities, or Rights granted by the said recited Provisions of the said Acts for erecting or granting Feu Rights for erecting Towns, Houses, and Buildings upon Lands immediately adjoining the said Navigation, or to interfere with or affect any thing done or to be done in pursuance of such Provisions.

CCLXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to take away, prejudice, alter, lessen, or interfere with any Rights, Powers, Privileges, or Advantages vested in the *Edinburgh and Glasgow Railway Company* by an Act passed in the First and Second Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from Edinburgh to Glasgow, to be called the Edinburgh and Glasgow Railway, with a Branch to Falkirk*; and by another Act passed in the Third and Fourth Year of the Reign of Her said Majesty, intituled *An Act to amend the Act relating to the Edinburgh and Glasgow Railway*; but saving and reserving to the said *Edinburgh and Glasgow Railway Company* all the Rights, Privileges, and Franchises of the said Company; and also saving and reserving all the Powers, Authorities, and Provisions in the said Acts contained as fully and effectually as if this Act had not been passed.

Saving the Rights of the Edinburgh and Glasgow Railway Company.

1 & 2 Vict. c. 58.

3 & 4 Vict. c. 108.

CCLXXVI. Provided also, and be it enacted, That nothing herein contained shall extend or be taken to extend to affect, prejudice, lessen, or interfere with the Powers and Provisions contained in any Act or Acts of Parliament for making or maintaining Turnpike Roads in the Counties of *Stirling, Lanark, and Dumbarton*, or any of them, but that all such Powers and Provisions shall remain in full Force and Effect in like Manner as if this Act had not been passed.

Saving Acts for making Turnpike Roads.

CCLXXVII. Provided also, and be it enacted, That nothing herein contained shall extend or be taken to extend to affect, prejudice, lessen, or interfere with the Powers, Privileges, and Provisions contained

Saving Provisions of River Clyde Act.



3 & 4 Vict.  
c. 118.

contained in an Act passed in the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act for farther deepening and improving the River Clyde, and enlarging the Harbour of Glasgow, and for constructing a Wet Dock in connexion with the said River and Harbour*, but that all such Powers, Privileges, and Provisions shall remain in full Force and Effect in the same Manner as if this Act had not been passed.

Meaning of  
certain  
Words in  
this Act.

CCLXXVIII. And be it enacted, That in this Act the following Words and Expressions shall bear the Meanings herein assigned to them, unless there be something in the Subject or Context of the Provision in which they respectively occur repugnant to such Construction; that is to say,

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number shall be applicable also to the Singular Number :

Words importing the Masculine Gender shall include Female as well as Male :

The Word "Month" shall mean Calendar Month :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from taking Oaths :

The Word "Lands" shall extend to Lands and Heritages of every Description :

The Word "Tolls" shall include all Tolls, Rates, Duties, and Charges payable to the said Company :

The Word "Navigation" or "Canal" respectively, whether in the Singular or Plural, shall include all the Navigable Cuts or Canals, Harbours, Basins, Quays, and Wharfs hereby vested in the said Company :

The Words "the said Company," without any special Addition, shall mean the said Company of Proprietors of the *Forth and Clyde* Navigation hereby established :

The Word "Corporation," whether in the Singular or Plural, shall include Bodies Politic, Corporate, and Collegiate, Ecclesiastical, Lay, Aggregate, and Sole :

The Word "Owner," whether in the Singular or Plural, when used in reference to any Lands, Tenements, or Heritages, shall mean the Person or Corporation holding the same in Fee Simple, and the Person having Right thereto for the Time being as Heir of Entail or otherwise, and the Husband, Guardian, Trustee, Tutor, Factor, Curator, or Judicial Factor of such Person (as the Case may be) :

The Word "Sheriff" shall mean the Sheriff and Sheriff Substitute.

The Word "Penalty," whether in the Singular or Plural, shall include all Penalties, Fines, and Forfeitures of a pecuniary Nature :

The Word "Goods" shall include all Goods, Wares, Merchandize, Commodities, and Articles whatsoever :

The Word "Boat," whether in the Singular or Plural, shall include Boats, Barges, Flats, Keels, and other Vessels whatsoever :



The Words "chartered Banks," shall be held to mean the Royal Bank of *Scotland*, the Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, and the National Bank of *Scotland*.

CCLXXIX. And be it enacted, That this Act shall be a Public Act, and judicially taken notice of as such.



## SCHEDULES referred to in the foregoing Act.

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 SCHEDULE (A.)
 

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## FORM of CERTIFICATE of SHARE.

Forth and Clyde Navigation.

Number

THIS is to certify, That *A. B.* of \_\_\_\_\_ is the Proprietor of  
 the Share Number \_\_\_\_\_ of the Company of Proprietors of the  
 Forth and Clyde Navigation, subject to the Regulations of the said  
 Company. Given under the Common Seal of the Company the  
 Day of \_\_\_\_\_ in the Year of our Lord.

Superintendent.

( L. S. )

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 SCHEDULE (B.)
 

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## FORM of TRANSFER of SHARES.

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 paid to me by \_\_\_\_\_ of \_\_\_\_\_ [*or if there be no Price*  
*paid, then* for certain good Causes and Considerations], do hereby  
 transfer to the said \_\_\_\_\_ [*or to* \_\_\_\_\_ of \_\_\_\_\_],  
 Share [*or* \_\_\_\_\_ Shares] in the Undertaking called  
 the Forth and Clyde Navigation, to hold unto the said  
 his Executors, Administrators, and Assigns [*or* Successors and  
 Assigns], subject to the several Conditions on which I held the same  
 at the Time of the Execution hereof. And I the said  
 do hereby agree to take the said \_\_\_\_\_ Share [*or* Shares], subject  
 same Conditions. In witness, &c.

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 SCHEDULE (C.)
 

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## FORM of MORTGAGE DEED.

Forth and Clyde Navigation.

Mortgage Number

£

By virtue of an Act passed, &c. intituled [*insert the Title of this*  
*Act*], we, the Company of Proprietors of the Forth and Clyde Navi-  
 gation,



gation, grant us to have borrowed and received from the  
 Sum of Pounds Sterling, which Sum of  
 Pounds Sterling we do hereby bind and oblige the said Company to  
 content and repay to the said his Executors, Adminis-  
 trators, and Assigns, at the Term of with a Fifth Part  
 more of the said Principal Sum of liquidate Penalty in case of Failure,  
 and the lawful Interest of the said Principal Sum, at and after the  
 Rate of Pounds for every One hundred Pounds by the  
 Year, from the Date hereof to the foresaid Term of Payment, and  
 half-yearly thereafter during the Nonpayment, at the End of every  
 Six Months following the Date of these Presents. And, in further  
 Security of the same, we do hereby assign to the said  
 his Executors, Administrators, and Assigns, the said Undertaking, and  
 all and singular the Tolls and Sums of Money arising by virtue of the  
 said Act, and all the Estate, Right, Title, and Interest of the said  
 Company in and to the same, to hold unto the said his  
 Executors, Administrators, and Assigns, until the said Sum, with  
 Interest for the same at the Rate aforesaid, shall be satisfied. In  
 witness, &c.

*[To be sealed with the Company's Seal, signed by the  
 Governor, and countersigned by the Secretary.]*

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#### SCHEDULE (D.)

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##### FORM of TRANSFER of MORTGAGE DEED.

I *A. B.* of in consideration of the Sum of  
 paid to me by *G. H.* of do hereby transfer to the said  
*G. H.*, his Executors, Administrators, and Assigns, a certain Mort-  
 gage Deed, Number made by the Company of Proprietors  
 of the Forth and Clyde Navigation, to bearing Date the  
 Day of for securing the Sum of  
 and Interest, and all my Right, Estate, and Interest in and to the  
 Money thereby secured, and in and to the Tolls, Money, and Pro-  
 perty thereby assigned. In witness, &c.

*[To be attested according to the usual Form of  
 Scotch Deeds.]*

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#### SCHEDULE (E.)

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##### FORM of PROXY.

*A. B.* of one of the Proprietors of the Forth and Clyde  
 Navigation, doth hereby appoint *C. D.* of to be Proxy of  
 him the said *A. B.*, in his Absence to vote in his Name upon any  
 Matter relating to the Undertaking proposed at the Meeting of the  
 Company



Company of Proprietors of the said Navigation to be held on the  
 Day of \_\_\_\_\_ next, and at any Ordinary, Extra-  
 ordinary, or adjourned Meeting of the said Company, in such Manner  
 as the said C.D. shall think proper. In witness whereof the said  
 hath hereunto set his Hand [*or if by a Corporation,*  
*say, the Common Seal of the Corporation is hereunto affixed*] the  
 Day of \_\_\_\_\_

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SCHEDULE (F.)

FORM of CONVEYANCE.

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 paid to me by the Company of Proprietors of the Forth  
 and Clyde Navigation, do hereby sell, alienate, and dispoise to the said  
 Company, and their Successors and Assigns, all and whole [*describe  
 the Premises*], and all my Right, Title, and Interest in and to the  
 same, and every Part thereof, to be holden by the said Company and  
 their Successors for ever, in Terms of an Act passed in the  
 Year of the Reign of Her Majesty Queen Victoria, intituled [*here  
 set forth the Title of this Act, and any Conditions of the Conveyance*].  
 And I consent to the Registration hereof in the Books of Council and  
 Session, or others competent, for Preservation and Execution, and also  
 in the Register of Sasines, Reversions, &c. for Publication, and  
 thereto constitute \_\_\_\_\_ my Procurators. In witness  
 whereof I have subscribed these Presents [*here insert a Testing  
 Clause according to the Form of the Law of Scotland*].

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