



ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

\*\*\*\*\*

## Cap. xli.

An Act for altering and amending an Act of the Fourth and Fifth Year of Her present Majesty, intituled *An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the Forth and Clyde Navigation*; for enlarging and making Reservoirs for better supplying the said Navigation with Water; and for enabling the Company of Proprietors of the said Navigation to purchase and acquire the *Forth and Cart Junction Canal*. [18th June 1842.]

**W**HEREAS an Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the Forth and Clyde Navigation*, whereby the several Proprietors of the said Navigation were re-united into a Company, and made One Body

4 & 5 Vict.  
c. 55.

[Local.]

12 M

Corporate

Corporate by the Name of "The Company of Proprietors of the *Forth* and *Clyde* Navigation," for maintaining, supporting, and improving all and every the Canal, Cuts, and Harbours made by the said Company, by virtue of the said Acts thereby repealed, together with all Reservoirs, Aqueducts, Tunnels, Culverts, Bridges, Embankments, Feeders, Locks, Basins, Docks, Towing Paths, Wharfs, Quays, Warehouses, Toll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 therein-after mentioned, according to the Powers, Provisions, and Directions therein-after contained: And whereas it is expedient and necessary that the Reservoir belonging to the Company called *Hill End* Reservoir, situate in the Parishes of *New Monkland* and *Shotts* and County of *Lanark*, should be enlarged and improved, and that Two new Reservoirs should be formed in the said Parish of *Shotts*, for better supplying the said Navigation with Water: And whereas it is expedient that the said recited Act should be altered and amended: 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 recited Act, and all the Powers, Provisions, Penalties, and Things therein contained, except in so far as the same is or are hereby altered or varied, shall extend to this Act, and shall operate and be in force for carrying the Purposes of this Act into execution as effectually as if the same and every Part thereof were re-enacted in this Act.

Recited Act extended to this Act.

Power to enlarge *Hill End* Reservoir, and to form Two new Reservoirs.

II. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to enlarge and improve the said *Hill End* Reservoir, situate in the said Parishes of *New Monkland* and *Shotts* and County of *Lanark*, and also to make, form, and maintain the said Two new Reservoirs at *Bogfoot* and *Roughrigg* in the said Parish of *Shotts*, to be called respectively the *Bogfoot* Reservoir and the *Roughrigg* Reservoir, with the necessary Feeders and Works connected therewith, as delineated on the Plan and mentioned in the Book of Reference herein-after referred to.

Plan and Book of Reference deposited to remain for Inspection.

III. And whereas a Plan and Section showing the Enlargement and Improvement of the said *Hill End* Reservoir, and also the said Two new Reservoirs at *Bogfoot* and *Roughrigg*, with the said Feeders and Works, with a Book of Reference thereto, containing Lists of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands or Heritages in or upon which the said several Works are to be executed, have been deposited with the several Principal Sheriff Clerks of the said County of *Lanark*; be it enacted, That all Persons interested shall have Liberty, at all reasonable Times, to inspect the said Plans, Sections, and Books of Reference, and to require to be furnished by such Sheriff Clerks with Extracts therefrom or Copies thereof; and every such Sheriff Clerk shall give Access to the said Documents,



and, if required, furnish Copies thereof or Extracts therefrom; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Documents, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Sheriff Clerk shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds; and such Copies or Extracts, certified by such Sheriff Clerks respectively, shall be good Evidence in all Courts of Law or Equity.

IV. And be it enacted, That it shall be lawful for the said Company to execute the said several Works upon the Lands delineated upon the said Plan, although such Lands, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted or mis-stated or erroneously described in the said Book of Reference, or in the Schedule to this Act annexed, provided it shall appear to any Two or more Justices of the Peace or to the Sheriff of the said County of *Lanark* (in case of Dispute about the same), and be certified by Writing under the Hands of such Justices or Sheriff, that such Omission, Misstatement, or erroneous Description appears to them to have proceeded from Mistake; and the Certificate of such Justices or Sheriff shall be deposited with and remain in the Custody of the Clerk of the Peace or of the Sheriff Clerk respectively of the said County.

Unintentional Errors not to prevent the Execution of the Works.

V. And be it enacted, That nothing herein contained shall authorize the said Company to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and forty-one, or any Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, Plantation, planted Walk or Avenue to a Mansion House, or any inclosed Ground planted for Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, except such as are specified in the Schedule to this Act annexed, without the Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and unless it shall be certified in manner herein-before provided for in Cases of unintentional Errors.

No Buildings, &c. to be taken without Consent, except such as are specified in the Schedule hereto annexed.

VI. And be it enacted, That in the event of any Difference taking place regarding the Value of or Compensation for Damages to any Land or Heritages to be taken, acquired or injured, under the Authority of this Act, the same shall be ascertained by the Verdict of a Jury to be summoned and chosen in the Manner prescribed by the said recited Act; and any Monies to be paid for such Land, Heritages, or Damages requiring to be invested in the Purchase of other Lands or Heritages, or otherwise disposed of, shall be paid into Bank, reinvested and disposed of in the Manner prescribed by the said recited Act.

Value of Land may be determined by a Jury.

Until Re-investment, Monies to be paid into the Bank.

VII. Provided always, and be it enacted, That the Powers herein contained for taking and acquiring Lands and Heritages shall cease

Power of acquiring Lands to ex-  
and

pire on lapse  
of Three  
Years.

and come to an End on the Expiry of Three Years from and after the passing of this Act; without prejudice, nevertheless, to the said Company acquiring afterwards such Lands and Heritages, with the Consent in Writing of the Owners, Lessees, and Occupiers thereof.

Expence of  
Works to be  
defrayed out  
of the Rates  
or borrowed  
Money

VIII. And be it enacted, That it shall be lawful for the said Company to defray the Expence of the several Works hereby authorized to be executed, and of carrying into execution the Purposes of this Act, either out of the Tolls, Rates, and Duties authorized to be levied by the said recited Act, or out of any Money thereby authorized to be raised or borrowed upon the Credit of the said Navigation, and the said Tolls, Rates, and Duties.

Provision of  
recited Act  
for the Pur-  
chase of Fifty  
Acres of  
Land not to  
be affected  
by this Act.

IX. Provided always, and be it enacted, That nothing herein contained shall affect, invalidate, prejudice, or lessen the Provision contained in the said recited Act enabling the said Company to purchase Land not exceeding in the whole Fifty Statute Acres (in addition to the Lands by the said Act vested in, or which before the passing thereof had been purchased by the said Company,) for any of the Purposes therein mentioned.

Land Tax  
to be made  
good.

X. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by the enlarging and making of the Reservoirs and Works hereby authorized, be it enacted, That if the said Company become possessed by virtue of this Act of any Lands charged with the Land Tax, the said Company shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax by reason of such Lands having been taken or used for the Purposes of this Act; and such Deficiency shall be computed according to the Valuation of such Lands, together with any Buildings thereon, at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the said Company shall pay such Deficiency to the Collector of such Assessment; nevertheless, if at any Time the said Company think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Company  
may pur-  
chase the  
Forth and  
Cart Junction  
Canal.  
6 & 7 W. 4.  
c. 51.

XI. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to make and maintain a Canal in the County of Dumbarton from the Forth and Clyde Canal to the River of Clyde opposite to the River of Cart*, the Corporation and Persons therein named, together with such other Persons and Bodies Politic and Corporate as then were or should thereafter become Subscribers to the said Undertaking, and their several Executors, Administrators, and Assigns, were united into a Company, and made One Body Politic and Corporate, by the Name of "The *Forth* and *Cart* Junction Canal Company," for making and maintaining a navigable Cut or Canal, and all necessary Works connected therewith, for the Purpose of forming a direct Connexion between the said *Forth* and *Clyde* Canal and the said River of *Clyde* opposite to the Point of Junction of the River of  
*Cart*



*Cart* with the said River of *Clyde*: And whereas the said Junction Canal has been formed and completed under the Authority of the said Act, and it would be advantageous to the Traders using the same and the said *Forth* and *Clyde* Navigation if both were placed under One Management; be it therefore enacted, That it shall be lawful for the said Company of Proprietors of the *Forth* and *Clyde* Navigation to purchase, and for the said *Forth* and *Cart* Junction Canal Company to sell, assign, and convey, the said Junction Canal, and the Works and Premises connected therewith and thereto belonging, together with the Tolls, Rates, and Duties, and all the Right, Title, and Interest of the said *Forth* and *Cart* Junction Canal Company in and to the same, or otherwise, under and by virtue of the said Act, for such Price or Consideration, and on such Terms and Conditions, as may be mutually agreed upon by and between the said several Companies; and that from and after the Execution of a legal Assignment and Conveyance thereof by the said *Forth* and *Cart* Junction Canal Company, to and in favour of the said Company of Proprietors of the *Forth* and *Clyde* Navigation, the said *Forth* and *Cart* Junction Canal Company, incorporated by the said Act, shall be dissolved, and all their Powers, Right, Title, and Interest under the said Act shall cease and determine, and the said *Forth* and *Cart* Junction Canal, Works, Premises, Tolls, Rates, and Duties, shall be vested in the said Company of Proprietors, in like Manner as the said *Forth* and *Clyde* Navigation, and the Works and Premises thereto belonging, and from thenceforth shall be deemed Part and Parcel of the said Navigation, Works, and Premises: Provided always, that before the Completion thereof the said Purchase and Sale, and the said Assignment and Conveyance, shall be approved by General Meetings of the said several Companies, to be severally called and held in the Manner directed by the said several Acts for calling and holding Special Meetings of the respective Proprietors thereof.

XII. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, or in any way incident thereto, shall be defrayed out of the Tolls, Rates, and Duties authorized to be levied by the said recited Act. Expence of Act how to be paid.

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

## SCHEDULE referred to in the foregoing Act.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.	(County of Lanark.) Parish.
<i>Hill End Reservoir.</i>					
8	Robert Haldane	- - -	Robert Haldane	Arable Land, Pasture, Mossy Pasture, Planting, Policies, Sheep Park, Ditch, and private Road.	New Monkland quoad civilia, Shotts quoad civilia, and Shotts or Clarkston quoad sacra.
15	Robert Haldane (Duke of Hamilton, Superior).	- - -	Robert Haldane	Meadow, Pasture Land, Planting, and Water-run.	Shotts quoad civilia, and Shotts or Clarkston quoad sacra.
<i>Bogfoot and Roughrigg Reservoirs.</i>					
44	Alexander Henry (Duke of Hamilton, or Lord Douglas, Superior).	- - -	Alexander Henry	Arable Land, Planting, and Syke or Water-run.	Shotts.
47	William Lockhart, James Trail, Jonathan Henry Christie, Robert Sym Wilson, Mrs. Sarah Maria Clotilda Hoare or Carrick Buchanan and John Gibson Lockhart, Curators for David Carrick Robert Carrick Buchanan, Three being the Quorum (Duke of Hamilton, Superior).	Thomas Gilkinson.	Thomas Gilkinson.	Arable, Pasture, and Moor Land, House and Steading, Sykes or Water-runs, and Farm Road.	Ditto.
49	William Lockhart, James Trail, Jonathan Henry Christie, Robert Sym Wilson, Mrs. Sarah Maria Clotilda Hoare or Carrick Buchanan and John Gibson Lockhart, Curators for David Carrick Robert Carrick Buchanan, Three being a Quorum (Duke of Hamilton, or Lord Douglas, or William Graham, Superior).	William Hamilton.	William Hamilton.	Arable Land and Heath House, Steading, and Garden.	Ditto.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.	(County of Lanark.) Parish.
50	Rev. George Hill (Duke of Hamilton, or James Marshall, Superior).	Thomas Hamilton.	Thomas Hamilton, William Hamilton.	Arable Land, House, Offices, and Garden, Bleaching Green, and small Foot Bridge, and Part of Syke or Water-run of Bog-foot.	Shotts.
51	Duke of Hamilton -	Gavin Laurie	James Fleming	Arable and Marshy Land, House, Steading, and Garden, a Well, Two Sykes or Water-runs, Part of Embankment of Fleming's Loch.	Ditto.
64a	Lord Douglas - -	Daniel Paten	Daniel Paten -	Small House and Yard.	Ditto.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1842.