



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccclxxxiv.

An Act to enable the Company of Proprietors of the *Forth and Clyde* Navigation to extend and enlarge the Basin at *Bowling Bay*, and to make and maintain certain other Works in connexion therewith; and to alter and amend the Acts relating to the said Navigation.

[18th August 1846.]

WHEREAS an Act was passed in the Fifth Year of the Reign 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*; and another Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *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*;' and another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for altering and enlarging the*

4 & 5 Vict. c. 55.
5 & 6 Vict. c. 41.
8 & 9 Vict. c. 3.

[Local.]

78 D

Powers

8 & 9 Vict.
c. 148.

Powers and Provisions of the Acts relating to the Forth and Clyde Navigation; and another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for altering and amending certain Acts relating to the Forth and Clyde Navigation and the Edinburgh and Glasgow Union Canal, and for forming a Junction between the said Navigation and Canal*: And whereas it would be of great Advantage to the Public using the said Navigation if the Company of Proprietors thereof were authorized to extend and enlarge the Basin of the said Navigation at or near to *Bowling Bay* in the Parish of *West or Old Kilpatrick*, and to make and maintain an Outer Basin or Harbour in connexion with the said Basin and Navigation, and a new Lock of Entrance to the said Navigation connecting the said Basin and Outer Basin or Harbour: And whereas it is expedient that the said recited Act should be altered and amended; but the said Objects cannot be effected without the Authority 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 all the Powers, Provisions, Matters, and Things contained in the said recited Acts relating to the *Forth and Clyde* Navigation, except such as are hereby or by any Statute repealed, varied, or otherwise provided for, shall extend to this Act, and shall be in force with respect to the Subjects and Purposes of this Act, in so far as regards the Works hereby authorized, as fully and effectually as if the same Powers, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes hereof.

Recited Acts
applied to
this Act.

8 & 9 Vict.
c. 19, incor-
porated with
this Act.

II. And be it enacted, That for the Purposes of this Act the "Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

Company
empowered
to make
Works.

III. And be it enacted, That, subject to the Provisions in the said Lands Clauses Consolidation Act and this Act contained, it shall be lawful to the Company to extend and enlarge the Basin of the said Navigation at or near to *Bowling Bay* in the Parish of *West or Old Kilpatrick* and County of *Dumbarton*, and to make and maintain an Outer Basin or Harbour in connexion with the said Basin and Navigation, and a new Lock of Entrance to the said Navigation connecting the said Basin and Outer Basin or Harbour, with Wharfs, Roads of Communication, and all other proper Works and Conveniences in connexion with the said Basin and Outer Basin or Harbour; and such Basin, Outer Basin, and Harbour, Lock of Entrance, and Works connected therewith, shall be incorporated with and shall form an integral Portion of the said *Forth and Clyde* Navigation.

Power to
make Works
according to
deposited
Plans.

IV. And whereas Plans and Sections of the Basin, Harbour, and other Works herein-before described showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners or Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited

deposited at the Office of the Sheriff Clerk of the County of *Dumbarton*; be it enacted, That, subject to the Provisions in this and the said recited Acts and the said Lands Clauses Act contained, it shall be lawful for the Company to make and maintain the said Basin, Harbour, and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon and take and use such of the said Lands as shall be necessary for such Purpose.

V. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or in the Books of Reference, it shall be lawful for the Company, on giving Ten Days Notice to the Owners and Occupiers of the Lands affected by such Omission, Mis-statement, or erroneous Description, to apply to the Sheriff for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk of the said County of *Dumbarton*, and shall also be deposited with the Schoolmaster of the said Parish of *West or Old Kilpatrick*; and such Certificate shall be kept by such Sheriff Clerk and Schoolmaster along with the other Documents to which they relate; and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Errors and Omissions in Plans to be corrected.

VI. And be it enacted, That it shall be lawful for the Company to deviate from the Lines delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent than Twenty Yards from the said Lines, and that the said Basin, Harbour, and Works, by means of such Deviation, be not made to extend into the Lands or Property of any Person whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided for in Cases of unintentional Errors in the said Books of Reference.

Lateral Deviations.

VII. And be it enacted, That in the Exercise of the Powers by this Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act" to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Company to make Satisfaction for Damages.

VIII. And be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Company in the lawful Exercise

Penalty for obstructing

Construction
of Works.

Exercise of their Power, in setting out the Line of the said Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of so setting out the Line of the same, or deface or destroy any Marks made for the same Purpose, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Period for
compulsory
Purchase of
Land.

IX. And be it enacted, That the Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

X. And be it enacted, That the Works hereby authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall be then completed.

Nothing to
authorize
Company to
take certain
Lands with-
out Consent
of Commis-
sioners of
Woods, &c.

XI. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Rates to be
taken at
Grange-
mouth and
Bowling
Bay.

XII. And be it enacted, That it shall be lawful for the said Company to demand, take, and recover, for the Use of the Wet Dock formed by them at *Grangemouth*, and for the Use of the Basin, Harbour, and Works to be formed at *Bowling Bay*, under the Authority of this Act, in addition to the Rates and Duties granted by the said first-recited Act, the following Rates and Duties; (that is to say,)

On every Vessel entering into the said Wet Dock at *Grangemouth*, a Duty not exceeding One Shilling for every Ton Burden of such Vessel, according to the Register thereof:

On all Goods landed from or loaded into Vessels lying in the said Wet Dock, a Duty not exceeding One Shilling *per* Ton, and so in proportion for a greater or less Quantity than a Ton:

On every Vessel entering the said Outer Basin or Harbour at *Bowling Bay*, and not navigating the Canal or any Part thereof, a Duty not exceeding Sixpence for every Ton Burden of such Vessel, according to the Register thereof:

On all Goods landed from or loaded into Vessels in the said Outer Basin or Harbour, or the said Inner Basin at *Bowling Bay*, a Duty not exceeding Sixpence *per* Ton, and so in proportion for a greater or less Quantity than a Ton:

Provided always, that the additional Rates and Duties hereby granted shall not be chargeable on Vessels passing through the
said

said Outer Harbour or Basin at *Bowling Bay* into or out of the said Navigation without using the Wharfs of the said Outer Basin or Harbour.

XIII. Provided always, and be it enacted, That the Rates and Duties hereby authorized to be levied on Vessels entering the Wet Dock at *Grangemouth*, and on Goods landed from or loaded into Vessels lying therein, shall be applied for the same Purposes and in like Manner as the Rates and Duties authorized to be levied by the said Company in or for the Use of the Harbour, Basins, and Wharfs at *Grangemouth*, under and by virtue of the said first-recited Act, are thereby directed to be applied, and in Terms of the Agreement relative thereto made and entered into between the said Company and *Thomas Earl of Zetland*, the Proprietor of the Lands, Grounds, and Premises in, upon, or through which the Works at *Grangemouth* authorized by the said Act have been made and executed.

Application of Rates for Wet Docks at Grangemouth.

XIV. And be it enacted, That, notwithstanding the Exemption from River Dues provided to Goods passing over the lower Stage of the *Clyde* to or from the said *Forth and Clyde* Navigation, such Exemptions shall not extend to Goods conveyed in Vessels frequenting the said intended Outer Harbour of such Size as to be incapable of passing the Locks of the said Navigation, nor to Goods loaded into or unloaded from Vessels, of whatever Size, to or from the Wharfs or Quays of the said intended Outer Harbour, but without prejudice to the said Exemption as applicable to all Cargoes conveyed in Vessels actually entering the Inner Basin at *Bowling Bay*, and in all respects except as hereby otherwise provided; and the Trustees on the *Clyde* Navigation shall be entitled to recover the said Rates and Duties hereby authorized to be levied upon Goods carried in Vessels of greater Burden than those capable of navigating the said Canal, and upon Goods transhipped or loaded and unloaded as aforesaid, by the same Means and Remedies as are provided in that Behalf by the *Clyde* Acts in relation to the other Rates and Duties under their Management.

River Dues exigible upon certain Goods, notwithstanding Exemption.

XV. And be it enacted, That in using the Wharfs intended to be constructed to front the River under the present Act no Obstruction shall be thereby presented to Vessels freely navigating the said River to and from the Harbour of *Glasgow*.

Navigation of River not to be obstructed.

XVI. And be it enacted, That it shall not be lawful for the Company to construct below High-water Mark at ordinary Spring Tides, or in, upon, across, under, or over any navigable River, any Work hereby authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, 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 according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve of, such Approval being signified as last aforesaid; and where any such Work

Works below High-water Mark not to be executed without Consent of the Admiralty.

shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Exemption
of Vessels
belonging to
Her Majesty.

XVII. And be it enacted, That every Vessel and Boat belonging to or employed in the Service of or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said Outer Basin or Harbour, Navigation, Locks, Wharfs, and Roads of Communication, without any Charge or Rate whatsoever being made for the same, and without any Toll or Rate being payable for any Stores belonging to or purchased for Her Majesty's Service, or for any Baggage belonging to such Officers or Persons aforesaid; and nothing in this Act contained shall confer any Power or Control over any of the said Vessels or Boats, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Expence of
Works how
to be de-
frayed.

XVIII. And be it enacted, That (subject and without prejudice to the Provisions contained in the said first-recited Act and in this Act, directing the Application of the Rates and Duties leviable under the said first-recited Act, for the Harbour, Basins, and Wharfs at *Grangemouth*, and of the Rates and Duties hereby authorized to be levied for the Wet Dock at *Grangemouth*,) it shall be lawful for the Company to defray the Expence of the Works hereby authorized to be executed, and of carrying into effect the Purposes of this Act, out of the Tolls, Rates, and Duties authorized to be levied by the said recited Acts, 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.

Expences of
Act.

XIX. And be it enacted, That (subject and without prejudice as aforesaid) the Expences of applying for and obtaining this Act and incident thereto shall be defrayed out of the Tolls, Rates, and Duties by the said recited Acts and this Act authorized to be levied.

Interpreta-
tion of Act.

XX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; (that is to say,)

The Expression "the Company" shall mean the Company of Proprietors of the *Forth and Clyde* Navigation; and the Expression "Works" shall mean the said Basin or Outer Basin,
and

9° & 10° VICTORIÆ, *Cap.*ccclxxxiv.

7103

and Harbour, Lock of Entrance, and whole Works hereby authorized.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1846.

1917

... ..
... ..
... ..

... ..
... ..

... ..
... ..