



ANNO SEXTO

# GULIELMI IV. REGIS.

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## *Cap. li.*

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*. [20th *May* 1836.]

**W**HEREAS the making and maintaining of a navigable Cut or Canal in the County of *Dumbarton*, for the Purpose of forming a direct Connexion between the *Forth and Clyde* Canal and the River of *Clyde*, opposite to the Point of Junction of the River of *Cart* with the said River of *Clyde*, will be of great local and general Utility by affording a more direct, cheap, and easy Means of Conveyance of Passengers and Commodities between the Town of *Paisley* and other Towns and Villages adjacent to the said River of *Cart*, and the Firth of *Forth*, the City of *Edinburgh*, the Town of *Leith*, and other Places, and of supplying the said Town of *Paisley* with Coals from the Parishes of *Old and New Monkland*, and other Mineral Districts: And whereas the Formation of the said Cut or Canal will not only increase the public Utility of the said *Forth and Clyde* Canal, but will effect a Saving in the Consumption of the Water of the said Navigation by providing Locks of a Size adapted for Boats and Barges of small Burthen, whereby such Boats and Barges may pass between the said River of *Clyde* and *Forth and Clyde* Navigation without using the Locks on the said Navigation, which are adapted for Ships of large Burthen: And whereas the several Persons and Bodies herein-after named, and others, are desirous and willing, at their own Costs and Charges, to make and maintain the said Cut or Canal, and all other

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Works

Company in-  
corporated.

Works necessary thereto and connected therewith ; but these 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That the Corporation of *Paisley, James Drummond, Reid and Hanna, James Forbes, Thomas Grahame, and Robert Grahame*, together with such other Persons and Bodies Politic or Corporate as are now or shall hereafter become Subscribers to the said Undertaking, and their respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the foresaid navigable Cut or Canal, and all necessary Works connected therewith, herein-after authorized to be made and maintained, and shall for that Purpose be One Body Politic and Corporate by the Name of the "*Forth and Cart Junction Canal Company*," and by that Name shall have perpetual Succession and a Common Seal, and shall and may sue and be sued, and by that Name shall also have Power from Time to Time to purchase and to hold Lands and other Heritages for the Use of the said Undertaking, and to resell, feu, and dispose of such Lands and other Heritages, and to convey the same to Purchasers, and to grant Feu Rights or other Alienations thereof.

Company  
authorized to  
make Canal  
and Works  
connected  
therewith.

II. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to make and maintain the foresaid Cut or Canal so as to be navigable or passable at all Places by Boats, Barges, and other Vessels, and of a Depth not exceeding Seven Feet nor less than Four Feet ; which Canal shall commence at and in and in communication with the River of *Clyde* at a Point opposite or nearly opposite to the Junction of the River of *Cart* with the said River of *Clyde*, and shall pass by or through the Lands of *Barns of Clyde, Whitecrook*, and others, to and into and to join and communicate with the *Forth and Clyde Canal* at or adjoining to the said Lands of *Whitecrook* ; as also to construct and erect, repair, alter, remove, re-erect, and maintain, such Bridges, Locks, Tunnels, Soughs, Sluices, Piers, Arches, and Aqueducts, Basins, Wharfs, Depôts, Warehouses, Cranes, Weighing Beams, and Sheds, Towing Paths, Banks, and Roads, and Places for Vessels turning or passing each other, and such Toll Houses, Houses for Bridge and Lock Keepers, and Stables and other Conveniences for the Horses used in hauling Passenger and other Boats, and such Houses for Persons employed in attending upon the said Horses, or otherwise employed in the Service of the said Company, and all such other Works as may be deemed by the said Company to be necessary or convenient for making, completing, preserving, repairing, improving, maintaining, and using the said Canal ; as also to make and maintain such Passages and Roads of Communication to and from the said Canal, and the Bridges, Locks, Sluices, Depôts, Warehouses, Basins, Wharfs, Towing Paths, Stables, Bridge and Lock Keepers Houses, and other Works, as the said Company may think requisite, proper, or convenient for the Accommodation of their Servants and of the Public in resorting to and making use of the said Canal ; and from Time to Time to divert, widen, alter, or discontinue such Passages or Roads of Communication ; as also to do and execute all other Matters and Things that may be necessary

sary or convenient for effecting all or any of the Purposes of this Act, according to the true Intent and Meaning thereof.

III. And be it further enacted, That for the Purposes of this Act the said Company shall be and are hereby authorized and empowered to enter into and upon the Lands and other Heritages of any Persons or Bodies whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for any of the Purposes of this Act; as also to bore, search for, dig, cut, trench, sough, get, remove, take, carry away, manufacture, and use Earth, Clay, Soil, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal and other Works connected therewith, or in or out of the Lands or Grounds adjoining or lying contiguous thereto, and which may be necessary or proper for making, repairing, and maintaining the said Canal and other Works hereby authorized to be made and maintained; as also to dig, cut, remove, carry away, lay, and deposit Earth, Clay, Rock, Stones, Soil, Rubbish, Trees, Roots of Trees, Gravel, Sand, and all other Matters and Things which may hinder, prevent, or obstruct the making, repairing, maintaining, and using the said Canal and other Works; as also to make and use such temporary Roads and Ways of Communication as may be convenient and useful in making and constructing the said Canal and other Works, and to discontinue the same when no longer of use; as also to deposit, lay, work, and manufacture upon any Lands and Grounds adjoining to the said Canal and other Works any Wood, Stones, Clay, Lime, or other Materials necessary or useful for making, repairing, and maintaining the same; as also to remove, alter, and reconstruct any Fences over or through which the said Canal or other Works may be made; they the said Company doing as little Damage as may be in the Execution of the Powers hereby conferred upon them, and also making full Satisfaction to the Owners and Occupiers of and all Persons interested in any Lands or other Heritages which shall be taken, used, and prejudiced, for all Damages (if any) to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company and all others in their Employment or acting under their Authority for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after written.

Power to enter upon and appropriate Lands, and to execute Works,

doing as little Damage as may be, and making Satisfaction to Parties interested.

IV. And whereas a Map or Plan showing the Line of the said Canal, with a Book of Reference thereto containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Office of the Clerk of the Peace for foresaid County of *Dumbarton*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, and all Persons shall have Liberty at all reasonable Times to inspect and peruse and make Extracts from or Copies of the same as Occasion shall require, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Copies or Extracts from the said Book of Reference at the Rate of Sixpence for every One hundred Words; and the said Company, in making

Map or Plan to remain with the Clerks of the Peace.

Company not to deviate

more than  
100 Yards.

the said intended Canal, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Errors,  
Omissions in  
Book of Re-  
ference not  
to impede  
the making  
of the Canal.

V. And be it further enacted, That no Advantage shall be taken of or against the said Company, nor any Interruption given to the making of the said Canal and other Works, on account of any Error or Omission in the foresaid Book of Reference; and that it shall be lawful to the said Company to enter upon and into, and to take, appropriate, and use, any Lands or Heritages set out in the foresaid Map or Plan deposited as aforesaid, notwithstanding any such Error or Omission, in case it shall appear to any Two Justices of the Peace acting for the said County, and be certified by Writing under their Hands, that such Error or Omission proceed from Mistake.

No House,  
Building, &c.  
to be taken  
except those  
specified in  
Schedule.

VI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Company, or any Person acting by or under their Authority, to take or use for any of the Purposes before specified any House or other Building which was erected at or before the passing of this Act, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Policy, Paddock, planted Walk, or Avenue to a Mansion House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively, other than and except those specified in the Schedule hereunto annexed.

Regulating  
the Ascents  
to Bridges  
and Fences  
thereon.

VII. And be it further enacted, That in all Places where the said Canal shall cross any public Carriage Road the Ascent to every Bridge which shall be made over the said Canal for the Purpose of any such Road shall not be more than One Foot in Thirty; and a good and sufficient Fence shall be made along each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge: Provided always, that the Turnpike Road from *Toker Bridge* to *Dumbarton* shall be carried across the said Canal by a flat Bridge.

Company  
may acquire  
Lands and  
Heritages.

VIII. And be it enacted, That it shall and may be lawful to and for the said Company and they are hereby empowered, as often as it may be necessary, to contract, agree for, and purchase all such Lands or other Heritages as they may consider requisite for the making, maintaining, and using the said intended Canal and other Works hereby authorized to be made, or for any other Purposes of this Act, and such Privileges and Servitudes in and affecting such Lands or other Heritages as may be necessary for the said Purposes, and that with and from any Person, or Body Politic, Corporate, or Collegiate, and any Heirs of Entail, adjudging Creditors in Possession, Life-renters, Tenants for Life, Fiars, Trustees, Executors, Husbands, or Married Women, Tutors or Curators for Infants, Minors, Idiots, fatuous and furious Persons, Factors and Commissioners for Persons absent from *Scotland*, judicial Factors, Trustees, or Curators Bonis, and Persons under any legal Incapacity whatever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the respective Persons interested, or with and from any other Persons whomsoever; and it shall and may be lawful to all such Persons, and Bodies Politic, Corporate, or Collegiate, and for all

such Trustees, Heirs of Entail, adjudging Creditors in Possession, Licenters, Fiars, Executors, Husbands, Married Women, Tutors and Curators for Infants, Minors, Idiots, fatuous or furious Persons, or others, and Factors or Commissioners for Persons absent, from *Scotland*, judicial Factors, Trustees or Curators Bonis, and to and for all other Persons whomsoever under any Disability or Incapacity, who are or shall be seised, possessed of, interested in, or entitled to any of the Lands or other Heritages required for the Purposes of this Act, or any Part or Portion thereof, and all such Persons, Bodies, and others aforesaid are hereby required, to sell and convey the same to the said Company; and all Contracts, Agreements, Sales, and Conveyances made, entered into, or executed in respect of such Lands or other Heritages hereby authorized to be purchased shall be valid and effectual to all Intents and Purposes, any Law or Statute to the contrary notwithstanding; and all Bodies and Persons whomsoever so contracting, agreeing, selling, and conveying as aforesaid are hereby indemnified for what they shall respectively do in pursuance of this Act; and such Contracts, Agreements, Sales, and Conveyances as shall be made of or for any Lands or other Heritages with or to the said Company may be lawfully and effectually made in the Form or to the Effect following; *videlicet*,

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ paid to me [*or other Consideration, as may be agreed upon,*] by the  
 ‘ *Forth and Cart Junction Canal Company*, do hereby sell, dispo-  
 ‘ convey to the said Company all and whole [*describing the Subject to be*  
 ‘ *conveyed*], and all Right, Title, and Interest in the same competent to  
 ‘ me [*or to the Party entitled to or interested in the Lands conveyed*], and  
 ‘ my [*or their*] Heirs, to hold to the said Company and their Successors  
 ‘ for ever, by virtue of an Act passed in the \_\_\_\_\_ Year of the Reign  
 ‘ of His Majesty King *William* the Fourth, intituled [*here insert the Title of*  
 ‘ *this Act, as also the Term of Entry, a Clause of Warrandice, and other*  
 ‘ *Conditions of Sale, if any, and a Testing Clause, according to the Form of*  
 ‘ *the Law of Scotland*].’

Form of  
 Conveyance  
 of Land, &c.

Which said Conveyances, being registered in the General Register of Sasines for *Scotland*, or in the particular Register of Sasines of the District in which the Premises conveyed are situate, and which the respective Keepers of these Registers are hereby authorized and required to record, shall receive the same Effect, and be as valid and effectual to all Intents and Purposes, as if a formal Disposition had been executed and followed by Charter and by Sasine duly recorded according to the Form of the Law of *Scotland*, any Law or Custom to the contrary notwithstanding; and the Originals of all such Conveyances shall be kept by the Clerk to the said Company, who, and the respective Keepers of the Register of Sasines wherein the same shall be registered, shall from Time to Time, when requested, deliver attested Copies thereof to any Person requiring the same, upon receiving Sixpence for every Hundred Words of such attested Copy, and so in proportion for any less Number of Words; or it shall be competent to the said Company to cause the said Deeds to be recorded for Preservation either in the Books of Council and Session or in the Sheriff Court Books of the said County, the Keepers of the said Books respectively being hereby authorized and required to record the same, and to give out Extracts thereof, which Extracts shall bear equal Faith in Judgment with the said original Deeds so to be recorded ac-  
 [Local.] 20 D cording

ording to the Law of *Scotland* in regard to the Registration of Deeds for Preservation.

Company not to purchase more than Ten Acres of Land from incapacitated Persons.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Company 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, more than Ten Statute Acres in the whole; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Statute Acres so purchased it shall not be lawful for the said Company to purchase of or from the same Person or Corporation any other Lands, Tenements, or Hereditaments in lieu or instead of the Ten Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Satisfaction to be made for Lands taken.

X. And be it further enacted, That the said Company shall make or tender Satisfaction to the Owners and Occupiers and Persons interested in any Lands or Heritages which shall be required for any of the Purposes of this Act, for the Lands or other Heritages to be taken, used, or damaged, before they shall take possession of or make use of the same, except for the Purposes of taking Levels of and setting out the said Lands or Heritages.

In case of Disagreement as to Price.

XI. And be it further enacted, That in case the Price or Value to be paid for any Lands or Heritages taken or used for the Purposes of this Act, or the Recompence to be given for Damage caused to the same, cannot be settled, adjusted, or agreed upon by and between the said Company or their Agents and the Proprietors or Occupiers of and Persons interested in the said Lands and Heritages, or if any such Proprietors or Occupiers, or Persons interested in such Lands or other Heritages shall for the Space of Twenty Days after Notice in Writing given to any of the principal Officers of any Bodies Politic, Corporate, or Collegiate, or to the Proprietors or Persons interested as aforesaid, or left at the last or usual Places of their Abode, or with the Tenants or Occupiers, or any of them, of such Lands or Heritages, neglect or refuse to treat or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises in dispute or to the Interest which they claim therein to the Satisfaction of the said Company, or if the said Company shall for the Space of Twenty Days after Notice in Writing given to their Clerk or Treasurer for the Time being by any Proprietor or Occupier of or Person interested in any Lands or Heritages taken or used for the Purposes of this Act, neglect or refuse to treat with such Proprietor or Occupier or other Person, or cannot agree with him, then and in every such Case the said Company, or the said Proprietor or Occupier or other Person interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered to make Application in Writing to the Sheriff of the said County of *Dumbarton* for the Purpose of having such Price or Value or Recompence ascertained by the Verdict of a Jury; and the said Sheriff is thereupon required to summon an Assize of Persons, in the Manner in which Juries are in use to be summoned in *Scotland*, to meet at such Times and Places as such Sheriff shall think fit to appoint, not being less

than Twenty Days after such Application being made, of whom the said Sheriff shall impanel a Jury of Fifteen Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff is hereby empowered and required to summon and call before him all Persons who shall be thought necessary by either Party to be examined as Witnesses touching the Matter in question by or before such Jury; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Premises in controversy; and the said Jury upon their Oaths (which Oaths as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer,) shall inquire of and assess and fix by their Verdict the Sum of Money to be paid for such Lands or Heritages, or the Recompence to be given for the Damages done thereto; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence assessed by such Juries; which said Verdict and the Judgment thereupon shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes upon and against all Bodies and Persons whomsoever, without being subject to Reduction, Advocation, or Suspension, or to any Question or Review, in any way whatsoever; and if such Sheriff shall make default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give in his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall, after having been paid or tendered a reasonable Sum, to be fixed by the said Sheriff, for his Costs, Charges, and Expences, refuse to be sworn and examined or to give Evidence, every Person so offending, and offering no reasonable Excuse to the Satisfaction of the said Sheriff, shall for every such Offence forfeit and pay any Sum to be fixed by the said Sheriff not exceeding Twenty Pounds.

XII. And be it further enacted, That the said Juries shall, if required on the Part of the said Company, award the Value of Lands or Heritages separately or distinctly from the Consideration for any Damages sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Heritages, and the Money assessed or adjudged for such Damages.

Juries to distinguish between Value and Damages.

XIII. And be it further enacted, That the Verdicts of the Juries and the Judgments of the said Sheriff thereon shall be kept by the Sheriff Clerk of the said County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof, certified under the Hand of the said Sheriff Clerk, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every Hundred Words.

Verdicts to be recorded

XIV. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands or Heritages to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which

Expences of Jury how to be paid.

which may happen or arise by the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, and other Expences necessarily attending such Trial and the Bond herein-after mentioned, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, unless the Treasurer of the said Company shall pay such Costs and Expences out of any Monies received by him by virtue of this Act (and which he is authorized to do) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; 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 Half of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy and Dispute, and the Remainder shall be defrayed by the said Company; and the One Half of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of the Money so adjudged 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 Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Persons desiring a Jury to give Security.

XV. And be it further enacted, That every Person making Application for such Jury shall enter into a Bond, with sufficient Sureties, to the Clerk or Treasurer for the Time being of the said Company, in the Penalty of One hundred Pounds, or in such other Penalty as the Sheriff shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his Application, and to bear and pay his Proportion of the Costs and Expences of summoning such Jury and taking such Inquests, and other Expences necessarily attending the Trial of such Question in dispute, in the Proportion and Manner herein-before mentioned: Provided always, that the said Sheriff shall not receive or take notice of any Application to be made by any Person whomsoever for any Damage or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing have been given in relation thereto by or on behalf of such Person to the said Company or to their Clerk within the Space of Six Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Persons giving false Evidence to be prosecuted.

XVI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned to pass upon any  
Justiciary



Justiciary Trial in *Scotland*; and all and every Person who, in any Examination to be taken in virtue of this Act, shall wilfully give false Evidence before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

XVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted for between the Parties or assessed for by a Jury for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor of such Lands or Premises, or to such other Person as shall be interested therein, or entitled to receive such Money or Compensation respectively; or if the Person so entitled or interested shall not be able to deliver a good Title and Conveyance thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive the said Price or Compensation, or to execute such Conveyance, then upon the Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, or the National Bank of *Scotland*, for the Use of the Person so interested and entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company immediately to enter, or if they have entered to continue, upon such Lands or Heritages; and the same, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be vested in and become the sole Property of the said Company and their Successors to and for the Purposes of this Act for ever; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands or other Heritages, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all Right, Title, and Interest of every other Person whomsoever therein.

Upon legal  
Tender,  
Works not to  
be impeded.

XVIII. And be it further enacted, That if any Monies shall be agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or as a Recompence for Damages caused thereto, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the *British* Linen Company, or National Bank of *Scotland*, without Fee or Reward, to the Intent that such Money may be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so

Application  
of Compen-  
sation Money  
when ex-  
ceeding 200*l.*

[*Local.*]

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applied,

applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, or Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited to, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

Application where less than 200*l.* and not less than 20*l.*

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, or as a Recompence for Damages caused thereto, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or damaged, or of his Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into One of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Company (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the said Court.

Application where less than 20*l.*

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or damaged, for the Purposes or in the Execution of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy, then to his Guardian or Guardians, to and for the Use and Benefit of such Person so entitled.

In case of not making out Title the Price or Compensation to be deposited.

XXI. And be it further enacted, That in case the Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid as aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Person to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the

Sum or Sums of Money so awarded as aforesaid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, or National Bank of *Scotland* respectively, as the Case may be, to the Credit of the Parties interested in the said Lands or Heritages, (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages without any Description of them,) subject to the Order, Control, and Disposition of the said Court of Session; which said Court or either of the Divisions thereof, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Treasurer of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, or National Bank of *Scotland* respectively, who shall receive such Sum or Sums of Money, is hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

XXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance hereof, or to any Interest of such Money, the Person who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money and also the Principal Sums shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Where Questions arise touching the Title to any Money.

XXIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences attending the Purchase of Land used or taken under this Act, or which may be incurred in consequence thereof, and of the Payment of such Purchase or Compensation Money into the said Bank, and of the Re-investments of the Purchase or Compensation Money in Lands, from Time to Time to be made in pursuance of this Act, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Principal thereof, out of the said Banks, to be paid by the said Company, who shall from Time to Time pay such Sum

Court may order Payment of Expences.

or

or Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Breadth of Land to be taken for the Canal, &c.

XXIV. And be it further enacted, That the Lands to be taken and used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof, shall not exceed One hundred Yards in Breadth measured horizontally, except in Places where any Basin, Lock, or Sluice shall be made, or where the Level of the said Canal shall be raised Six Feet higher or cut Six Feet deeper than the present Surface of the Land, and except in Places where it may be deemed necessary by the said Company for Vessels to turn, lie, or pass each other, or where any Crane, Weighing Beam, or Shed shall be erected, or where any Wharf shall be made for landing or embarking Passengers, or shipping or delivering Commodities, or where Stables may be built, nor more than Two hundred Yards in Breadth at any Place, without the Consent in Writing of the Owners of the Lands required to be taken beyond the aforesaid Breadths.

Superiority of Lands not to be diminished.

XXV. And be it further enacted, That the Alienations and Conveyances to be granted in pursuance of this Act, in favour of the said Company, of the *Dominium utile* of any Lands or other Heritages required for the Purposes hereof, shall not affect or diminish the Right of Superiority of the said Lands or Heritages, which shall remain as before entire in the Persons having previous Right thereto, and their Heirs and Successors.

Small dissevered Pieces of Ground to be taken by Company if required by the Owner.

XXVI. And be it further enacted, That if in making the said Canal or any other Works hereby authorized to be made any Inclosures or Fields shall be intersected, so as that any Piece of Ground less than One Acre shall be left on either Side of the said Canal, the Owner of which Piece of Ground shall have no other Lands adjoining thereto, then and in every such Case the said Company shall be bound to take and purchase such Piece of Ground, and to pay therefor a Price or Compensation, to be ascertained in manner aforesaid, if the said Company shall be required so to do by a written Requisition under the Hand of the Owner of such Piece of Ground, at any Time within Six Months after the Line of that Portion of the said Canal which intersects his Ground shall be set out and become known to such Owner, but not otherwise.

Company may resell.

First Offer to be made to Proprietors of adjoining Lands.

XXVII. And be it further enacted, That it shall be lawful for the said Company to sell or feu and dispose of such Part or Parts of the Lands and other Heritages acquired by them under the Authorities herein-before granted as shall not be wanted or shall no longer be required for the Purposes of this Act; Provided always, that before the said Company shall sell, feu, or dispose of such Lands or other Heritages, they shall first offer to sell or feu the same at such Price or Feu Duty as they shall consider reasonable to the Proprietor for the Time being of the Lands and other Heritages immediately contiguous to and having the greatest Extent or Length of Boundary along those so to be offered for Sale; and if such Person shall not accept of the Purchase, then the said Company shall be entitled to sell or feu the said Lands and other Heritages by private Bargain to any other Person who may be willing to purchase the same at a Price or Feu Duty not less than that at which the said Lands or other Heritages may have been offered to such contiguous Proprietors, or otherwise

otherwise the said Company shall be at liberty to sell or feu the same by public Auction at any Price or Feu Duty that can be got for the same; and in every such Case an Affidavit to be made and sworn before One of His Majesty's Justices of the Peace for the said County of *Dumbarton* by some Person no way interested in the said Lands and Heritages, stating that such Offer was made by or on behalf of the said Company, and the Price or Feu Duty demanded for the Lands or Heritages so offered, and that such Offer was not then and thereupon accepted, or was not answered, or was refused by the Person to whom the same was made, shall in all Courts whatsoever be held to be conclusive Evidence that such Offer was made and was not accepted; but provided also, that the Conveyances of such Lands or Heritages to be granted by the said Company shall be good, valid, and effectual to the Purchasers thereof to all Intents and Purposes, notwithstanding any Irregularity or alleged Irregularity in making such previous Offer, which shall be Questions between the said Company and the Person entitled to such previous Offer alone, nowise affecting the Validity of such Sales and Conveyances, and in which the Purchasers shall have no Right or Interest to interfere.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Company to purchase from any Persons willing to sell the same any Pieces or Parcels of Lands, not exceeding Five Statute Acres in the whole, lying adjacent to or near the said Canal, containing Materials suitable for making, maintaining, and repairing the said Canal or other Works, or otherwise convenient for the Furtherance of the Objects of this Act, and to resell or feu the Whole or any Parts of such Pieces or Parcels of Lands, and convey the same to the Purchasers thereof: Provided always, that in the Cases of such voluntary Sales to the said Company as are herein last mentioned the said Company may resell or feu the Lands so purchased without having previously made any Offer thereof to the adjoining Proprietors.

Power to purchase small Parcels of Land containing Materials.

XXIX. And be it further enacted, That all the Rents and Proceeds of such Parcels of Land, and all the Sums of Money which shall be received by the said Company for any Sale thereof as aforesaid, shall be applied to the same or the like Purposes as the Rates herein-after authorized to be raised are to be applied to.

Application of Rents and Purchase Monies.

XXX. And be it further enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any heritable Debt, it shall be lawful for the said Company, upon Application made to them by the heritable Creditors to whom such Debt is due, and the said Company are hereby authorized and required, to pay the Sums of Money to be agreed upon or awarded in manner aforesaid for such Lands burthened with heritable Debts to such heritable Creditors in part of the Principal Money due on such heritable Debts: Provided always, that upon Receipt of such Sums such heritable Creditors shall acknowledge the Receipt thereof, either by Indorsement to be made upon the Security for such heritable Debts, and signed by such heritable Creditors in the Presence of Two or more credible Witnesses, in satisfaction of so much of the Principal Money due upon such heritable Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual

For paying off Incumbrances on Lands taken by the Company.

[*Local.*]

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therefor;

therefor; and upon such Indorsement, Receipt, Acknowledgment, or Discharge being recorded in the general or particular Register of Sasines as aforesaid the Lands or Heritages for which such Sums of Money shall have been agreed or awarded to be paid shall be vested in and become the Property of the said Company, as fully and effectually as if a Conveyance in the Form herein-before set forth had been granted in their Favour by the Proprietor of such Lands or Heritages.

Whole Money required to be subscribed before the Act be executed.

XXXI. And whereas the probable Expence of making the said Canal will, according to an Estimate made thereof, amount to the Sum of Eight thousand five hundred and forty-five Pounds; be it enacted, That the whole of the said Sum shall be subscribed under a Contract binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money subscribed by them respectively, before any of the Powers given by this Act shall be put in force.

Provision for Deficiencies of Land Tax.

XXXII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the Parish through or in which the several Works hereby authorized will pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised or possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of such Parish, out of the Monies to arise by virtue of this Act, all such Sum of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act, and the Treasurer or Collector to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Water to be supplied from Forth and Clyde Canal.

XXXIII. And whereas the said intended Canal will tend to increase the general and local Utility of the said *Forth* and *Clyde* Canal, and will save the surplus Water now consumed and lost in the Passage of the small Coal Barges passing through the large Ship Locks of the *Forth* and *Clyde* Canal from that Navigation to the *Clyde*, and the Company of Proprietors of the last-mentioned Canal are willing to supply the said intended Canal with Water as far as their own Supply will enable them so to do; be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors of the *Forth* and *Clyde* Canal, and they are hereby required, when there is a surplus Quantity of Water in the said Canal, to furnish and communicate to the said intended Company hereby incorporated such a Supply of Water as will naturally flow into the said intended Canal in consequence of the same being made to join and communicate with the said *Forth* and *Clyde* Canal: Provided always, that the Top-water Line of the top Level or Pond of the said intended Canal, and of the Lock nearest to the said *Forth* and *Clyde* Canal, shall be on a Level with the Top-water Line of the said *Forth* and *Clyde* Canal at the Point of Junction; and that the said Company hereby incorporated shall be bound to take and adopt all requisite

Provisions against Waste of Water.

site and proper Means at their own Expence to prevent any unnecessary Waste or Escape of Water from the said intended Canal and Locks thereon; and that the foresaid Company of Proprietors of the *Forth* and *Clyde* Canal, and any Persons under their Authority, shall have Right at all Times to enter upon and inspect the said intended Canal and other Works hereby authorized to be made, in order to ascertain that they are made and constructed, and continually maintained, so as to prevent any unnecessary Waste therefrom, according to the true Intent and Meaning of this Act.

XXXIV. Provided nevertheless, and be it enacted, That it shall be lawful to the said Company hereby incorporated to allow the Proprietors and Occupiers of Steam Engines adjacent or near to the said Canal to take and derive a Supply of Water from the said Canal for the Use of such Engines, upon Condition of such Proprietors or Occupiers returning to the said Canal every Day the whole of the Water abstracted therefrom during that Day, (the inevitable Waste thereof by Evaporation alone excepted,) and upon such other Conditions, and under such Regulations, and for the Payment of such Rent or other Consideration as may seem necessary to the said Company: Provided always, that the Works for giving and returning such Supply of Water shall be constructed and continually maintained so as to prevent any unnecessary Waste of Water, and shall be subject to be entered upon and inspected by the said Company of Proprietors of the *Forth* of *Clyde* Canal and those employed by them as herein-before provided with regard to the other Works of the Company hereby incorporated.

Steam Engines adjoining Canal to be supplied with Water, returning the same.

XXXV. Provided further, and be it enacted, That in carrying on the Works which shall be necessary for opening, making, or maintaining the Junction of the said intended Canal with the said *Forth* and *Clyde* Canal, the said Company hereby incorporated shall not do any Act or Acts to injure, damage, or impede the said *Forth* and *Clyde* Navigation or any Works thereon; and in case of any Injury, Damage, or Obstruction arising therefrom, then such Injury, Damage, or Obstruction shall without Delay be made good, repaired, or removed by the said Company hereby incorporated.

Protecting *Forth* and *Clyde* Canal from any Damage in making proposed Canal.

XXXVI. Provided further, and be it enacted, That if the said Company hereby incorporated shall fail or neglect to construct, complete, and maintain the said Canal hereby authorized to be made, and the Works connected therewith, so as to prevent all unnecessary Waste of Water, or to make good, repair, or remove any Injury, Damage, or Obstruction that may arise by the carrying on of any of the Works necessary for opening, making, and maintaining the Junction of the said intended Canal with the said *Forth* and *Clyde* Canal, then in every such Case it shall be lawful to and for the said Company of Proprietors of the *Forth* and *Clyde* Canal to construct or complete the deficient Part or Parts of such Canal or other Works, or from Time to Time to repair the same, so as to prevent such Waste of Water, and to make good, repair, or remove any such Injury, Damage, or Obstruction as aforesaid; and all the reasonable Costs and Charges of so doing, to be ascertained and settled by any Two or more of His Majesty's Justices of the Peace for the foresaid County of *Dumbarton*, shall be repaid by the said Company hereby incorporated to the said Company of Proprietors of the

If Company fail to maintain Works so as to prevent Waste of Water, or to repair Damage, *Forth* and *Clyde* Canal Company to construct or repair the same.

the *Forth* and *Clyde* Canal within Two Calendar Months after the same shall have been so ascertained and settled, and shall have been demanded by an Account left at the Office of the said Company hereby incorporated; and in default of Payment of such Costs and Charges the same shall and may be recovered in the same Manner and by the like Means as any other Monies due by the said Company hereby incorporated are hereby authorized to be recovered, or by Action at Law before any competent Court in *Scotland*.

Saving the Rights of *Forth* and *Clyde* Canal Company and of River *Clyde* Trustees.

XXXVII. Provided further, and be it enacted, That nothing herein contained shall extend or be construed to extend to repeal, alter, or diminish any of the Rights, Powers, or Privileges of the said Company of Proprietors of the *Forth* and *Clyde* Canal, or of the Parliamentary Trustees on the River of *Clyde*, for any of the Purposes of the several Acts relating to the said Canal or River of *Clyde*.

Company to provide a Warping Chain across the River *Clyde*;

XXXVIII. And whereas it is probable that a great Number of the Boats and Vessels trading on the said Canal will cross the foresaid River of *Clyde* to and from the foresaid River of *Cart*, and it is desirable that the Passage of such Boats and Vessels should be expedited as much as possible so as to facilitate the Trade between the said Canal and the said River of *Cart*, and to interrupt as little as may be the Trade upon the said River of *Clyde*; be it therefore enacted, That the said Company shall be bound and obliged, on their own Expences, and they are hereby authorized and empowered, to provide, lay, maintain, and make use of a Chain across the Course or Channel of the said River of *Clyde* for the Purpose of Vessels being warped or dragged across the said River of *Clyde* between the Entrance to the said Canal and the Mouth of the said River of *Cart*, agreeably to a Plan made out by *John Macneill*, Civil Engineer, and docketted and subscribed by *William Mills* Esquire, Lord Provost of the City of *Glasgow*, on the Part of the Trustees on the River of *Clyde*, and *Alexander Grabame* on the Part of the said *Forth* and *Cart* Junction Canal Company: Provided always, that the Works delineated on the said Plan shall be carried into execution at the Sight and under the Direction of an Engineer to be named by the Trustees on the said River *Clyde*, and another Engineer to be named by the said Company, and in the event of their differing in Opinion, at the Sight and under the Direction of an Oversman, to be named by the said Engineers: Provided further, that the said Chain shall be of such a Length and Weight as to lie upon the Bottom of the Channel of the said River of *Clyde* all across the same, in order that such Chain may not impede the Progress of Vessels navigating the said River of *Clyde*.

but not to impede the Navigation thereof;

XXXIX. And be it further enacted, That in carrying on the Works which shall be necessary for opening, making, or maintaining the Junction of the said intended Canal with the said River of *Clyde* the said Company hereby incorporated shall not do any Act or Acts to injure, damage, or impede the Navigation of the said River or any Works thereon, and in case of any Injury, Damage, or Obstruction arising therefrom, then such Injury, Damage, or Obstruction shall without Delay be made good, compensated, repaired, or removed by the said Company.

or to erect Works which shall obstruct the free Pas-

XL. And be it further enacted, That nothing herein contained shall be held to authorize the Construction or Erection of any Wharfs, Depôts, Bridges, Locks, Warehouses, or other Buildings within the ordinary High-water



water Mark of the said River *Clyde*, or any Works which may obstruct the free Passage of the Waters of the said River within the ordinary and established Channel thereof, as the same shall be indicated for the Time being by the Works authorized or to be authorized to be executed by the said Trustees along the Banks of the said River for confining the Waters thereof or otherwise: Provided always, that the said Company shall be entitled to form the Junction of the said Canal with the said River by the Execution of the necessary Works for that Purpose, so as that the same shall not injure or impede the free Passage of the Waters of the said River of *Clyde*.

sage of its Waters.

XLI. And be it enacted, That the Trustees on the said River of *Clyde* shall be entitled and they are hereby authorized and empowered to exact and levy the Sum of Sixpence Sterling from and in respect of every Vessel crossing between the said Canal and the said River of *Cart* loaded with or having on board Coals or other Minerals, and the Sum of Nine-pence Sterling from and in respect of every Vessel crossing as aforesaid loaded with or having on board a general Cargo of Goods or other Commodities; and the said Trustees shall be entitled to resort to and use the same Means of recovering the said Sums as they are or shall be entitled to resort to or use in collecting and recovering the Rates and Duties generally payable upon the said River: Provided always, that it shall not be lawful for the said Trustees on the said River of *Clyde* to levy or exact any other Rates or Duties than those above specified from or in respect of Boats or other Vessels crossing between the said intended Canal and River of *Cart*, any thing in the Acts relating to the said River of *Clyde* to the contrary notwithstanding.

Rates to be charged by Trustees on River *Clyde* for Vessels crossing the same.

XLII. Provided always, and be it enacted, That nothing herein contained shall be deemed, taken, or construed to prejudice or diminish any Right of Ferry, or other Rights, Powers, or Privileges, legally belonging to the Corporation of the Royal Burgh of *Renfrew*, all which are hereby saved and reserved entire.

Saving Rights of Burgh of *Renfrew*.

XLIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Canal and other Works hereby authorized to be made; not exceeding in the whole the Sum of Ten thousand Pounds, which Sum of Ten thousand Pounds shall be the Capital Stock of the said Company; and the same shall be divided into Four hundred Shares of Twenty-five Pounds each, and such Shares shall be and they are hereby vested in the several Persons and Bodies forming the said Company, and raising and contributing as aforesaid the said Capital Stock, and their respective Successors, Executors, Administrators, and Assignees; but no Person shall be or become Proprietor of less than One Share of the said Capital Stock; and all and every the Shares and Stock of all such Shareholders shall be deemed and held to be Moveable or Personal Property or Estate, and shall be transmissible by Succession and otherwise as such, and shall not be held of the Nature of Heritable or Real Property or Estate, nor be transmissible as such.

Proprietors may raise Money for making the Canal.

Capital Stock divided into Shares.

Shares to be moveable Estate.

XLIV. And be it enacted, That the several Shareholders in the said Undertaking shall advance and pay proportionally, according to the

Shareholders to contribute in proportion to their

[*Local.*]

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Number

Shares, and be entitled to the Profits according thereto.

Number of their respective Shares, such Sums of Money as shall be required from Time to Time for the Purposes of this Act, and shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall at a Stated or Special General Meeting direct and appoint, an equal proportionable Part, according to the Number of their said Shares, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company under the Authority of this Act.

To compel Payment of Subscriptions.

XLV. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe any Sum for the Purposes of this Act shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Company under or by virtue of the Powers and Directions of this Act, at such Times and Places and to such Persons as shall be directed by the said Company or their Committee of Management in manner herein-after mentioned; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner appointed for that Purpose it shall and may be lawful for the said Company to sue for and recover the same, together with Interest on such Sum or Sums of Money at the Rate of Five *per Cent. per Annum* from the Time when the same was directed to be paid, in any competent Court of Law of that Part of the United Kingdom in which such Person refusing or neglecting as aforesaid shall be resident.

No Person answerable for more than his Share of Stock.

XLVI. Provided always, and be it further enacted, That no Persons or Bodies who are or shall be Proprietors of any Share or Shares of Stock of the said Company shall be liable personally, or in their Real or Personal Estate, and nothing herein contained shall extend to make them, or any of their Clerks, Treasurers, or other Officers or Servants, liable for any Debt or Demand whatever due or to become due by or exigible from the said Company, or in anywise relating to the said Undertaking, beyond the Amount of their Share or Shares in the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Names of Proprietors to be entered, and Certificates delivered.

XLVII. And be it further enacted, That the Committee of Management herein-after appointed shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Numbers of the Shares and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk or other Officer appointed by them for that Purpose, and after such Entry to cause the same to be signed by Two or more of the Committee of Management and by the Clerk of the said Company; and shall also cause a Certificate, signed as aforesaid, to be delivered to any Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor to the Share or Shares therein specified, but the Want of such Certificate shall not hinder nor prevent the Owner of any of the said Shares from selling or disposing thereof.

XLVIII. And

XLVIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Capital Stock, and their respective Executors, Administrators, and Assignees, to sell and dispose of any Share or Shares to which they may be entitled in the said Capital Stock, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares may be in the Form or to the Effect following; *videlicet*,

‘ I *A.B.*, in consideration of the Sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ Shares may  
 ‘ *C.D.*, do hereby sell, assign, convey, transfer, and make over to and \_\_\_\_\_ be sold.  
 ‘ in favour of the said *C.D.* the Sum of \_\_\_\_\_ Capital Stock of and \_\_\_\_\_  
 ‘ in the *Forth* and *Cart* Canal Junction Company, being One Share [*or*  
 ‘ *as many Shares, as the Case may be,*] in the said Undertaking, to hold  
 ‘ to the said *C.D.*, his Executors, Administrators, and Assignees, subject  
 ‘ to the same Rules, Orders, and Restrictions that I held the same imme-  
 ‘ diately before the Execution hereof; and I the said *C.D.* do hereby  
 ‘ agree to take and accept the said Capital Stock, subject to the same  
 ‘ Rules, Orders, Restrictions, and Conditions. In witness whereof we  
 ‘ have subscribed these Presents, written by \_\_\_\_\_ at \_\_\_\_\_ the  
 ‘ Day of \_\_\_\_\_ before these Witnesses \_\_\_\_\_ Form of Con-  
 ‘ \_\_\_\_\_ veyance.

And on every such Sale the said Deed of Conveyance shall be duly stamped, and shall set forth therein the Consideration Money for such Transfer; and the same (being executed by the Seller and the Purchaser of such Share or Shares) shall be kept by the Purchaser for his Security after the Clerk to the said Company shall have entered into a proper Book or Books to be kept for that Purpose a Copy or Memorial or Specification of such Sale or Transfer, and have testified the Entry of such Copy or Memorial on the said Deed of Conveyance, for which no more than Two Shillings and Sixpence Sterling shall be paid; and the said Clerk is hereby required to make such Entry of such Copy or Memorial or Specification, and grant such Certificate thereof, without any undue Delay; and until such Copy or Memorial or Specification shall have been made and entered as above directed such Purchaser shall have no Right to draw any Part or Share of the Profits of the said Undertaking, nor have any Vote in respect of such Shares as a Proprietor of the said Undertaking.

XLIX. And be it further enacted, That all Bodies and Persons who shall have subscribed for or shall become entitled to and be in the actual Possession of One Share or more in the said Undertaking, and whose Name shall be entered in the foresaid Book appointed to be kept as aforesaid as the Proprietors of such Share or Shares, shall have a Vote for and in respect of every such Share at the several Stated or Special General Meetings of the said Company to be held as herein-after directed, which Vote shall and may be given by such Proprietors or their Proxies (such Proxies being Shareholders of One or more Shares in the said Undertaking) duly constituted under their Hands or the Common Seal of a Corporation, or in Cases of Infants or Lunatics under the Hands of their Guardians or Curators, and all such Votes by Proxy shall be as good and valid to all Intents and Purposes as if such Principals had voted in Person; the Appointment of which Proxies shall and may be made in the Words following, or other Words to the same Effect (varying the same so as to meet each particular Case); *videlicet*,

‘ I [*or*

Form of  
Proxy.

‘ I [or We] one of the Shareholders [or We, A.B. and  
 ‘ C.D., Guardians of one of the Shareholders,] of the *Forth*  
 ‘ and *Cart Junction Canal Company*, do hereby nominate, constitute, and  
 ‘ appoint to be my [or his, her, or our,] Proxy, in my  
 ‘ [or his, her, or our,] Absence to vote upon and give my [or his, her, or  
 ‘ our,] Assent and Dissent to any Business, Matter, and Thing relating to  
 ‘ the said Undertaking which shall be mentioned or proposed at any  
 ‘ Meeting of the said Company, in such Manner as he the said  
 ‘ shall think proper, according to his Opinion and Judgment, for the  
 ‘ Benefit of the said Undertaking, or any thing appertaining thereto. In  
 ‘ witness whereof I [or we] have hereunto set my Hand [or our Hands]  
 ‘ the Day of in the Year of our Lord

Majority of  
Votes to de-  
termine.

And every Question, Matter, and Thing whatsoever which shall be pro-  
 posed, considered, or discussed in any General Meeting of the said Com-  
 pany to be held by virtue of this Act shall be finally determined by the  
 Majority of Votes of Shareholders and Proxies then present, computing  
 One Vote to every Share as aforesaid; and at all such Meetings the  
 President or Chairman shall not only have his Vote or Votes as a Share-  
 holder, but shall also, in case of an equal Division, have the decisive or  
 casting Vote.

Shareholder  
whose Name  
stands first  
entitled to  
vote.

L. And be it further enacted, That whenever Two or more Persons  
 shall be jointly possessed of or entitled to any Share or Shares in the said  
 Undertaking, the Person whose Name shall stand first in the Books of the  
 said Company as Proprietor of such Share or Shares shall for the Pur-  
 poses of this Act be deemed and taken to be the Proprietor of such Share  
 or Shares; and all Notices hereby required to be given to any Shareholder  
 in the said Undertaking shall be given or sent to such Person whose Name  
 shall so stand first in the Books of the said Company, and such Notice  
 to such Person shall be deemed and taken to be a sufficient Notice to all  
 the Proprietors of such Share or Shares for all the Purposes for which  
 such Notice is intended to be given; and the Proprietors of such Share or  
 Shares shall be entitled to give their Votes in respect thereof by the Person  
 whose Name shall stand first in the Books of the said Company as Pro-  
 prietor of such Share or Shares, and whose Vote shall, either in Person or  
 by Proxy, on all Occasions be deemed and allowed to be the Vote or  
 Votes for or in respect of the whole Property in such Share or Shares,  
 without Proof of the Concurrence of the other Proprietors of such Share  
 or Shares, and notwithstanding of any Difference of Opinion among them.

As to Shares  
of deceased  
Shareholders.

LI. And be it further enacted, That in the event of the Death of any  
 Shareholder, his Administrators, Executors, or Legatees succeeding to his  
 Shares in the said Undertaking shall not be entitled to be entered as Pro-  
 prietors of such Shares until they shall have produced to the Clerk of the  
 said Company full and competent legal Evidence, according to the Law of  
*Scotland*, of their Right to such Shares, and shall not be entitled to receive  
 any Part of the Dividends corresponding thereto, nor to vote or other-  
 wise act as Shareholders, until a Minute or Memorial of such Evidence be  
 made in the Book appointed to be kept by the said Company as aforesaid.

General  
Meetings.

LII. And be it further enacted, That the First General Meeting of the  
 said Company for putting this Act into execution shall be held at *Glasgow*  
 within

within the *Black Bull* Inn there, on the Third *Tuesday* of the Month immediately succeeding the passing of this Act, at the Hour of Twelve Noon, or at some other convenient Place and Time, whereof Ten Days Notice shall and may be given by Advertisement once or oftener in some One Newspaper published in *Glasgow* and *Paisley* respectively; and thereafter Two stated General Meetings of the said Company shall be held yearly on such Days and at such Places as the said Company shall at a General Meeting appoint; and at the said and all other General Meetings, whether stated Meetings or special, Three shall form a Quorum, and the Shareholders present shall appoint a Chairman, who shall preside at such Meeting, and sign the Minutes thereof: Provided always, that the Times and Places for holding the stated Meetings may be altered by the said Company at a General Meeting whenever and as often as they may deem such Alteration necessary or expedient.

LIII. And be it further enacted, That it shall be lawful for any Two or more of the said Company possessed of or entitled to Eight Shares at least of the said Undertaking, or for the Clerk or Treasurer for the Time being of the said Company, and such Treasurer or Clerk is hereby required, upon written Requisition being made to either of them by any Two or more of the said Proprietors possessed of or entitled to not less than Eight Shares at the least in the said Undertaking, specifying the Purpose of such intended Meeting, to call a Special General Meeting of the said Company by causing Ten Days Notice of such Meeting to be given in some One Newspaper published in *Glasgow* and *Paisley* respectively, or by giving to each Shareholder or by leaving at his usual Place of Abode a Notice, printed or written, bearing the Names of the Proprietors calling such Meeting, or of the said Clerk or Treasurer, and specifying the Reason and Intention of calling such Special General Meeting, and the Time when and Place where the same shall be held, or in such other Manner as the said Company shall at a General Meeting have directed and appointed; and the Shareholders present at such Special General Meetings shall and may proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only, and all Acts of such Special General Meetings shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a Stated General Meeting.

Special Meetings.

LIV. And be it further enacted, That at the said First or some subsequent General Meeting of the said Company they shall and may choose and elect from among such of the Shareholders as at the Time of such Election shall be respectively possessed in their own Right of Stock to the Amount of Four Shares at least in the said Undertaking a Committee to manage the Affairs of the said Company, consisting of Five or more Persons, who shall be called Directors, and of whom Three shall at all Meetings of the Committee be a Quorum: Provided always, that the said Company shall have Power and Authority at any General Meeting to remove and displace any Person who shall have been elected a Director, and in the event of such Removal, or of any other Vacancies in the Committee occasioned by Death, Resignation, or otherwise, to choose and elect others instead of those whose Places shall have been so vacated; but no Vacancy in the Committee shall disqualify or prevent the remaining Directors who may continue in Office from acting as Directors and executing the Powers of the said Committee while a Quorum are in Office.

Power to appoint a Committee to manage the Affairs of the Company.

No Person holding Office &c. capable of being a Director.

LV. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being chosen, or being so chosen of continuing to be a Director of the said Company; and provided further, that no Director who may be elected as before provided shall be entitled to act as such unless he shall continue possessed of Four Shares at least of the said Undertaking; and no Director shall be capable of taking any Contract or holding any Office under the said Company during such Time as he shall be such Director.

Committee Meetings.

LVI. And be it further enacted, That the Committee of Management so to be appointed from Time to Time shall and may meet as often and at such Times and Places as they may think necessary or expedient for carrying into execution the Powers of this Act, Twenty-four Hours Notice of such Meetings being always given by the Clerk or Treasurer of the Company in such Manner as shall be from Time to Time appointed by the said Company; and at all such Meetings one of the Directors present shall be appointed Chairman of the Meeting, who shall subscribe the Minutes thereof; and at all Meetings of the Committee each Director shall have One Vote and no more, except in case of an Equality of Votes, in which Event the Chairman shall have a casting Vote in addition to his deliberative Vote.

Committee of Management may appoint Officers, and shall take Security from their Treasurers and Collectors.

LVII. And be it further enacted, That it shall and may be lawful for the said Committee of Management and they are hereby authorized from Time to Time to nominate and appoint a Treasurer and Clerk to the said Company, and such Collectors, Engineers, Superintendents, Surveyors, and other Officers as the said Committee of Management shall think proper and expedient for the better accomplishing the Purposes of this Act, the said Committee of Management always taking Security to such Extent as they shall think proper from every such Treasurer, Collector, and other Officer appointed to receive Money who shall have the Care or Custody thereof, for the due accounting for all such Monies as they may be entrusted with, and for the faithful Discharge of the respective Trusts reposed in them, and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Collectors, Engineers, Superintendents, Surveyors, or other Officers, and to appoint others in their Stead, as often as they the said Committee of Management shall think fit, without their being obliged to assign any Reason for such Discharge or Dismissal; but the Treasurers, Clerks, Collectors, Engineers, Superintendents, Surveyors, and other Officers who shall have been so appointed, and who shall not have been removed or dismissed, shall continue to act, notwithstanding any Change in the Committee of Management by new Election or otherwise, without being again elected; and all Bonds or Securities granted by them upon their respective Appointments shall continue in full Force, and shall vest in the Committee of Management for the Time being.

Clerk and Treasurer not to be the same Person

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint or continue any Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint or continue any Person who has been or may

be

be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company; and if any Person shall accept both the Office of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person who shall sue and prosecute for the same, to be recovered, with Expences, by summary Action in the Court of Session.

LIX. And be it further enacted, That every Officer employed by virtue of or in the Execution of this Act shall from Time to Time, and whenever required by the said Committee of Management, make out and deliver to them or to any Person appointed by them for that Purpose a true and complete Account in Writing under his Hand of all Monies which have been by him had, collected, or received, and how or to whom and for what Purpose the same have been disposed of, with Vouchers and Receipts for such Payments; and every such Officer shall be bound and is hereby required to pay such Monies as shall be owing from him to the said Committee, or such Person as shall be appointed by them to receive the same; and if any such Officer shall refuse or neglect to make out and deliver such Account, or to produce and deliver up Vouchers and Receipts relating thereto, or to pay the Monies owing by him, when required so to do, or shall refuse or neglect to deliver up to the said Committee of Management, or to such Person as they shall appoint to receive the same, within Three Days after being required by the said Committee so to do, all Books, Accounts, Papers, and Writings in his Custody and Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company or their Clerk or Treasurer, or any other Person in their Behalf, to any Justice of the Peace for the said County of *Dumbarton*, or for the County wherein the Officer refusing or neglecting shall at the Time reside, such Justice may and he is hereby authorized and required by Warrant under his Hand to cause such Officer to be brought before him, and upon his appearing, or in his Absence, if he cannot be found, to hear and determine such Complaint in a summary Way; and if by the Confession of the Officer against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which may have been collected by such Officer shall be in his Hands or be owing by him, such Justice may and he is hereby required and empowered, upon Nonpayment thereof, to grant Warrant for levying such Monies by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels shall be found sufficient to satisfy the said Monies and the Charges of effecting such Distress and Sale, or if such Officer, being summoned, shall not appear before such Justice at the Time and Place appointed for that Purpose, or being sought for cannot be found, or appearing shall refuse or neglect to make out and deliver such Account as aforesaid, and the Vouchers and  
 Receipts

Officers to  
account.

Receipts relating thereto, or to deliver up such Books, Accounts, Papers, and Writings as aforesaid, then and in any of these Cases such Justice is hereby empowered and required by a Warrant under his Hand to commit such Officer to the Common Gaol or House of Correction of such County until he shall have made out and delivered such Accounts as aforesaid, and shall have delivered up all such Books, Accounts, Papers, Writings, Vouchers, and Receipts as shall be in his Custody or Power, and shall have made Payment of the Monies owing by him, and the Costs of Distress and Sale, if any, or until he shall otherwise have satisfied the said Company thereanent: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Period than Three Calendar Months.

Books, Accounts, &c. to be the Property of the Company.

LX. And be it further enacted, That all Books, Accounts, Writings, Papers, and other Matters and Things whatsoever which shall be in the Custody or Possession of any Officer employed by the said Company, or in the Execution of this Act, or of the Executors, Administrators, or Successors of such Officer, in anywise relating to the said Undertaking or to the Affairs of the said Company, shall be and the same are hereby declared to be the Property of the said Company.

Officers discharged and Representatives of Officers deceased to give up Possession of Houses, &c.

LXI. And be it further enacted, That if any Officer of the said Company, being in the Occupation of any House, Building, or other Premises belonging to the said Company, shall be discharged from his Office, and shall not deliver up the Possession of such House, Building, or other Premises upon being required so to do, with all Books, Accounts, Writings, and Papers, and other Matters and Things belonging to the said Company, in his Keeping or Possession, or if the Wife or Family of any such Officer who shall happen to die while in the Service of the said Company shall not deliver up Possession of such House, Building, or other Premises, and such Books, Writings, Accounts, and Papers, and other Matters and Things, within Seven Days after being required so to do, then and in all such Cases it shall be lawful for any Justice of the Peace for the County in which such House, Building, or other Premises shall be situate, and he is hereby required, upon Complaint made to him by or in behalf of the said Company, by Warrant under his Hand to cause a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Building, or other Premises in the Day-time, and to remove therefrom the Persons who shall be found therein, together with their Goods and Chattels, and to take possession of and deliver all the Books, Accounts, Writings, Papers, and other Things belonging to the said Company, which may be found therein, to the said Company, or such Person as shall be authorized by them to receive the same.

Committee may contract, and may generally manage the Business of the Company.

LXII. And be it further enacted, That the said Committee of Management shall have full Power and Authority, on behalf of the said Company, to purchase by Contract or otherwise all Materials and Things which shall or may be wanted for the said Undertaking and the Works hereby authorized to be made, and to treat and agree with any Person whomsoever for or touching the Acquisition of all Lands or Heritages deemed requisite for the Purposes of the said Undertaking, and the Compensation to be made for any Damage to be done in the Exercise of the Powers



Powers hereby given, and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever touching or in any ways concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Shareholders at large at any Meeting or Meetings of such Shareholders to be held as herein mentioned; and all Contracts so made by them shall be binding on the said Company.

LXIII. And be it further enacted, That the said Committee of Management shall keep or cause to be kept regular and distinct Account Books of the Affairs of the said Company, and shall balance the same or cause the same to be balanced once at least in every Year; and the said Books, being so balanced, shall be docketed by Two or more of the Directors, and shall be produced at both of the stated yearly Meetings, and shall at all reasonable Times be patent and open to every Shareholder in the said Company.

Committee to keep and balance Books.

LXIV. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time to make such Call or Calls of Money from the several Shareholders as they shall from Time to Time find wanting and necessary for the Purposes of this Act, but so as that no Call shall exceed the Sum of Five Pounds for each Share in the Undertaking, and so as that no Calls shall be payable except at a Distance of One Calendar Month at least from each other, and provided that Fourteen Days Notice at least of such Calls shall be given in some Newspaper published in *Glasgow* and *Paisley* respectively, or in such other Manner as the Committee of Management shall from Time to Time direct.

Committee empowered to make Calls.

LXV. And be it further enacted, That every Shareholder in the said Undertaking shall from Time to Time pay his Proportion of the Installments to be called for as is herein-before mentioned into the Hands of the Treasurer of the said Company, or other Person appointed to receive the same, at such Time and Place as shall be appointed by the Committee of Management making such Call, and of which such Notice shall be given as is herein-before directed; and that if any Person shall neglect or refuse to pay his Part of the Money so to be called for as aforesaid at the Time and Place which shall be appointed for that Purpose in manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court of that Part of *Great Britain* or *Ireland* where the Person neglecting or refusing to pay may be resident; or in case any such Person shall neglect or refuse to pay his Part of the Money so to be called for for the Space of Six Calendar Months after the Time appointed for Payment of such respective Calls as aforesaid, and the same shall not have been sued for by the said Company as aforesaid, or if sued for shall not have been fully recovered by them, then and in such Case the Person so neglecting or refusing shall, if the Company think fit, abso-

Shareholders to pay their Shares when called on;

and if Calls not answered in Six Months, Shares to be forfeited.

lutely forfeit all his Share, Part, and Interest whatsoever in the said Undertaking, and any Monies paid to Account thereof shall become Part of the general Funds of the said Company; or otherwise the Share or Shares of such Defaulter shall and may be sold by the said Committee of Management by public Auction for the highest and best Price that can be got for the same, every such Sale being advertised in some One or more of the Newspapers published in *Glasgow* and *Paisley* respectively; and in the event of such Sales any Two or more of the said Committee shall be and are hereby empowered to convey such Shares to the Purchasers thereof, and the said Company or Committee of Management shall in such Case render an Account of every such Sale to the Defaulter, or his Executors or Representatives, when demanded, and pay to him or them any Overplus of any such Price or Prices, after deducting all Interest and Charges and such Sum or Sums of Money as may remain due upon such Share or Shares by the Defaulter to the said Company; but no Advantage shall be taken of such Forfeiture of any Shares in the said Undertaking as aforesaid unless the same shall be declared at some General Meeting of the said Company which shall be held not earlier than Two Months next after the said Forfeiture shall be incurred; and that every such Forfeiture so declared shall be an absolute Indemnification and Discharge to and for the Shareholder so forfeiting, and his Executors, Administrators, Successors, and Assignees, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Shareholder, and his Executors, Successors, and Assignees, and the said Company, with regard to the future carrying on and Management of the said Undertaking; and no Dividend shall be paid in respect of any Share unless the whole Calls which have been made for Money on account of such Share shall have been fully paid.

For making  
and recover-  
ing Calls,  
Persons  
whose  
Names stand  
in the Books  
to be deemed  
Shareholders.

LXVI. And be it further enacted, That the Bodies and Persons whose Names shall at any Time hereafter stand in the List of Shareholders in the Books of the said Company as Proprietors of One Share or more in the said Undertaking, whether as Subscribers, or as Successors, Executors, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Books in their respective Names, and shall be subject and liable to the Payment of every Call made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given to the Shareholders may be given to the Party appearing by the Register Book of the said Company hereinbefore appointed to be kept to be such Proprietors, or to their Representatives, or may be left at their last or most usual Place of Abode; and such Notices shall be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to become due on such Shares may be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and no Assignment, Transfer, Conveyance, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Person to recover any Share or Shares forfeited to the said Company, or to make

the said Company liable to the Payment of Dividends to any other Persons than such as appear from the said Book to be Proprietors of the said Shares, but that in all Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

LXVII. And be it further enacted, That every Person selling or transferring any Share or Shares after any Call or Calls shall be made by the Committee of Management as aforesaid shall, as well as the Person who shall have purchased and undertaken for such Share or Shares, be liable in the Payment of every such Call in the Manner directed by this Act.

Persons selling Shares after a Call to be liable for such Call.

LXVIII. And be it further enacted, That in any Action brought by the said Company against any Shareholder in the said Undertaking to recover any Sum or Sums of Money due or payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defender, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company in such Sum of Money as the Call or Calls in arrear shall amount to, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and it shall only be necessary to prove that the Defender at the Time of making such Call or Calls was a Proprietor of such Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Share, or was made payable within the Period of One Calendar Month from the last preceding Call, or that such Notice was not given as aforesaid.

Proceedings in Actions for Calls.

LXIX. And be it further enacted, That the Committee of Management of the said Company may, if they deem it expedient, and it shall be lawful for them, to purchase and buy up, for the Use and Benefit of the said Company, any Shares that may be offered for Sale, at such Prices as they may think reasonable, and shall have Power to merge any Shares so purchased in the said Undertaking, or to procure the same to be transferred to the Clerk of the Company and his Successors in Office in Trust for the said Company; and in such last-mentioned Cases such Shares may be sold at any Time thereafter by the Committee of Management for the Time being for the Benefit of the Company, and in the event of such Sales a Transfer of such Shares by the Clerk of the Company for the Time being shall be sufficient to transfer and convey the same to the Purchasers thereof.

Company may purchase up Shares.

LXX. And be it further enacted, That it shall be lawful for the said Company, by an Order of any General Meeting, to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole Four thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the Committee of Management of the said Company, or any Two or more of such Committee of Management,

Company may borrow and assign the Property and Rates on Security.

Management, are hereby authorized and empowered, upon an Order of any General Meeting to that Effect, to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Persons as shall advance the same; all which Assignments in Security shall be duly stamped, and shall state the Consideration for granting the same, and may be made under the Common Seal of the said Company of Proprietors in the Words following, or other Words to a similar Effect:

Form of Assignment.

‘ Number  
 ‘ BY virtue of an Act made in the Year of the Reign of King  
 ‘ William the Fourth, intituled [*here set forth the Title of this Act*],  
 ‘ we, the Forth and Cart Junction Canal Company, incorporated by and  
 ‘ under the said Act, in consideration of the Sum of to us in  
 ‘ hand paid by of do assign unto the said  
 ‘ his Executors, Administrators, and Assigns, the said  
 ‘ Undertaking, and all and singular the Rates arising by virtue of the  
 ‘ said recited Act, and all the Estate, Right, and Interest of and in the  
 ‘ same, to hold unto the said his Executors, Administrators, and  
 ‘ Assigns, until the said Sum of together with Interest for  
 ‘ the same after the Rate of for every for a Year,  
 ‘ shall be fully paid and satisfied [*here insert the agreed-on Term of Pay-*  
 ‘ *ment, and other Conditions of the Loan, if any*]. In witness whereof our  
 ‘ Common Seal has been hereto affixed, and these Presents written by  
 ‘ are subscribed by and a Quorum of our Committee  
 ‘ of Management at the Day of before  
 ‘ these Witnesses and .’

To be preferred in Order of Dates.

And all such Assignments shall be preferred and ranked upon the Rates and Premises thereby assigned in Security according to the Priority of the Dates of such respective Assignments, unless such Preference shall be abandoned or excluded by an express Stipulation in any such Assign-

Memorials to be entered.

ments; and Memorials of all such Assignments, containing the Dates, Names of the Persons to whom made, the Sums of Money borrowed, and the Rates of Interest, shall be entered in a Book to be kept by the Clerk to the said Company, which said Book shall and may be perused at all seasonable Times by any of the Shareholders or Creditors of the said

Assignments may be transferred.

Undertaking without Fee or Reward; and all Persons to whom any such Assignments shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their Right or Interest therein to any other Persons whomsoever; which Transfers may be in the Words following, or other Words to a similar Effect:

Form of Transfer.

‘ I of in consideration of the Sum of  
 ‘ paid to me by of do hereby transfer a certain  
 ‘ Assignment in Security, Number made by the Forth and Cart  
 ‘ Junction Canal Company to bearing Date the  
 ‘ Day of for securing the Sum of and Interest, and  
 ‘ all my Right and Property therein, to the said his Execu-  
 ‘ tors, Administrators, and Assigns. In witness whereof [*here insert a*  
 ‘ *Testing Clause according to the Forms of the Law of Scotland.*.]’

And

And all Persons acquiring Right to such Assignments in Security by such Transfers may in like Manner and by the like Form transfer such Assignments in Security to others, and so on, as often as it may be found convenient so to do; and all such Transfers shall, within Twenty-eight Days after the respective Dates thereof, be produced to the Clerk of the said Company, who shall cause Memorials to be made thereof in like Manner as of the original Securities, and shall indorse upon each such Transfer a Certificate of the same having been entered in the Company's Books, for each of which Memorials and relative Certificates the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made such Transfer shall entitle the Assignees therein, and their Executors and Administrators, to the full Benefit thereof, and Payment of the Sums of Money thereby secured; and it shall not be in the Power of any Person who shall have made such Transfers to make void or discharge the same, or any Sum of Money thereby secured, or any Part thereof: Provided always, that no Person to whom any such Assignment shall be made or transferred as aforesaid shall be deemed a Shareholder, or shall be capable of acting or voting as such at any Meeting of the said Company, for or on account of his having lent or advanced any Sum or Sums on the Credit of such Assignment.

Persons to whom assigned or transferred not to vote.

LXXI. Provided further, and be it enacted, That no Mortgage Bond or other Assignment or Security made or issued under the Authority of this Act shall be assigned or transferred except by a Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Securities not to be assigned, except by an Instrument in Writing.

LXXII. And be it further enacted, That the Interest of the Money which shall be borrowed as aforesaid shall be paid yearly or half-yearly to the Persons severally entitled thereto in preference to any Dividends due and payable by virtue of this Act to the Shareholders of the said Company or to any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly Dividends due to the said Shareholders or to any of them shall be made, divided, and paid; and in case the said Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, the same shall and may be sued for and recovered, with Costs, from the said Company, by Action in the Court of Session in *Scotland*.

Interest to be paid in preference to Dividends.

LXXIII. Provided always, and be it enacted, That none of the said Shareholders, by reason of their attending any Meeting or Meetings of the said Company at which any Loans or Securities shall be agreed to and be authorized, nor any of the Committee of Management, in respect of their being Members thereof, or of their officially subscribing or executing any Bond or Bonds, Assignment or Assignments, or other Deed or Deeds, in favour of the Persons advancing such Loans, shall be made or be held liable in their Persons or in their private Capacities or Estates for any such Loan or Loans, or any Part or Portion thereof or of the Interest thereon, unless they shall in express Words and Terms become bound therefor personally and in their private Capacities.

Shareholders and Committee acting officially not to be personally liable for borrowed Money

[*Local.*]

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LXXIV. And

Committee  
to report to  
General  
Meetings.

LXXIV. And be it further enacted, That the Committee for the Time being shall from Time to Time make Report of their Proceedings to and be subject to the Examination and Control of the said Stated and Special General Meetings of the said Company, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Shareholders at any Stated or Special General Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Company  
may make  
Rules and  
Regulations

LXXV. And be it further enacted, That it shall and may be lawful to the said Company, and they are hereby authorized and empowered, at any Stated or Special General Meeting held in Terms of this Act, to make such Rules, Orders, and Regulations as to them shall seem proper and convenient for the good Government and Conduct of the Affairs of the said Company, and for regulating their own Proceedings, and the Conduct of their Officers and Servants, and for the well and orderly using in all respects of the said Canal and other Works hereby authorized to be made by all Persons resorting thereto or making use of the same, and their Servants or others employed by such Persons, and for otherwise carrying into full Effect the Objects and Purposes of this Act, and from Time to Time to alter, repeal, or modify such Rules, Orders, and Regulations, or any of them, and to make others, and to fix, impose, and exact such reasonable Penalties and Forfeitures upon all Persons offending against such Rules, Orders, and Regulations, or any of them, not exceeding the Sum of Five Pounds for each Offence, as to the said Company shall seem meet and expedient; provided that such Rules, Orders, and Regulations shall not be repugnant to the Laws of *Scotland*, or any of the express Directions and Provisions of this Act; and provided further, that the said Company shall not be entitled to make any such Rules, Orders, or Regulations applicable to the said River of *Clyde*, or inconsistent with the Rules and Regulations made by the Trustees on the said River under the Statutes in that Behalf.

Orders and  
Proceedings  
to be entered  
in a Book.

LXXVI. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the Stated and Special General Meetings of the said Company as of the Committee of Management, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of the respective Meetings; and such Orders and Proceedings, being so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be admitted and taken as Evidence in all Courts, and before all Judges, Justices, and others.

Rates of  
Tonnage.

LXXVII. And in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Canal and other Works hereby authorized to be made and maintained; be it further enacted, That it shall and may be lawful for the said Company from Time to Time and at all Times after the passing of this Act to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for Passengers carried for Hire on the said Canal or any Part thereof, and for the Tonnage of all Goods, Wares, and Merchandize and other Things which shall be carried and conveyed

conveyed upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned ; (that is to say,)

For Passengers or Persons carried or conveyed on the said Canal for Hire or other Consideration, a Sum not exceeding Two-pence for each Passenger or Person so conveyed :

For all Limestone, Dung, Compost, and all Sorts of Manure, and all Materials for making or repairing public Highways, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding Two-pence *per* Ton, and so in proportion for any greater or lesser Quantity :

For all Coke, Coal, Kennel, or Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Bricks, Slates, Lime, or Earth, and Iron, Lead, or other Metals or Minerals manufactured, such respective Sums as the said Company shall from Time to Time appoint, not exceeding Three-pence *per* Ton for any such Article, and so in proportion for any greater or lesser Quantity :

For any other Article, Commodity, Ware, Matter, or Thing not herein-before specified, such respective Sums as the said Company shall from Time to Time direct and appoint, not exceeding Four-pence *per* Ton for any such Article, Commodity, Ware, Matter, or Thing, and so in proportion for any greater or lesser Weight than a Ton.

LXXVIII. Provided always, and be it enacted, That for better as- Weight as-  
certaining such Tonnages One hundred and twelve Pounds Weight shall certain-  
for the Purposes of this Act be deemed, rated, or estimated as for One  
Hundred Weight, any Usage to the contrary notwithstanding.

LXXIX. Provided further, and be it enacted, That in ascertaining and Regulations  
charging the said Rates, in all Cases where there shall be a Fraction of a as to Tolls  
Ton in Weight a Proportion of the same Rates shall be demanded and for Fractions  
taken for such Fraction according to the Number of Hundred Weights of Weights.  
contained in such Fraction, and where there shall be a Fraction of a  
Hundred Weight the same shall be deemed a whole Hundred Weight.

LXXX. And be it further enacted, That a Table or Tables of the Table of Tolls  
Tolls or Rates which shall from Time to Time be payable or demandable, to be fixed  
painted or printed in large Characters on a Board or Boards, shall be up.  
affixed and continued by the said Company at the Place or Places where  
such Tolls or Rates shall be payable, received, or taken, and shall be  
renewed as often as such Tolls or Rates are altered, or such Tables obli-  
terated or defaced.

LXXXI. Provided always, and be it further enacted, That it shall and Rates may be  
may be lawful for the said Company from Time to Time, at any General varied.  
Meetings to be held as herein-before directed, to lessen or reduce all or  
any of the Rates, Tolls, and Duties herein-before granted on Passen-  
gers, or on all or any Sorts of Articles or Things passing upon the Whole  
or any Part of the said Canal, and afterwards from Time to Time at any  
General Meetings to advance all or any of the said Rates, Tolls, and  
Duties so lessened to any Sums not exceeding the Rates or Duties before  
mentioned.

LXXXII. And be it further enacted, That if any Person shall fraudu- Evasion of  
lently carry or convey any Passengers, or Articles or Things whatsoever, Rates.  
on

on the said Canal, without Payment of any or on Payment of a lower Rate, Toll, or Duty than that to which such Persons or Articles or Things are hereby subject or liable, or with which the same may at the Time be chargeable, and shall be thereof convicted before any Justice of the Peace for the said County of *Dumbarton*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Persons or Articles or Things may at the Time be liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

On Payment of a Rate a Ticket to be delivered.

LXXXIII. And be it further enacted, That upon Payment of any of the Rates granted by this Act the Collector or Receiver thereof respectively shall and he is hereby required to deliver *gratis* to the Person paying such Rate a Note or Ticket denoting such Payment, and stating the Weight paid for, and which Note or Ticket shall be provided by the said Company.

Collectors to put up their Names.

LXXXIV. And be it further enacted, That every Collector appointed, either by the said Company or by any Lessee or Lessees under them, to collect the Rates payable by virtue of this Act, shall and he is hereby required to affix his Christian Name and Surname, painted or printed on a Board in legible Characters, on some conspicuous Place adjoining to the said Canal, and near to where he may be collecting such Rates, immediately upon his coming on Duty, each of the Letters of such Name to be at least Four Inches in Length and of a Breadth in proportion, and painted or printed either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so affixed during the whole Time he shall be upon such Duty; and if any Collector of the said Rates shall not affix such Board as aforesaid, and keep the same affixed during the Time aforesaid, or shall demand or take a greater or less Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or shall refuse to permit or suffer or shall in anywise hinder any Person from reading such Christian Name or Surname, or shall refuse to tell his Christian Name or Surname to any Person who shall demand the same on having been paid the said Rates or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis* denoting the Payment of the Rate, or shall make use of any scurrilous or blasphemous Language to any Person using the said Canal or other Works, or shall without sufficient Cause detain or delay any Person or Persons using the same, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Rates how to be levied.

LXXXV. And be it further enacted, That the Rates herein authorized to be demanded and taken shall be paid to such Persons, at such Places at or near the said Canal, in such Manner, and under such Regulations as the said Committee of Management shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or any Part thereof, on Demand, to the Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action in any Court competent in *Scotland*, or the Persons to whom the Rates ought to have been paid may and they are hereby authorized to seize the Articles or Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof,



thereof, and the Vessel laden with such Articles and Things, or employed in carrying Passengers, or any Part of the Appurtenances of such Vessel, and to detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rate which may be due from the Owner or Owners of such Articles or Things or Vessels, as the Case may be, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Articles and Things, or Vessels or Appurtenances, so seized and detained, shall not be redeemed within Three Days next after the taking thereof, the same shall be distrained, appraised, and sold, returning the Overplus (if any there be), upon Demand, to the Owners thereof, after such Rates, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted.

LXXXVI. And whereas it may be found expedient for the said Company to erect proper Wharfs and Cranes for shipping and landing the Goods and other Things conveyed upon the said Canal; be it further enacted, That in consideration of the Expences to which the said Company may be thereby put it shall and may be lawful for them from Time to Time and at all Times to ask, demand, take, and recover, to and for their own proper Use and Behoof, for all Limestone, Dung, Compost, and all Sorts of Manure, Materials for repairing public Highways, Coke, Coal, Kennel or Gas Coal, Culm, Charcoal, Cinders, Stones, Sand, Bricks, Lime, or Earth, and Iron, Lead, or other Metals or Minerals unmanufactured, which shall be deposited or landed on or shipped from any such Wharf, such respective Sums, not exceeding One Halfpenny *per* Ton for any such Article, as the said Company shall think fit; and for all other Goods, Wares, Merchandize, Commodities, and other Matters and Things not last above specified which shall be deposited or landed upon or shipped from any such Wharf, such respective Sums, not exceeding One Penny *per* Ton for any such Article, as the said Company may direct; and for every Day or Part of a Day after the first Six Days during which such Articles shall remain upon any such Wharf such further respective Sums as shall be fixed by the said Company, not exceeding One Penny *per* Ton *per Diem* for any One Article.

Power to take  
Wharfage  
Rates.

LXXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Person to deposit any Articles or Things whatsoever upon any of the said Wharfs excepting such as are intended to be shipped on board of Vessels navigating the said Canal, or which have been landed from such Vessels, nor shall it be lawful to any Persons who may have deposited any Articles or Things upon any such Wharf to permit the same or any Part thereof to remain thereon longer than Fourteen Days, without the Permission of the Committee of Management of the said Company, or the Superintendent or Collector of the said Company at such Wharf; and if any such Articles or Things shall be deposited upon such Wharfs without having been landed from or being intended to be shipped on board of Vessels using the said Canal, the Owner of such Articles or Things shall forfeit a Penalty not exceeding Forty Shillings for every Day or Part of a Day during which such Articles shall be allowed to remain on such Wharfs, besides the Expence of removing and carrying away such Articles; and if any Articles or Things landed from any Vessel using the said Canal, or intended to be shipped in such Vessel, shall be allowed to remain upon any such Wharf for a longer Period than Fourteen Days

Goods not  
to remain on  
Wharf for  
more than a  
Fortnight  
without Per-  
mission.

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without

without such Permission as aforesaid, it shall be lawful for any Collector or Agent of the said Company to remove such Articles and Things to a Place of Safety, and there to detain the same till Payment of the Wharfage Rates due thereon, and of the Expences and Charges of their Removal and Detention; and if such Rates and Charges shall not be paid within Ten Days after Demand made therefor by any Collector or Agent of the Company, the Articles and Things so removed, or a sufficient Part thereof, may be sold for Payment of such Rates and Charges and Expences of Sale, such Rates, Charges, and Expences being, in case of Dispute, to be settled by any One or more of the Justices of the said County of *Dumbarton*.

Table of  
Wharfage  
Tolls to be  
fixed up.

LXXXVIII. Provided further, and be it enacted, That the Rules and Regulations respecting the shipping and landing of Articles and the Continuance thereof upon the Wharfs, and a Table of the Sums to be paid for Wharfage, shall be painted or printed in legible Characters on a Board or Boards, and shall be fixed up and continued on some conspicuous Place at all the Wharfs of the said Company, and such Boards shall be renewed as often as the Rules, Regulations, or Rates are altered, or become obliterated or defaced, and such Wharfage Rates shall not be exigible except while such Table shall be affixed as aforesaid.

For settling  
Disputes  
concerning  
Rates.

LXXXIX. Provided always, and be it enacted, That if any Dispute shall happen about the Amount of the Rates granted by this Act, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the Person so distraining to retain such Distress or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Rates due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Rates due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus, if any, upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person whose Goods and Effects shall have been so distrained and sold.

For ascer-  
taining the  
Weight of  
Timber and  
light Goods.

XC. Provided further, and be it enacted, That for the better and more easy Ascertainment of the Tonnage of Timber and light Goods, Forty Cubic Feet of Oak, Ash, Elm, Beech, Larch, Mahogany, and other heavy Timber or Wood, whether squared or not, and Fifty Cubic Feet of Pine, Fir, Deal, Poplar, and other light Timber or Wood, whether squared or not, and Forty Cubic Feet of Goods which shall not weigh Twenty Hundred Weight, shall be deemed, rated, and estimated as and for One Ton Weight, and smaller Quantities of such Articles shall be calculated accordingly.

Rates may  
be leased.

XCI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any Stated or Special General Meeting, to let to farm the Rates hereby made payable,  
or

or any Part or Parts thereof, upon the Whole or any Parts of the said Canal or Wharfs, unto any Persons, for any Term they shall think proper not exceeding Five Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee thereof, and also such Persons as such Lessee shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company: Provided always, that Intimation of the Intention to let the said Rates or any Part thereof shall be given by the said Committee of Management or by the Clerk of the said Company, by Advertisement published in some Newspaper of *Glasgow* and *Paisley* respectively, or by Notice in Writing sent to every Shareholder at least Twenty-one Days prior to any such General Meeting at which the said Rates or any Part thereof are proposed to be let as aforesaid.

XCII. And be it further enacted, That the Owners or Masters or other Persons having the Care of any Vessels passing upon the said Canal or any Part thereof shall deliver an exact and true Account in Writing, signed by them, to the Collectors of the said Rates, at the Place where they shall attend for that Purpose, of what Quantity of Articles or Things as aforesaid shall be in such Vessels, specifying therein the respective Quantities of each separate Article that may be in such Vessel, where the Cargo thereof shall consist of different Articles; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, he shall forfeit and pay any Sum not exceeding Ten Shillings for every Ton of Articles and Things, and so in proportion for any less Quantity than a Ton, which shall be in any such Vessel of which such Account shall be so neglected or refused to be given, or fraudulently given as aforesaid, as the Case shall happen to be, over and above the respective Rates directed by this Act to be paid for the same.

Account of Lading of Vessels to be given.

XCIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Owner or Person having the Charge of any Vessel, or the Owner of Articles or Things therein, it shall be lawful for any such Collector to stop and detain such Vessel, and to weigh, measure, or gauge such Vessel and all the Articles and Things therein contained respectively, and to count the Passengers carried therein; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall, in addition to the Penalty before provided for giving in a false Account, pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges of such weighing, measuring, and gauging, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates are hereby appointed to be levied and recovered; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also pay to such Owner or

Goods may be measured or weighed.

Person,

Person, or to the Owner of such Articles and Things, such Damages as shall appear to have arisen from such Detention ; and in default of immediate Payment thereof by the Collector the same shall be recovered from the said Company by Distress and Sale of the Goods and Chattels of the said Company, and by the like summary Process by which any Fines or Penalties by virtue of this Act may be recovered or levied.

Penalty on Officers showing Partiality.

XCIV. And be it further enacted, That if any Officer of the said Company shall give any Preference or show any Partiality to any Person in using the said Canal or any of the other Works belonging to the said Company, and shall be thereof convicted before One of His Majesty's Justices of the Peace, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Canal, on Payment of Rates, to be free.

XCV. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the said Canal for the Conveyance of Passengers, and all Articles, Commodities, and Things whatsoever, and to use the Wharfs, Quays, Landing Places, and Towing Paths hereby authorized to be made, upon Payment only of such Rates, Tolls, and Duties as shall be demanded by the said Company, not exceeding the Rates, Tolls, and Duties herein-before mentioned, and subject to the Rules, Orders, and Regulations which shall from Time to Time be made in virtue of the Power to that Effect by this Act given.

Names of Owners, &c. of Vessels to be painted on them.

XCVI. And be it further enacted, That every Owner of any Vessel navigating or trading upon the said Canal shall cause his Name and Place of Abode, and also the Name and Place of Abode of the Master or other Person having the Charge of such Vessel, and the progressive Number of such Vessel, to be painted in large White Letters and Figures on a Black Ground on some conspicuous Part of the Outside of such Vessel, and above the Waterline thereof when fully laden, and shall also fix on each Side of the Prow and Stern of such Vessels, correct Indexes of Copper, Lead, or other Metal so graduated as to show clearly at all Times the Weight of the Lading on board, and shall permit and suffer every such Vessel to be gauged or measured at the Expence of the said Company whenever it shall be required by them, or any Person or Persons appointed by them for that Purpose ; provided that no such Vessel shall be gauged or measured more than Six Times in any One Year ; and every Owner of any Vessel which shall pass on any Part of the said Canal without having such Names, Places of Abode, Number, and Indexes thereon, as before directed, and every Person who shall alter, erase or destroy the same or any Part thereof, or who shall refuse to permit and suffer any Vessel to be gauged and measured, or shall prevent and obstruct such gauging and Measurement, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Owners of Vessels to be liable for Damage done by his Servants.

XCVII. And be it further enacted, That the Owner of every Vessel passing upon the said Canal, or of the Horses or Cattle drawing the same, shall be and is hereby made answerable for any Damage or Mischief that shall be done by his Vessel, Horses, or Cattle, or any Persons employed by him in or about the same respectively, to the Canal or other Works to be made by virtue of this Act, or by loading or unloading any such Vessel or otherwise, or for any Trespass or Damage that shall or may be done to

the Owners and Occupiers of any Buildings, Land, Tenements, or other Property adjoining or lying near to the same, or any other Trespass whatsoever; and the said Owner of such Vessel, Horses, or Cattle shall, upon Conviction of such Persons before any Justice of the Peace of the said County, either by the Confession of the Parties offending or upon Oath of One credible Witness or more, (which Oaths such Justice is empowered and required to administer,) pay to the Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Ten Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Ten Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Effects of the Owner of such Vessel, Horses, or Cattle, by Warrant under the Hand of such Justice; and the Overplus (if any), after such Penalty, Damages, and Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner of such Effects; or if the said Company shall think fit, or if the said Damages shall exceed the Sum of Ten Pounds, the Owner of such Vessel, Horses, or Cattle shall and may be prosecuted for the same in any Court competent in *Scotland*; and if Judgment be given against him, the Pursuer in such Case shall recover his Damages thereby sustained, with full Costs of Suit: Provided always, that in case the Owner of any Vessel, Horses, or Cattle as aforesaid shall be compelled to pay any Penalty or to make Satisfaction for any Damage by reason of any wilful Act or Default done or committed by his Servants, such Servants shall be liable to repay such Penalty or Satisfaction to such Owner; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner of the Payment by him of such Penalty or Satisfaction, and that the same hath not been paid to him by such Servants, although demanded (such Oath to be made before any Justice of the Peace), the same Penalty and Satisfaction shall be levied, under Warrant of such Justice, by Distress and Sale of the Goods and Effects of such Servants, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner in discharge of such Penalty and Satisfaction so paid by him for the wilful Act or Default of such Servants as aforesaid; and in case no sufficient Distress can be had such Justice of the Peace shall and is hereby required to commit such Servants to the Common Gaol or House of Correction for the County where the Offender shall be found, there to remain for any Time not exceeding Three Calendar Months.

Servants  
liable to  
repay their  
Masters.

XCVIII. And be it further enacted, That if any Vessel, or Horses or other Cattle, shall be suffered to remain on any Part of the said Canal, Towing Paths, or other Works, so as to obstruct the Navigation and Passage thereof, and the Person having the Care of such Vessel, Horses, or Cattle shall not immediately upon Request made remove such Vessel, Horses, or Cattle, he shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings, and for every Hour such Obstruction shall continue after the making of such Request an additional Sum not exceeding Forty Shillings; and it shall be lawful for any Officer of the said Company to cause such Vessel to be unloaded, and the same and such Horses and Cattle, if necessary, to be removed, in such Manner as shall be proper for removing such Obstruction, and to detain such Vessel and

Penalty on  
Vessels ob-  
structing  
the Naviga-  
tion.

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the Loading thereof until the Charges occasioned by such Removal shall be paid; and if any Vessel shall be sunk in any Part of the said Canal, and the Owner or Person having the Care thereof shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Officers of the said Company to cause such Vessel to be weighed and drawn up, and to detain and keep the same until Payment shall be made of all Expences necessarily incurred thereby; and if in any such Cases Payment shall not be made, within the Space of Three Days, of such Penalties or Charges, as the Case may be, then it shall be lawful for the said Company to sell and dispose of such Vessel, with the Loading thereof, in such Manner as is before directed with regard to Distress, rendering to the former Owner of such Vessel or of the Lading thereof, as the Case may be, the Overplus, after such Expences and the Charges of such Sale shall be deducted.

Penalty on  
Obstructions  
on the Canal.

XCIX. And be it further enacted, That if any Person shall suffer the Loading of any Vessel using the said Canal to lie over the Sides of such Vessel, or shall overload any such Vessel so as to obstruct the passing of any other Vessel, and shall not immediately upon Notice to him given for that Purpose remove such Obstruction, or if any Person shall throw, lay, or spill any Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, or upon any of the other Works hereby authorized to be made, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for  
damaging the  
Works.

C. And be it further enacted, That if any Person shall carelessly, wilfully, or maliciously, and to the Prejudice of the said Undertaking, break, throw down, derange, or destroy any Part of the said Canal or other Works, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds Sterling, over and above the full Amount of Damages thereby done to the said Canal and other Works.

Bridges,  
Gates, &c.  
to be placed  
on the Canal  
and Sides  
thereof.

CI. And be it further enacted, That the said Company shall, at their own proper Costs and Charges, after any Part of the said Canal shall be laid out, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Canal, and also such Bridges, Arches, Culverts, Ditches, Drains, and Passages, over and by the Side of the said Canal, of such Dimensions and in such Manner as the Sheriff of the said County of *Dumbarton* shall direct (unless the Owners and Occupiers of such Land shall agree with the said Company thereanent), for the Use of the Owners and Occupiers of the Lands and Grounds through which such Canal shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle and other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Canal or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and in case the said Company shall refuse or neglect to make, erect, and set up such Gates, Bridges, Arches, Ditches, Drains, and Passages herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Twenty-one Days next after being thereto required in Writing by the Owners and Occupiers of the contiguous  
Lands

Lands and Grounds, then and in every such Case it shall be lawful for every or any of the Owners and Occupiers of the said Lands and Heritages who shall find himself aggrieved by such Neglect or Refusal to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages, and to repair, maintain, and support the same, from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid the said Canal and other Works hereby authorized to be made or erected by the said Company shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof shall be repaid to the respective Owners or Occupiers of the said Lands or Heritages who shall have so erected and made, repaired and maintained, such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so completed or repaired, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company by Delivery of such Accounts to the Treasurer or Clerk of the said Company for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid any One Justice of the Peace for the said County of *Dumbarton* shall be and he is hereby required, upon the Application of such Owner or Occupier, by Warrant under his Hand to levy the said Costs and Charges by Distress and Sale of the Goods and Effects of the said Company, for the Use of the Person or Persons who shall have so incurred such Costs and Charges, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by such Justice; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such other Remedy against them for the Recovery thereof by Action at Law as is by this Act directed in other Cases.

CII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Heritages through which the said Canal shall be made do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages respectively made by the said Company are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands and Heritages through which the said Canal shall pass, then and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them or their Clerk or Treasurer for the Time being, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Bridges, Arches, Culverts, Ditches, Drains, or Passages in, upon, or near to the said Canal in such Places as shall be adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Heritages, and to repair and support the same, at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Canal be not obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company.

Gates may be erected by the Owners of Lands.

CIII. Pro-

Company to  
erect Fences.

CIII. Provided also, and be it further enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Undertaking, to divide and separate and keep constantly divided and separated the same from the adjoining Lands or Grounds with good and sufficient Fences, and at their own proper Costs and Charges from Time to Time to maintain and support the said Fences so to be made as aforesaid in case the Owners or Owner of such adjoining Lands and Grounds or any of them respectively shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same; and the said Company shall also make and maintain all necessary Gates in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds.

The Fences  
to be made  
on the Own-  
ers Lands.

CIV. Provided also, and be it enacted, That where Fences shall be made by the said Company the same shall be made on the Lands of the adjacent Owners of Lands, and not upon the Space allowed for the Breadth of the said Canal and other Works.

Company to  
pay Owners  
for fencing  
their Lands.

CV. Provided also, and be it enacted, That if the Owners of inclosed Lands or Grounds taken for the Use of the said Undertaking shall so require it, the said Company are hereby required, over and above the Value of the Land occupied by the said Undertaking, to pay to the respective Owners of such inclosed Lands as aforesaid such Sums of Money as the said Company shall judge reasonable for the Purpose of making and erecting proper and sufficient Fences and keeping the same in repair on the Side of the said Canal for the whole Length of the inclosed Lands or Grounds of such Owners over and along which the said Canal shall be made; and if the Sum offered by the said Company shall not be deemed sufficient or be refused to be accepted by such Owners of inclosed Lands or Grounds, then and in that Case the Amount of the Sums to be paid to such Owners shall be ascertained by a Jury in the same Manner and with the like Effect as is herein-before directed in case of the Disagreement of the said Company and the Owners of Lands taken for the Purposes of this Act touching the Price or Value of such Lands: Provided also, that in case of the Money being so paid for erecting Fences to such Owners of inclosed Lands or Grounds, such Owners shall and they are hereby required to make and erect such Fences in a good and sufficient Manner within Twelve Months after such Money shall have been paid to them by the said Company, and thereafter to keep and maintain the same in proper and sufficient Repair; and if such Fences shall not be so made within such Time, or if the same be thereafter allowed to fall into Disrepair, it shall and may be lawful for the said Company to make and erect and repair such Fences at the Expence of such Owners to whom such Money shall have been so paid, to be levied and recovered from such Owners and their Successors in the said Lands in the same Manner as is herein-after directed with regard to the Recovery of Penalties or Forfeitures.

Owners of  
Lands may  
erect Wharfs.

CVI. And be it further enacted, That it shall be lawful for the Owners of any Lands or Grounds near to, through, or by which the said Canal shall be made to erect and use any Basins, Wharfs, or Depôts, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Lands or Grounds adjoining or near to the said Canal, and to unload any Goods



or other Things upon such Wharfs or Depôts, or upon the Banks and Grounds lying between the same and the said Canal, and also to make and use proper and convenient Places for Vessels to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the said Canal and other Works, or the Use thereof; and all Rates or Tolls which shall be paid for the Use of such Wharfs or Depôts, Cranes, Weighbeams, and Warehouses respectively, shall be and the same are hereby vested in the Owners of such Lands or Grounds who shall make and erect the same as aforesaid, and their Representatives, so that the Rates and Powers herein granted to the said Company be not thereby reduced, altered, or infringed: Provided always, that it shall not be lawful for any such Owners of Lands to demand, take, or recover any greater or higher Rates or Duties for the Use of such Wharfs as herein provided than are hereby granted to and authorized to be demanded and taken by the said Company for any Wharfs to be erected by the said Company.

CVII. And be it further enacted, That it shall not be lawful for the said Company or any other Persons to make use of any Wharfs which shall be set out, erected, or made by the Owners of any Lands or Grounds adjoining or near to the said Canal, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, without the Consent of such Owners respectively, unless such private Wharfs shall be deemed and declared by the said Company to be necessary for the Purposes of the said Undertaking, in which Case the same shall and may be used in the same Manner as if the same had been set out, erected, or made in pursuance of and for the general Purposes of this Act.

Company not entitled to use private Wharfs.

CVIII. And be it therefore enacted, That if at any Time hereafter any Person shall sustain any Damage in his Lands, Tenements, Heritages, or Property by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction of such Damage shall from Time to Time be settled and ascertained in such Manner as is herein-before directed in respect of any other Recompence or Satisfaction herein-before mentioned.

How any Damages not provided for are to be recovered.

CIX. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Thirty Days after Demand in Writing shall have been made from the Clerk of the said Company or their Treasurer, in which Demand the Order of the Sheriff or Justice directing such Payment shall be stated, then and in such Case the Amount of such Compensation or Satisfaction may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act under a Warrant to be issued for that Purpose by any such Justice under his Hand on Application made to him for that Purpose by the Party entitled to receive such Sum of Money; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and

Costs may be recovered from Company.

[Local.]

20 N

Expences

Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, such Overplus shall be returned, on Demand, to the said Company.

Notices how to be served on the Company.

CX. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person to serve any Notice upon the said Company, or any Citation or Summons or other legal Proceedings, the Service upon any Member of the said Committee for the Time being personally apprehended, or upon the Clerk of the said Company, or left at the Office of the said Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Penalties how to be recovered.

CXI. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or against any Rule or Order to be made by the said Company as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County where the Matter of Complaint may arise, either by the Confession of the Party offending or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, after such Penalties or Forfeitures, and the Charge of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner of such Goods and Effects; and in case such Penalties or Forfeitures and Charges shall not be instantly paid upon Conviction, then it shall be lawful for such Justice to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Distress Warrant; and if upon Return of such Warrant, or if by the Confession of the Offender or other legal Evidence, it shall appear that no sufficient Goods and Effects can be found, or that he has no Goods, then it shall be lawful for such Justice by Warrant under his Hand to cause such Offender to be committed to the Common Gaol or House of Correction for the said County where the Matter of Complaint may arise, there to remain without Bail for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties or Forfeitures, the Application whereof is not hereinbefore particularly directed, shall go and belong to the said Company, and be applied for the Purposes of this Act.

Distress not to be deemed unlawful for Want of Form.

CXII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the 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 Proceedings relative thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for special Damages, if any, in an Action to be brought for that special Purpose.

CXIII. And

CXIII. And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Suspension or Advocation into or be subject to Reduction in any Court in *Scotland*; any Law, Statute, or Usage to the contrary notwithstanding. Proceedings not to be quashed for Want of Form.

CXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form to the same Effect, as the Case shall happen; *videlicet*, Form of Conviction.

‘ County of } BE it remembered, That on the Day of  
 ‘ to wit. } in the Year of our Lord  
 ‘ is convicted before me one of His Majesty’s Justices of  
 ‘ the Peace for the said County of [specifying the Offences, and  
 ‘ Time and Place when and where the same was committed, and the Amount of  
 ‘ Forfeiture and Penalty, and Costs, if any]. Given under my Hand the  
 ‘ Day and Year aforesaid.’

CXV. And be it further enacted, That any Person thinking himself aggrieved by any Order or Judgment made or given in pursuance of this Act, or of any Rule or Regulation of the said Company, by any Justice or Justices of the Peace, may, within Two Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen to arise, first giving Fourteen Days Notice at the least in Writing of such Intention to appeal to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment may think just and reasonable. Appeal.

CXVI. And be it further enacted, That no Action, Suit, or Complaint shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in execution of any of the Powers or Authorities of, or any of the Orders made, given, or directed in, by, or under this Act, unless One Month’s previous Notice in Writing shall be given by the Person intending to commence and prosecute such Action, Suit, or Complaint to the said Company, or to their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Complaint shall be brought and commenced within Three Calendar Months next after the Commission of the Act complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and the Defenders in such Action, Suit, or Complaint may Limitation of Actions.

may allege this Act and the special Matter in Evidence at any Proceedings to be had thereon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if such Action, Suit, or Complaint shall have been brought or commenced without Notice as aforesaid, or after the Time so limited for bringing or commencing the same, then and in every such Case Judgment shall be given for the Defender; and if any such Action, Suit, or Complaint shall be dismissed or found irrelevant, or if the same be suffered to fall asleep, or if Judgment shall be given against the Pursuer, the Defender shall have full Costs and Expences, and shall have such Remedy for the same as any Defender hath for Costs of Suit in any other Court of Law.

Act to be null as to any Part of the Works not executed within Seven Years.

CXVII. And whereas the whole of the said Canal may be completed, if not prevented by inevitable Accident, within the Space of Seven Years from the passing of this Act, according to an Estimate of the probable Time within which the same may be completed; be it therefore enacted, That no Land or Ground shall be taken by the said Company (without the Consent of the Owner and Occupier thereof) after the Expiry of Two Years from the passing of this Act; and that if the said Canal shall not have been completed so as to answer the Objects of this Act within the Space of Seven Years from and after the passing of this Act, all the Powers given by this Act shall from thenceforth cease and become void as to so much of the said Canal as shall be then uncompleted, reserving always full and entire the Powers and Authorities hereby granted as to so many of the said Works and Conveniences as may be required from Time to Time after the Expiration of the said Period of Seven Years in relation to so much of the said Canal as may be completed within the said Period.

If Canal is abandoned by Company, the Land to revert to the adjoining Owners.

CXVIII. And be it further enacted, That if at any Time the said Canal hereby authorized to be made, or any Part thereof, shall be abandoned by the said Company, then and in such Case the Land or Ground occupied by the Part so to be abandoned shall vest in the Owner or Owners of the Lands adjoining thereto, in manner following, that is to say, one Moiety thereof in the Owner of the Lands adjoining the one Side, and the other Moiety in the Owner of the Lands adjoining the other Side thereof.

Rules for Interpretation of this Act.

CXIX. And be it enacted, That unless when otherwise specially provided, or there be something in the Context repugnant to such Construction, it shall be held and understood that the Terms, Person, Body, Owner, Occupier, Proprietor, Seller, Purchaser, Tenant, Lessee, Collector, Superintendent, Officer, Director, Shareholder, Proxy, Informer, Defender, Defaulter, and other similar Terms used in the Singular Number, each denoting an Individual, and all such and similar Terms used in this Act in the Plural Number, shall, whether so used in the Singular or Plural Number, and although in the Masculine Gender only, import and apply and extend to and comprehend One or more such Persons, Bodies, Owners, Occupiers, Proprietors, Sellers, Purchasers, Tenants, Lessees, Collectors, Superintendents, Officers, Directors, Shareholders, Proxies, Informers, Defenders, Defaulters, and others, and Females as well as Males, and mercantile and other Copartneries, and Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate and Sole, and Trustees and Curators for Infants  
and

and others, as well as Individuals; and that the aforesaid Terms Person or Persons used in this Act shall be held and understood to mean and comprehend mercantile and other Copartneries, and Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and Trustees and Curators for Infants and others, as well as Individuals; and that the Term Sheriff used in this Act shall be held to mean the Sheriff Substitute or Sheriffs Substitute as well as the Sheriff or Sheriff Depute of any County; and that the Term Sheriff Clerk shall be held to include Sheriff Clerk Depute; and that the Term Officer of the said Company shall be held to include and extend to every Person in the Employment or acting under the Authority of the said Company; and that the Terms Share, Price, Sum of Money, Vote, Proxy, Judgment, Verdict, Penalty, Forfeiture, Warrant, Article, Commodity, Thing, Vessel, Horse, Wharf, Landing Place, Work, and other similar Terms used in this Act in the Singular Number, each denoting One Thing, and all such and similar Terms used in this Act in the Plural Number, shall, whether so used in the Singular or Plural Number, import and extend to One or more such Shares, Prices, Sums of Money, Votes, Proxies, Judgments, Verdicts, Penalties, Forfeitures, Warrants, Articles, Commodities, Things, Vessels, Horses, Wharfs, Landing Places, Works, and others; and that the Terms Lands and Heritages used in this Act shall be held to mean and comprehend all Lands, Houses, Buildings, Tenements, Roads, Paths, Ways, Streams, and other Hereditaments of every Kind and Denomination whatsoever; and that all Acts and Deeds which the said Company are by this Act authorized to do and execute may be done and executed by themselves, or their Deputies, Agents, Servants, Workmen, and others acting under their Authority.

CXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

The SCHEDULE referred to in the foregoing Act.

| Number on Plan. | Owner's Name. | Occupier's Name. | Description of Property.                          |
|-----------------|---------------|------------------|---|
| 3·3·3·3·3·      | William Dunn. | Robert Black.    | House, Garden, Avenue, Row of Trees, and Pasture. |

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