Anno decimo

Georgii III. Regis.

An Act for making and maintaining a navigable Cut or Canal, and Waggon Way, from the Collieries in the Parishes of *Old* and *New Monkland*, to the City of *Glasgow*.

WHEREAS the making a navigable Cut or Canal from the Collieries in the Parishes of Old and New Monkland, in the County of Lanerk, to or near to the City of Glasgow, and the River Clyde; and also a Road or Waggon Way from the West End of the said Cut or Canal, at or near Jermeston, to the said City of Glasgow, will open an easy Communication with the interior Parts of the Country, and, by reducing the Price of Pit Coal, will be of great Advantage to the Trade and Manufactures of the City of Glasgow, and will also tend to the Improvement of the adjacent Lands, the Relief of the Poor, and the Preservation of the public Roads, and moreover be of general Utility: And whereas the several Persons hereafter Preamble.

after particularly named are desirous, at their own proper Costs and Charges, to begin, carry on, and compleat the said Navigable Cut or Canal, and Road or Waggon-way: Wherefore, for obtaining and perfecting the good Ends and Purposes aforesaid; May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourteenth Day after the passing of this Act, Sir John Stuart of Castlemilk Baronet, Archibald Hamilton of Rosehall, Daniel Campbell of Shawfield, James Buchanan of Drumpellier, John Aitcheson of Roughsalloch, Alexander Hamilton of Monkland, Robert Dick of Gartshirie, James Grosett Muirhead of Bredisholm, James Hamilton the younger of Rosehall, Robert Dreghorn of Roughill, George Thompson the younger of Faskine, James Dougall of Easterhouse, Robert Coutt of Garturk, Mathew Morthland of Rinmuir, John Morthland younger of Rinmuir, John Wark of Rinns, Thomas Peter of Carsbasket, George Hamilton of Provanhall, John Miller of Bartebeeth, Alexander Spier of Eldersley, John Glasford of Dougalston, James Ritchie of Craigton, John M^c Call of Belvider, John Campbell of Clathick, Thomas Hopkirk of Dalbeth, Alexander Ferguson of Craigdarrock, John Brown, William Craig, Archibald Smellie, John Bowman, George Buchanan senior, George Buchanan junior, John Brown junior, William Stirling, William Ewing, Alexander Crighton, William Coats, William Lang, John Auchinclos, William French, George M^c Call, Arthur Connell, William Colhoun, John M^c Kenzie, Hugh Wylie, all Merchants in Glasgow; John Wilson Writer there, Andrew Donald Merchant in Greenock, and their several and respective Successors, Executors, Administrators, and Assigns, are and shall be united into a Company for the better carrying on, making, compleating, and maintaining the said navigable Cut or Canal, and Road or Waggon-way aforesaid, according to the Rules, Orders, and Directions herein after expressed and laid down; and shall, for that Purpose, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Monkland* Navigation; and by that Name shall have perpetual Succession, and shall have One common Seal; and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase

Names of Company.

Their Stile.

Lands

Lands to them, and their Succeſſors or Aſſigns, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall be, and are hereby authoriſed and impowered, from and after the Fourteenth Day from the paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and complete a Cut or Canal of Three Feet Depth of Water, navigable and paſſable for Boats, Barges, and other Veſſels, from the Monkland Collieries in the County of Lanerk, beginning at a Place called the Sheep Foord, in the Pariſh of Old Monkland, and County aforeſaid, paſſing by or near the Houſe of Drumpellier, by or near the Wellhouſe Bleachfield, to or near the City of Glaſgow, and River of Clyde; and alſo to make, complete, maintain, and keep in good Repair, a Road or Waggon-way, from the Weſt End of the ſaid Canal, at or near Jermeſton, to the River Clyde, at or near Glaſgow, with a Side Road or Waggon-way therefrom, into the City of Glaſgow; and to ſupply the ſaid Cut or Canal, whilſt the ſame ſhall be making, and when made, with Water, from Gartſherrie and Coatſburns Thom Light burn, from the Frankfield and Hoganfield Locks, and from all Rivers, Streams, Springs, Lakes, or Locks, within the Diſtance of Three Miles from the ſaid Cut or Canal, provided the ſame be not appropriated or claimed as neceſſary for ſupplying the great Canal or Communication between Forth and Clyde with Water; and alſo to make ſuch Reſervoirs, within the Diſtance laſt mentioned, as ſhall be neceſſary for the Purpoſes of the ſaid intended Navigation, for the more conveniently ſupplying the ſame with Water: And for the Purpoſes aforeſaid, as alſo for making, uſing, completing, extending, and maintaining of ſuch Trenches, Paſſages, Gutters, and Watercourſes as ſhall be neceſſary and proper to convey Water to and from the ſaid intended Cut or Canal, according to the Tenor and Purport of this Act, the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, and their Agents, Servants, and Workmen, are hereby authoriſed and impowered, in, upon, or through the Lands and Grounds of any Perſon or Perſons, Bodies Politic, Corporate, or Collegiate whatſoever, to enter, and to bore, dig, cut, trench, ſough, remove, and lay Earth, Soil, Clay, Stone, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters

Their Powers.

Matters and Things, which may be dug or got in making of the said navigable Cut or Canal, or out of the Lands and Grounds of any Person or Persons adjoining or contiguous thereto, and which may be proper, requisite, or convenient for carrying on and continuing the same respectively, or which may hinder, prevent, or obstruct the making, using, completing, and making the same respectively; and also to make, build, erect, and set up in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aquaeducts, Sluices, Locks, Dams, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, and other Works, Ways, and Conveniencies, as and where they the said Proprietors, their Successors, and Assigns, shall think requisite and convenient, for the Purposes of the said Navigation; and also from Time to Time to alter, repair, and amend the same, and to make, widen, or enlarge any Bridges, Dams, Ways, Passages, Cuts, Locks, Tunnels, Aquaeducts, Trenches, Sluices, Warehouses, or other Conveniencies, as well for the carrying and conveying Goods, Coals, Commodities, and other Things, to or from the said Cut or Canal, as for the carrying and conveying of all Manner of Materials necessary for making, erecting, finishing, altering, repairing, or amending the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works shall and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Cut or Canal, or the Tunnels, Aquaeducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and likewise to make, set up, and appoint such Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Vessels, passing in, through, or upon the said Cut or Canal, as they the said Proprietors, their Successors and Assigns, shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Cut or Canal, and Towing-paths on the Sides thereof; and also to make, erect, or do all other

Matters

Matters and Things, which they shall think necessary and convenient, for the making, effecting, extending, improving, preserving, completing, and using the said Navigation and Road or Waggon-way aforesaid; and for levelling or filling up of Ground to make the said Road or Waggon-way, and Side Road or Waggon-way, more complete and commodious, in pursuance and within the true Meaning of this Act; they the said Proprietors, their Successors and Assigns, doing as little Damage as may be in the Premises, and making Satisfaction in Manner herein after directed to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Lakes, or Locks, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages 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 of Proprietors, their Successors or Assigns, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Right of *Forth* and *Clyde* Navigation, reserved.

Provided always, That the Company of Proprietors of the Forth and Clyde Navigation, shall retain and preserve their Right to all Supplies of Water after the Passing of this Act, in the same Manner as they now do; any Thing in this present Act to the contrary notwithstanding.

Buildings not to be erected on the Sides of the Canal.

Provided also, and be it hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors or Assigns, to erect or build any House or other Building, other than for the necessary Purposes of the said intended Navigation; and also such Warehouses to be built as herein directed, for the Use of the said Navigation; or any Mill or Mills upon the said intended Cut or Canal hereby authorised to be made, or upon the Lands which shall be set out for the Towing-paths, Wharfs, or Quays on the Sides thereof; or to plant any Trees on such Lands or Grounds; or to make, erect, or build any Warehouses, Buildings, Quays, Wharfs, Cranes, and Weigh-beams, within the Distance of Five hundred Yards of any Capital or Mansion-house, or in or upon any Garden, planted Walk, or Avenue, to such Mansion-house that are used as such at this Time, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber,

ber, Wood, Bushwood, or Underwood, upon any of the Estates or Land through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried, except such Timber, Wood, Bushwood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used, for the making of the said navigable Cut or Canal, Towing-paths, Trenches, Sluices, Roads, Passages, Road or Waggon-way, or Conveniencies respectively as aforesaid; and that the Proprietors of the respective Lands or Grounds on which such Timber, Wood, Bushwood, or Underwood shall grow at the Time of passing this Act, their Heirs or Assigns, shall have it in their Option to take such Timber, Wood, Underwood, and Bushwood respectively, when fallen or cut down by the said Company of Proprietors, their Successors and Assigns, at such Price or Value as the same respectively shall have been estimated or purchased by the said Company of Proprietors, their Successors or Assigns; which Timber, Wood, Bushwood, or Underwood, so fallen or cut down by or for the Use of the said Company of Proprietors, shall and may be carried to and from any Part of the said Cut or Canal, free from all Tolls and Duties to be raised and levied by virtue of this Act; But in case the same shall not have been estimated at, or purchased by them upon, a Valuation separate or distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land, and the said Company, their Successors and Assigns, or their Agent or Agents; or in case of any Difference of settling or ascertaining the same, then at such Price or Value as the Commissioners after named, or any Five or more of them, shall direct and appoint: And if any House or other Building, except as aforesaid, shall be erected, or any Trees shall be planted upon any such Lands or Grounds, without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons who was or are Owner or Owners of such Lands or Grounds at the Time of the setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses and other Buildings, and to cut and carry away such Trees, without being guilty of a Trespass, or being liable to any Action or Prosecution for so doing.

And

And be it further enacted, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick or Collegiate, through which the said Cut or Canal, Road or Waggon-way, and other Works hereby authorised are intended to be made, in order to survey and take a Level of the same; and to set out and ascertain such Parts thereof as they shall think necessary or proper for making such Cut or Canal, and Road or Waggon-way, and other the Matters and Conveniencies aforesaid; such Agents or Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the Time being, in case the same exceeds the Sum of One Shilling Sterling Money.

Company's Agents may enter upon Lands to take Levels, &c.

making Satisfaction for Damages.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors shall not be chargeable with any Part or Portion of the Land-tax, Ministers Stipend, Poors Rates, or of any other public Burdens or Taxations whatsoever, for the Lands which shall be so set out, ascertained, and purchased to and by them for the Use of the said Navigation, and Road or Waggon-way, by virtue of the Powers given them by this Act as aforesaid; but that all such Taxations and publick Burdens shall be chargeable upon the Lands remaining with the Vendor or Venders after such partial Alienation to the said Company of Proprietors as aforesaid; and shall be levied from them, their Heirs and Successors in the said Lands, in the same Manner as if such partial Alienations had never been made; and the said Vendor or Venders, and all other Person or Persons interested in the Lands so sold to the Company of Proprietors as Superiors or otherwise, shall be intitled to the same Rights and Priveleges from the remaining Parts of these Lands, as if such Sale or Sales to the said Company of Proprietors had never been made.

Taxes on purchased Lands, chargeable on Lands remaining with the Venders;

whose Priviledges are reserved.

Provided always, and be it enacted, That the Land or Ground to be taken or used for such Cut or Canal, and Towing-paths, and the Ditches, Drains and Fences, for separating such Towing-paths from the adjoining Lands, shall not exceed Sixty Yards in Breadth, except in such Places where the said Cut or Canal shall be raised higher or cut above Six Feet deeper than

Land taken for Canal, &c. not to exceed 60 Yards in Breadth;

(Exceptions)

than the present Surface of the Land; and in such Places where it shall be judged necessary for Boats or other Vessels to turn, lie, or pass each other in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold for the Purposes of making any navigable Cut, Trench or Sluice, to convey Goods, Commodities, or other Things, to or from the said Cut or Canal, without the Consent of the Owner or Owners of the said Lands respectively under his, her, or their Hands, in Writing, first had and obtained; providing likewise, that the Land or Ground to be taken or used for the aforesaid Road or Waggon-way, shall not exceed Thirty Feet in Breadth.

nor to be taken without Consent of Owners.

Waggon-way not to exceed 30 Feet.

And be it further enacted, That after any such Part of the said Lands and Grounds shall be set out and ascertained as aforesaid, for making the said Cut or Canal, and Road or Waggon-way, and other the Purposes and Conveniencies herein before mentioned; it shall and may be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Heirs of Entail, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their several and respective Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons; and to and for all Femes-covert, who are or shall be seized, possessed of, or interested in their own Right; and to and for every other Person or Persons whomsoever who are or shall be seized, possessed of, or interested in any Lands or Grounds which shall be set out and ascertained as aforesaid, or any Part thereof, whether by Titles held in Fee-simple or entailed, to contract for, sell and convey unto the said Company of Proprietors, their Successors and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, and Road or Waggon-way, all or any Part of such Lands or Grounds which shall from Time to Time be set out and ascertained as aforesaid; and where, by making the said Cut or Canal, the Property of any Land-owner or Land-owners, shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such

Bodies Politick, &c. may treat for the Sale of Lands, &c.

Lands separated into small Parcels, may be exchanged.

Bodies

Bodies Politick, Corporate and Collegiate, and other such Land-owners, or other Persons interested as aforesaid, to sell, or to convey in Exchange or Excambion, for other Lands in a Situation more convenient to be occupied by them and their Tenants, all or any Part of such Lands or Grounds through which the said intended Cut or Canal shall be made, and which shall be so separated into small Parcels, and the Occupation thereof rendered inconvenient as aforesaid, not exceeding Twenty Acres in each Parcel, to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as shall be agreed upon betwixt the Parties interested; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom, to the contrary thereof, in any wise notwithstanding; and all Bodies Politick, Corporate or Collegiate, and all Persons whatsoever so conveying or exchanging as aforesaid, are hereby indemnified for what they or any of them shall respectively do in virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances and Assurances, (other than those which concern any Purchase or Exchange between any such respective Landowners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors and Assigns, be recorded in the Sheriff-court Books of the County of Lanerk, or in the Town-court Books of Glasgow, by the Clerks of the said Courts, and true Copies or Extracts thereof, under the Hands of such Clerks, shall be allowed to be good Evidence in all Courts whatsoever; and the said Sheriff or Town Clerks are hereby required to record the same accordingly; for which they shall have and receive the Sum of Sixpence Sterling Money for every Two hundred Words, and so in proportion for any greater or lesser Number of Words, and no more.

Contracts, &c. to be recorded.

Extracts thereof deemed Evidence.

Clerks Fee.

And whereas Differences may arise between the said Company of Proprietors, and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, or Waters which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That the Commissioners

Commissioners.

missioners of the Land Tax for the Time being within the County of Lanerk, who are or shall be infeft in the Property, or possessed as Proprietors or Life-rent, of Lands valued in the Land Tax Roll in Valuation Books of the said County, to the Extent of Two hundred Pounds Scots of yearly valued Rent, and the eldest Sons and Heirs Apparent of Persons who are or shall be infeft in the Property of the Lands of the Extent and Valuation aforesaid; and also the Representatives in Parliament for the County of Lanerk, the District of the Burghs of Glasgow, Dumbarton, Renfrew, and Rutherglen, and the Deputy and Substitute Sheriffs of the County of Lanerk; and also, the Provost, Dean of Guild, and Deacon Convener of the Trades of Glasgow for the Time being, and the Preceptor of Hutcheson's Hospital in Glasgow for the Time being, shall be, and they are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors, their Successors and Assigns, or any of them, and the several Proprietors of, and Persons interested in any Lands, Grounds, Tenements, Hereditaments, or Waters that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Five or more of them, qualified as aforesaid, are hereby impowered, by Writing under their Hands, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Proprietors, their Successors and Assigns, or any of them, to such Bodies Politick, Corporate, and Collegiate, Person or Persons respectively, which shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Cut or Canal, and Road or Waggon-way, and other Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages that shall be at any Time or Times whatsoever sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, repairing, and maintaining the said Cut or Canal, Road or Waggon-way, Trenches, Passages, Gutters, Water-courses, Roads, Ways, or Sluices

Their Powers.

Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or ouzing of the Water over or through the Banks of the said Cut or Canal, Trenches or Sluices, or over or through any Passages, Gutters, or Water-courses which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Cut or Canal, or by not cleansing the said Water-courses, Trenches or Passages, or by turning or diverting any Springs, Streams or Brooks into the same, or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, their Successors, and Assigns, or any of them, and such Proprietors of, and Persons interested in the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors, and Assigns, for and on the Part and Behalf of themselves, or any such Body Politic, Corporate, and Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or intitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money, or such Recompence, as shall be so determined to be paid; or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors and Assigns, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediments, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a

On Refusal to submit to Determination of Commissioners,

clear Title to the Premiſes which they are or ſhall be in Poſſeſſion of, or to the Intereſt which they may claim therein; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall and they are hereby impowered and required, from Time to Time, to certify the Caſe by a Writing under their Hands, to be produced to the Sheriff Depute of Lanerk for the Time being, or to the Sheriff Subſtitute for the ſaid County; and upon ſuch Production, the ſaid Sheriff Depute, or Subſtitute, is hereby authoriſed and required, to ſummon and return a competent Number of ſubſtantial diſintereſted Perſons, not leſs than Fifteen, nor more than Twenty; and out of ſuch Perſons ſo to be ſummoned and returned, a Jury of Twelve Perſons ſhall be choſen by the ſaid Commiſſioners, or any Five or more of them; which Perſons to be ſummoned and returned, are hereby required to come and appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Times or Places as in ſuch Certificate or Certificates ſhall be appointed, not being leſs than Ten, nor more than Twenty Days after ſuch Certificate ſhall be produced to the ſaid Sheriff Depute, or Subſtitute, reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff Depute, or Subſtitute, ſhall return other honeſt and indifferent Men, that can ſpeedily be produced, to attend that Service, to make up the ſaid Jurymen to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to ſummon and call before them, all and every ſuch Perſon or Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in controverſy; which Jury (upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more of them, and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter) ſhall enquire for, aſſeſs and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands or Grounds, or the Recompence to be made for the Damages that may or ſhall be ſuſtained

Sheriff Depute, or Subſtitute, to return a competent Number of diſintereſted Perſons,

out of w' om Commiſſioners are to appoint a Jury.

Jurors may be challenged.

ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe Monies or Recompence, ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Five or more of them, ſhall be binding, concluſive, and final, to all Intents and Purpoſes whatſoever, againſt the King's Majeſty, his Heirs and Succeſſors, and againſt all and every Perſon or Perſons, Bodies Politic and Corporate, having or claiming any Right, Title, Truſt, or Intereſt, in, to, or out of the ſaid Lands, Grounds, or Premiſes, to be affected by this Act, either in Fee or in Liferent, or Expectancy, as well Infants, Minors, Ideots, or furious Perſons, Proprietors by Entail, Liferenters, Leſſees, or Tenants, his, her, and their Succeſſors, Executors, and Adminiſtrators, without further Appeal; and the ſaid Verdicts, Judgements, Orders, Sentences, and Decrees, and the other Proceedings of the ſaid Commiſſioners ſo to be made, given, and pronounced as aforeſaid, ſhall be fairly written on a Paper or Parchment, by the Commiſſioners Clerks, and ſigned by any Five or more of the Commiſſioners preſent at the making and pronouncing the ſame, and ſhall be recorded in the Sheriff Court Books of Lanerk by the Sheriff Clerk of the ſaid County; and Two Copies and Extracts thereof, under the Hand of ſuch Sheriff Clerk, ſhall be allowed to be good Evidence in all Courts whatſoever; and the ſaid Sheriff Clerk is hereby required to record the ſame accordingly; for which Copies or Extracts the ſaid Clerk ſhall receive the ſame Fees as herein before expreſſed; and the ſaid Lands, Grounds, and Premiſes ſhall, from and after the recording of the Verdicts aforeſaid reſpectively, be deemed and held to belong to the ſaid Company of Proprietors; and from thenceforth they ſhall be entitled to remove all Perſons from the Poſſeſſion of the ſaid Lands and Premiſes, and to enter upon the Poſſeſſion thereof themſelves, in the ſame Manner as if the ſaid Lands and Premiſes had been conveyed by Diſpoſition to the ſaid Company of Proprietors, their Succeſſors, and Aſſigns.

Judgement of Commiſſioners to be final.

Verdicts, &c. to be recorded in Sheriff Court of *Lanerk*:

Copies thereof to be allowed in Evidence.

Clerk's Fee.

Provided always, and be it enacted, That if the ſaid Sheriff Depute and Subſtitute ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling Money; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing refuſe to give his Verdict, or in any other Man-

Penalty on Sheriff Depute, or Subſtitute, neglecting to ſummon Jury; and on Jurymen not appearing, or neglecting their Duty.

ner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing, refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Five or more of them, shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling Money, to be levied by virtue of any Warrant or Warrants under the Hands of the said acting Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending; rendering the Overplus to the Owners thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted: And if any Person or Persons, who shall have incurred such Forfeiture or Forfeitures for not appearing, or for refusing to give Evidence as aforesaid, shall again be summoned, and not appearing, or appearing refuse to give Evidence, the said Commissioners, or any Five or more of them, being Justices of the Peace in the County of Lanerk, may, and are hereby impowered, to grant a Warrant or Warrants for imprisoning the said Person or Persons, until he, she, or they shall severally give sufficient Security, under the Penalty of Twenty Pounds Sterling, to appear and give Evidence as aforesaid; and that in case the Person or Persons so summoned to give Evidence, and not appearing, or appearing shall refuse to give Evidence, do not reside within the said County of Lanerk, Letters Supplement shall issue from the Court of Session for summoning and compelling the said Person or Persons to appear and give Evidence, by every Method known and practised in the Courts of Justice of that Part of Great Britain called Scotland.

Expence of Juries how to be borne.

Provided also, and be it enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, or Hereditaments, or Property of any Person or Persons whatsoever, than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors, their Successors or Assigns: But if any Verdict or Assessment shall be given

or

or made for no more, or for a less Sum than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors or Assigns, or than had been determined by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors and Assigns, shall have such Controversy or Dispute.

Persons requiring a Jury to enter into Bond to prosecute.

Provided further, and be it enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners be obliged to certify, as aforesaid, to the Sheriff Depute or Substitute of the said County of Lanerk, for the summoning such Jury in Manner aforesaid, first enter into a Bond, with Two Sureties, to the Treasurer or Cashier to the said Company of Proprietors, their Successors and Assigns, for the Time being, in the Penalty of Fifty Pounds Sterling Money, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or less Sum than had been offered by, or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than had been assessed by the said Commissioners before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages as aforesaid.

Notice of Injuries to Proprietors, before Complaint to Commissioners.

Provided moreover, and be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whatsoever, for any Injury or Damages by him, her, or them sustained by virtue of this Act, unless Application hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, their Successors and Assigns, or their known Agent or Agents, or to some Collector or Collectors of the Tolls arising from the said Navigation, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing and committing thereof shall have ceased.

Penalty on giving false Evidence.

And be it further enacted, That all and every Person or Persons who in any Examination to be taken by virtue of this Act, shall give false Evidence before the Commissioners, or any of them, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishment and Disqualification, as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Practice of that Part of Great Britain called Scotland.

Upon Payment or Tender of the Monies, Proprietors may cut, dig, &c.

And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons intitled to receive such Money, or legal Tender thereof made to such Proprietor or Propietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined or assessed; or if he, she, or they cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, shall, by a Writing under their Hands, appoint, for the Use of, and to be paid on Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in, and become for ever the sole Property of the said Company of Proprietors, their Successors and Assigns, to and for the Use of the said Navigation, and Road or Waggon-way, but to or for no other Use or Purpose whatsoever; and then, and not before, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions for the making, using, maintaining, and repairing the said Cut or Canal, and Towing-paths on the Sides thereof, and Road or Waggon-way, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid; and thereupon to make, erect, or do any Works,

Works, Matters, or Things for the effecting and carrying on the said Navigation, and Road or Waggon-way, and for supporting and maintaining the same, as the said Company of Proprietors, their Successors or Assigns, shall think requisite; and to have, use, and enjoy the same, to and for their own Use and Benefit, for the Purposes of the said Navigation, and Road or Waggon-way; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, their Successors and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Verdict, &c. to be recorded by the Clerk of the County.

And be it further enacted, That all the Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Five or more of the Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts and pronouncing such Judgements respectively, shall be transmitted to and kept by the Sheriff Clerk among the Records of the said County of Lanerk, and shall be deemed to be the Records of the said County to all Intents and Purposes; and the same, or true Copies or Extracts thereof (under the Hand of the Sheriff Clerk) shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Records and Inrolments of such Contracts, Agreements, Sales, and Conveyances, as herein before mentioned, paying for each Inspection the Sum of One Shilling Sterling Money; and to take Copies or Extracts thereof, without Stamps, paying for each Copy or Extract, not exceeding Two hundred Words, the Sum of Sixpence Sterling Money, and so in proportion for any Number of Words; and immediately on such Payment, and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity, of the first Person or Persons for whose Uses such Money shall be paid, in and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, their Successors and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every

Copies thereof deemed Evidence.

Clerk's Fee.

Person having any Estate in the Premises had actually conveyed the same to them by Disposition, Charter, or any other legal Conveyance, and that the said Company of Proprietors had been infeoft thereupon, according to the Laws and Practice of that Part of Great Britain called Scotland; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, in Reversion or Remainder, and in general shall be construed to bar the Rights of all and every other Person or Persons whomsoever, having or claiming any Right, Title, or Estate in the Premises.

Purchase-money to be laid out to the same Use.

And be it enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for and on Behalf of any Infants, Lunaticks, Ideots, Femes Covert or other Trusts, or to any Person or Persons whosoever, whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of One hundred Pounds Sterling Money, by such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seised of Lands or Grounds so limited in strict Settlement, to be laid out as conveniently may be in the Purchase of Lands, Tenements and Hereditaments in Fee-simple, and conveyed to such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, for such Estates, and to, for, and upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds for or in respect whereof such Purchase-money, or Monies received in Exchange shall be paid as aforesaid, were limited, settled and assured at the Time such Purchase-monies were so agreed for, ascertained or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land-owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors and Assigns; and in the mean Time,

and

and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, upon sufficient Real or Personal Security, in the Names of Two or more Persons, the one to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Five or more of them; and the Interest arising, or to be produced from such Securities, shall be paid to such Person or Persons respectively, as would have been intitled to the Rents and Profits of such Lands, Tenements or Hereditaments, so to be purchased, in case the same had not been purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle the Proportions of Purchase-money, &c.

And be it further enacted, That the said Commissioners, or any Five or more of them, may and are hereby impowered to settle what Shares and Proportions of the Purchase-money, or Recompence for Damages, which shall be so agreed for between the said Company of Proprietors, their Successors and Assigns, or any of them, to be determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by the said Juries in manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein.

to be allowed to Tenants, &c.

On Nonpayment of Money awarded for Damages,

And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner as shall be assessed and awarded for Damages of any Kind by virtue of this present Act by the said Commissioners, or any Five or more of them, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to appoint one or more Person or Persons to receive the Tolls, Rates and Duties by this Act imposed; and thereout, in the First Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment, in Order and Course respectively, as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine; or otherwise, such Party or Parties shall and may have a Remedy for such Sum or Sums of Money, so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Five or more

Commissioners may take Possession of the Tolls, &c.

or Parties may have Remedy by Action at Law.

of them, as aforesaid, by Action at Law in the Court of Session in Scotland, Sheriff-court Books of the County of Lanerk, or Town-court Books of Glasgow, against the said Company of Proprietors, their Successors or Assigns, to recover the same with full Costs of Suit.

Wilfully damaging the Works, Felony.

And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks, or other Works to be erected or made by virtue of this Act, or to do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying, completing, supporting, and maintaining the said intended Navigation; such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by and before whom such Person or Persons shall be tried and convicted, shall and hereby have Power and Authority to transport such Felon for the Space of Seven Years, to some of his Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

and Offender to be transported for 7 Years.

No Coals, &c. to be dug for within 30 Yards of Canal,

And be it further enacted, That no Owner or Proprietor, Owners or Proprietors, of any Mines or Minerals, their Workmen or Servants, or other Person whatsoever, shall, on any Account whatever, open, dig, sink, or carry on any Work for the getting of Coal, Lime-stone, or other Mineral, within the Distance of Thirty Yards from the said intended Cut or Canal, and Road or Waggon-way aforesaid; nor shall any Coals nor other Minerals be got under the said Cut or Canal, or Road or Waggon-way, or the Towing-paths aforesaid, or under any Part or Parts thereof, or within or under any Land or Ground lying within the Distance of Thirty Yards on either Side of the said Cut or Canal, or Road or Waggon-way, on any Account whatsoever,

without Consent of Proprietors;

without the Consent of the said Proprietors, their Successors and Assigns, in Writing under their Common Seal for such Purpose first had and obtained.

except when Coal-mine shall run under the Canal, &c.

Provided always nevertheless, That when and so often as any Coal-mine shall be got up to, or within the Distance aforesaid, of the said Cut or Canal, or Road or Waggon-way, or of the outside Boundary of the Towing-paths, or of any Part thereof; and such Coal-mine, or Vein of Coal, shall continue to extend itself, and run under the said Cut or Canal, or Road or Waggon-way, or any Part thereof, it shall and may be lawful for the Owner or Owners of such Mine, from

in which Case, Mine-owner may work the same,

Time

Time to Time, to dig, cut, drive and make Head-ways or Tunnels under the said Cut or Canal, and Road or Waggon-way, and Towing-paths aforesaid, for the further and better getting such Coals, or other Minerals, so as such Head-ways or Tunnels do not exceed Six Feet in Height, nor Four Feet in Breadth; any Thing herein to the contrary thereof in any wise notwithstanding. making proper Tunnels.

And be it further enacted, That it shall and may be lawful to or for the said Company of Proprietors, their Successors and Assigns, their Agents, Workmen and Servants, to dig, cut, quarry, remove and carry off Stone, Lime-stone, Clay, Gravel, Sand, and all other Materials whatsoever (Trees and standing Timber excepted) necessary to be used by them in the making, maintaining and repairing of the said Cut or Canal, and Road or Waggon-way, and of the Reservoirs, Aqueducts, Tunnels, Trenches and other Works belonging to the said intended Navigation, and which shall or may be found upon any Lands or Grounds lying within the Distance of Three Miles from any Part of the Course of the said Cut or Canal, and Road or Waggon-way; not being Ground within the Distance of Five hundred Yards of any Capital or Mansion-house, or where a House stands, Garden, planted Walk, or Avenue to a Mansion-house; and to make, maintain and use good and sufficient Roads for conveying the said Stone, Lime-stone, Clay, Gravel, Sand, and other Materials, from the Place and Places where the same shall be respectively so cut and dug and quarried, to the said Cut or Canal, and Road or Waggon-way; and also Roads to and from all Lakes, Locks, Reservoirs and Aqueducts, which shall be appropriated and made and used to and for the Use of the said intended Navigation, by virtue of the Powers given by this Act; the said Company of Proprietors, their Successors and Assigns, making reasonable Satisfaction to the Owner or Owners, Possessors and Occupiers of the said Lands through which the said Roads shall be made, and out of which the Stone, Lime-stone, Clay, Gravel, Sand, and other Materials aforesaid shall be dug, for and in respect of the said Roads, and of digging and carrying away of the Materials aforesaid; and that all Disputes or Differences which may arise between the said Company of Proprietors and the Land-owners, Possessors, and Occupiers aforesaid, shall be adjudged and finally determined in the same Manner, and by the like Proceedings, as are herein before provided for in the Case of Purchases of Lands Proprietors may get Materials within 1 Miles of Canal, &c. making Satisfaction to Owners. Differences how to be determined.

Lands to be made by the said Company of Proprietors, to and for the Use of the said intended Navigation.

Proprietors may arise amongst themselves 10,000 *l.* Sterling.

And, to the End that the said Company of Proprietors may be further enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute among themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said navigable Cut or Canal, and Road or Waggon-way, provided the Sum do not exceed Ten thousand Pounds Sterling Money in the Whole, except as herein after mentioned; and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding One hundred Pounds Sterling Money per Share; and the Money so to be raised is hereby enacted and appointed to be laid out and applied in the first place for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said navigable Cut or Canal, and Road or Waggon-way, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Expences of taining this Act, to be first paid.

Money raised, to be divided into 100 Shares,

And be it further enacted, That the said Sum, or such Part thereof as shall be raised by the several Persons herein before named Proprietors of the said Company, shall be divided and distinguished into One Hundred equal Parts or Shares, at a Price not exceeding One Hundred Pounds Sterling Money per Share; and that the said One hundred Shares shall be, and are hereby vested in the several Proprietors before named, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum or Sums they and each of them have severally subscribed, and to which they have been assumed by original Subscribers or their Executors, and shall contribute and pay thereunto; and every the Bodies Politic and Corporate, and every Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed, or have been assumed as aforesaid, and shall pay in the Sum of One hundred Pounds Sterling Money, or such Part thereof as shall be demanded towards carrying

to be vested in Proprietors, &c.

who are intitled to Profits, and subjected to Expences, in proportion to Sums advanced.

rying on and completing the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be completed, the intire and neat Distribution of One Hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares; and every Body Corporate or Politic, Person or Persons, having such Property of One Hundredth Part or Share in the said Undertaking, and so in proportion, shall bear and pay a proportional Sum of Money towards carrying on the said Undertaking, in Manner herein after enacted, directed, and appointed.

If 10,000*l.* Sterling is not sufficient, a further Sum to be raised.

Provided always, and be it enacted, That in case the said Sum of Ten thousand Pounds Sterling Money herein before authorised to be raised, shall be found insufficient for making, completing, and maintaining the said navigable Cut or Canal, and Waggon-way, and other the Works hereby authorised to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute among themselves, or by Subscription, in their Option; the new Subscribers having the same Rights, Powers, and Benefits, in respect of the Sums to be subscribed and paid by them respectively, as the present Proprietors have or may have, in proportion to their Shares as aforesaid; in Manner and Form aforesaid, any further or other Sums of Money for making, completing, and maintaining the said Navigation, not exceeding the Sum of Five thousand Pounds Sterling Money.

Subscribers to have a Vote for every Share,

And to the End that all Matters and Things, touching, concerning, or relating to the carrrying on and completing the said Navigation, and Road or Waggon-way aforesaid, may be managed and conducted in the most beneficial Manner; be it further enacted, That the said several Proprietors who have subscribed, or have been assumed and undertaken for One Share of One hundred Pounds each of the said Navigation, and their Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for so much, and shall have a Vote in every public Meeting or Assembly to be held, as hereafter appointed, for carrying on the said Undertaking; which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly constituted

by themselves or Proxy.

ſtituted under his, her, or their Hand or Hands, ſuch Proxy or Proxies being intitled to vote in his or their own Right, as Proprietor or Proprietors in the ſaid Undertaking; and ſuch Vote or Votes by Proxy ſhall be as good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Corporate and Politic, Perſon or Perſons, who ſhall have more than One Share, ſhall have Liberty by him, her, or themſelves, or by his, her, or their Proxies, regularly conſtituted as aforeſaid, to give One Vote for every One Share of One hundred Pounds Sterling each, for which he, ſhe, or they ſhall be a Proprietor as aforeſaid; and whatever Queſtion, Election of proper Officers, or other Matters or Things which ſhall be propoſed, diſcuſſed, or conſidered in any public Aſſembly, to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every One Share of One hundred Pounds Sterling each.

No Proprietor to have more than 10 Votes.

Provided always, That no Proprietor, though poſſeſſed of more than Ten Shares, ſhall, by himſelf or Proxies, have more than Ten Votes in any ſuch Aſſembly as aforeſaid.

General Aſſembly for chuſing a Committee.

And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act, may be the more regularly and methodically carried into Execution; be it enacted, That the firſt General Aſſembly or Meeting of the Proprietors for putting this Act into Execution, ſhall be held in the Council Chamber of Glaſgow, upon the firſt Wedneſday that ſhall happen after the elapſing of Twenty Days from the paſſing of this Act, with Power to them to adjourn ſuch firſt, and every other ſubſequent Meeting, from Time to Time, as they ſhall think neceſſary for the Purpoſes of this Act; and the like General Aſſemblies or Meetings ſhall be held in the ſaid Council Chamber, or at ſuch other Place as the ſaid Proprietors, or the major Part of them preſent at the ſaid firſt Meeting or adjourned Meeting ſhall appoint, on the *First* Wedneſday of Auguſt, the *First* Wedneſday of November, the *First* Wedneſday of February, and the *First* Wedneſday of May in every Year for the future after the ſaid *First* Meeting, at the Hour of Eleven of the Clock in the Forenoon; at which ſaid firſt Meeting the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Nine Perſons who are, for the Time being, Proprietors of One Share in the ſaid Navigation; which Perſons ſo to be choſen ſhall be a Committee to manage the Affairs of the ſaid Company of

Proprietors,

Proprietors, in such Manner as is herein after directed, and as shall from Time to Time be ordered by such General Assemblies aforesaid: But if at any Time it shall appear to any Nine or more of such Proprietors, that, for the more effectual putting this Act in Execution, a special Meeting of Proprietors is necessary to be held, it shall be lawful for such Nine or more of them to cause Notice to be given thereof in the Glasgow News-papers, or in such other Manner as the said Proprietors, their Successors, or Assigns shall, at any General Meting, direct and appoint, declaring in such Notices the Place where, and the Time when such Meeting is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Meetings respectively; and the Proprietors are hereby authorised to meet, pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them with respect to Matters so specified only; and all such Acts of the Proprietors, or the major Part of them at such Meetings assembled, such major Part not having, either as Principals or Proxies, less than Forty Shares, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Special Meetings may be appointed,

on 10 Days Notice.

Provided always, That such Committee shall, from Time to Time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Proprietors, at any such General Assembly, or other Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee subject to Controul.

And be it further enacted, That the Book and Books in which all the Accounts relative to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box to be kept at such Place as the said Company of Proprietors, their Successors, and Assigns, shall from Time to Time direct; and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Request, shall have free Access to such Book or Books for his, her, or their Inspection.

Books to be kept.

And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle all

General Assembly impowered to settle Accounts,

all Accounts of Money laid out and disbursed on Account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers, to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under them, in or about the said Navigation; and, to that Purpose, shall have Power to adjourn themselves over from Time to Time, and from Place to Place, as shall be thought convenient, by the said General Assembly; and every General Assembly, or such Committee met together by the Authority of this Act, shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes; which Money so called for, shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Five; and every Owner or Owners of One or more Part or Parts, Share or Shares of the said Undertaking, shall pay his, her, or their Shares or Proportions of the Money to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Glasgow News Papers, or in such other Manner as the said Proprietors, their Successors or Assigns, shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time or Place appointed by such General Assembly or Committee, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds Sterling Money for every One hundred Pounds Sterling

make Calls on Proprietors,

and manage all other Affairs of the Company.

Share-owners to make Payment on Call,

on Forfeiture of 5*l.*

ling

ling Money, of his, her, or their respective Share or Shares, Parts and Interests in the said Navigation, Undertaking and Premises; and in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for the Payment thereof as aforesaid, then he, she, or they, so neglecting, shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises, and all the Benefit and Profit thereof; all which Forfeitures shall go to the Company of Proprietors of the said Navigation, their Successors and Assigns.

and neglecting Payment for 2 Months,

Share forfeited,

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after Personal Notice to the Owner, or, in the Event of his Death, to his Executors, or next in Kin, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within Six Calender Months next after such Forfeiture shall happen to be incurred.

under Restrictions here mentioned.

And be it further enacted, That the said Company of Proprietors, their Successors or Assigns for the Time being, shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them; and shall have Power to make such new Rules, Bye-laws, and Orders for the good Government of the said Company, and for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well governing of the Mariners, Bargemen, Watermen, and Boatmen, and others, who shall carry any Goods, Coals, Wares, Merchandises, Commodities, and Things, upon any Part of the said Cut or Canal, or Road or Waggon-way; and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Five Pounds Sterling Money for any Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after-mentioned; which said Rules, Bye-laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon, and observed by, all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

General Assembly may remove Officers,

make Bye-laws,

and inflict Penalties.

Executors and Guardians indemnified in making good the Payments of deceased Owners.

Provided also, and be it enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced for each Share, which he, she, or they shall have been possessed of, or intitled to, without having made Provision by Will, or otherwise, how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owners so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whatsoever, for paying any Sum or Sums of Money when called for, as aforesaid, to compleat every such Subscribtion: And if such Owner deceased shall not have left Estate sufficient, or in case the Executors and Administrators, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments; the said Company of Proprietors shall be, and are hereby impowered, authorised, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner deceased, on condition that he, she, or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

On their Neglect, or Owner not leaving sufficient, Company may dispose of the Shares,

on securing, Repayment of Monies advanced.

Proprietors may sell their Shares.

And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the aforesaid Navigation, to sell or dispose of any Share or Shares he, she, or they shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that such Proprietor or Proprietors have a Duplicate or Duplicates of the Deed or Bargain of Sale of Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the Time being, to be kept for the Use of the said Company; and an En-

Purchasers to have a Duplicate of Deed.

try thereof shall be made in a Book or Books to be kept by the Clerk or Clerks for that Purpose, for which no more than One Shilling Sterling Money shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deeds shall be so delivered unto the said Committee, and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors. Sale to be entered.

And be it further enacted, That after any Call of such Monies shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they shall then have in the said Undertaking, until the Monies called for upon the respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking to the said Company, in Trust for the Benefit of all the said Proprietors; unless the Person or Persons who shall be Vender or Vendee shall, at the Time of such Transfer, pay the Money called for, upon each Share so transferred, to the Treasurer of the said Company; such Forfeiture nevertheless to be notified and declared at a General Assembly, in Manner above directed. After a Call, no Shares to be sold.

And be it further enacted, That the Sale of the said Share shall be in the following Form; videlicet,

I *A B*, in Consideration of paid to me by *C D*, do hereby bargain, sell, and transfer to the said *C D*, his Heirs and Assigns *(or more* Share *or* Shares, *as the Case is)* of the Undertaking of the *Monkland* Canal Navigation; to hold to him the said *C D*, his Heirs and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said *C D* do hereby agree to accept of the said Share *(or* Shares*)* of the said Undertaking, subject to the same Rules, Orders, and Conditions; consenting to the Registration hereof in the Books of Councils and Sessions, Town-court Books of *Glasgow*, or any others competent, therein to remain for Preservation; and for that End constitute Procurators. In Witness whereof these Presents, wrote by are subscribed by the said Parties, at the Day of One thousand seven hundred and Years, before these Witnesses. Form of the Sale.

And

Clerk to be appointed, and his Office.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, at any General Meeting assembled, and they are hereby authorised and required, from Time to Time, to nominate and appoint, by a Writing under their Hands, a Person to be their Clerk; who shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation, and of the several Persons who shall, from Time to Time, become Owners or Proprietors, or be intitled to any Share or Shares of and in the said Navigation and Undertaking, and of all the other Acts, Proceedings, and Transactions of the said Company of Proprietors, their Successors, and Assigns, by virtue of and under the Authority of this Act; and that each of the said Proprietors, Land-owners, and other Persons interested or concerned in the said Navigation, shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk to the said Commissioners gratis, and may demand and have Copies thereof, or of any Part thereof; and if any such Clerk or Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect or peruse such Book or Books, or refuse to make any Copy or Copies, he shall, for every such Offence, pay and forfeit the Sum of Five Pounds Sterling Money; and whenever such Clerk or Clerks shall die, or quit the Service of the said Company of Proprietors, it shall and may be lawful for the Committee of such Proprietors for the Time being, or any Five or more of them, to appoint some other fit Person in the Place of the Clerk so dying or quitting the Service of the said Proprietors, until the then next General Meeting, when a new Clerk shall be nominated and appointed for the Purposes aforesaid.

Proceedings to be entered in a Book.

Books may be read in Evidence.

And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose; and such Entries being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners, or any Five or more of them, may, and are hereby required, at a Meeting to be held by them at the said High Council Chamber of Glasgow, on the Sixteenth

teenth Day of May in the Year One thousand seven hundred and seventy, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, their Successors and Assigns, such One of the said Three Persons as they the said Commissioners shall think proper to be their Clerk; and from Time to Time to remove such Clerk, and appoint another in his Stead out of the Three Persons to be nominated as aforesaid; which Clerk shall be paid for his Care and Trouble in the Execution of such Office by the said Company of Proprietors, their Successors and Assigns. Clerk to be appointed.

And be it further enacted by the Authority aforesaid, That in consideration of the great Charges and Expences which the said Company of Proprietors, their Successors and Assigns, will be at, in making, maintaining, and supplying with Water, the said Cut or Canal, and Road or Waggon-way aforesaid; and in making and maintaining all the other Works hereby authorised to be made and erected; it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, to ask, demand, take and recover, to and for their own proper Use and Behoof, for Tonage and Wharfage, for all Coals, Stones, Timber, and other Goods, Wares, Merchandizes, Commodities, and Things whatsoever, which shall be navigated, carried, and conveyed upon or through the said Cut or Canal, such Rates and Duties as the said Company of Proprietors, their Successors and Assigns, shall think fit, not exceeding the Sum of One Penny Sterling Money per Mile for every Ton of Coal, Stones, Timber, Dung, Fuel, and other Goods, Wares, Merchandizes, Commodities, and Things whatsoever, which shall be navigated, carried and conveyed upon and through the said Cut and Canal, and so in proportion for any greater or less Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors and Assigns, shall direct or appoint; and likewise to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonage, for all Coals, Stones, Timber, Lime, and other Goods, Wares, Merchandises, Commodities, and Things whatsoever, which shall be carried and conveyed upon or through the said Road or Waggon-way, such Tolls, Rates, and Duties, as the said Company of Proprietors, their Successors and Assigns shall think fit, not exceeding the Sum of One Penny Sterling Money per Tolls allowed to be taken.

per Mile, or for any less Space, for every Ton of Coal, Stones, Timber, Lime, Dung, or other Manure, and other Goods, Wares, Merchandizes, Commodities, and Things whatsoever, which shall be carried and conveyed upon and through the said Road or Waggon-way, or any Part thereof, and so in proportion for any greater or less Quantity than a Ton; which last mentioned Tolls, Rates, and Duties, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Road or Waggon-way, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors and Assigns, shall direct and appoint; and in case of Denial or Neglect of Payment of the Tolls, Rates, and Duties aforesaid, hereby granted, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors and Assigns, may sue for the same in any Court competent within that Part of Great Britain called Scotland; or the Person or Persons to whom the said Tolls, Rates, and Duties, ought to have been paid, may, and he and they is and are hereby impowered to seize and distrain any such Boat or Vessel, or Goods, Wares, Commodities, or Things, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with the reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and publickly sold, returning the Overplus (if any be) to the Owner.

Tolls may be sued for,

or levied by Distress.

Provided always, and be it enacted by the Authority aforesaid, That all Goods, Wares, Merchandizes, Coals, Commodities, and Things whatsoever carried upon or through the said Road or Waggon-way, shall not be subject to any Tolls, Rates, or Duties whatever, other than those hereby granted, at any Toll-bar or Side-bar erected, or which may hereafter be erected by Order of the Trustees upon the Inchbelly, Garscube, or Cumbernald Roads, or either of them, or by the Trustees upon any other Toll Road whatsoever, betwixt the West End of the aforesaid Cut or Canal and the City of Glasgow and the River Clyde, through which Bars and Side-bars, erected or to be erected by the said Trustees, all Materials, Coals, Goods, Commodities, and Things whatsoever, passing or carried upon the said Road or Waggon-way, shall pass Toll-free; any Thing in the Turnpike Acts for the said Inchbelly, Garscube, and Cumbernald Roads to the contrary notwithstanding.

Goods, &c. carried on the Waggon-way, exempted from Toll at the Places here mentioned.

Provided

Provided also, and be it enacted, That Lime and Lime-stone shall not pay more than One Fourth, and Iron-stone more than One Half of the Rates, Tolls, or Duties before mentioned; and that Paving-stones, Gravel, and all other Materials for making and repairing of Roads, (Lime-stone excepted) and also Dung, Soil, Marle, and all Sorts of Manure for the Improvement of Lands and Grounds, shall not, nor shall any of them, be charged with or liable to pay any of the Rates, Duties, or Tolls authorised to be taken by this Act, but shall be free and exempted from the same; and also that such Person or Persons who shall own, or be concerned or employed in carrying Paving-stones, Gravel, Sand, or other Materials for the Repair of Roads; or Dung, Soil, Marle, or other Manure (except Lime and Lime-stone) for Land; shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays belonging to the said Company of Proprietors, their Successors, and Assigns; such Person or Persons not suffering any of the Articles or Particulars aforesaid to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels; which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

Lime and Lime-stone to pay only One Fourth of the Rates, and Iron-stone One Half.

Paving-stones and Manure exempted from the Rates.

Provided always, That no Boats carrying Dung, Soil, or Marle, be suffered to pass upon the said Canal, if loaded higher than the Sides of such Boats.

Dung-boats, *&c.* not to be loaded higher than the Sides.

And be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, shall, at their First Meeting, to be held by the Directions of this Act, or at any other Meeting to be held by the Direction of this Act, fix the Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties shall be equal throughout the whole Length of the said Canal; and that it shall and may be lawful for the said Company of Proprietors, their Successors, or Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in Manner herein after mentioned, to lessen or reduce all or any of the said Rates, Tolls, and Duties hereby granted, or so fixed at such First or other General Assembly, as they shall think proper; and may afterwards, from Time to Time, at any General Assembly, of which such

Rates to be fixed by Proprietors, and to be equal through the whole Navigation.

General Assembly may lessen the Rates,

and raise them again.

such Notice shall be given as aforesaid, advance all or any of the said Rates, Tolls, or Duties so lessened, to any Sum or Sums of Money, not exceeding the respective Rates, Tolls, and Duties herein before mentioned; and that no Reduction of the Rates, Tolls, and Duties hereby granted, shall be confined to any particular Part of the said Cut or Canal, but shall extend to and take place upon the Whole and every Part thereof, and shall be made, with the Consent of the Proprietors, of at least Two Thirds of the Shares in the said Navigation.

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

And, for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted, That the Masters, Owners, and Managers of every Boat, Keel, and other Vessel navigating upon the said intended Cut or Canal, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Tonage or Duties, at the Place or Places where they shall attend for that Purpose, of the Tonage of such Boat or other Vessel, and of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors, their Successors, or Assigns, or to their Treasurer, Cashier, Agent, or Servants, the Sum of Ten Shillings Sterling Money for every Ton of Goods which shall be in such Boats or Vessels respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered as aforesaid, as the Case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment on Demand of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors, and Assigns, that then, and in such Case the same shall be recovered and levied in such Manner, and by such Methods, as the said Tolls, Rates, and Duties hereby granted to the said Company of Proprietors, their Successors, and Assigns, are herein before directed and appointed to be recovered and levied.

on Penalty of Ten Shillings Sterling *per* Ton.

And be it further enacted by the Authority aforesaid, That if any Difference shall arise between any Collectors

of

of the said Rates and Duties, and Master or Persons having the Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandizes, concerning the Tonage of such Boat or Vessel, or the Weight and Quantity of the Goods, Wares, and Merchandize aforesaid, to be carried upon the said Cut or Canal, or Road or Waggon-way, or either of them; it shall be lawful for any such Collector to stop or detain any such Boat or Vessel, or Cart, Waggon, or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Boats or Vessels, Carts, Waggons, or other Carriages, Goods, Wares, Merchandizes, Commodities, and Things whatsoever therein contained; and in case the same, upon weighing, measuring, or gauging, appear to be of greater Tonage, Weight, or Quantity than such Master, Owner, or Person, having the Care of the said Boat or Vessel, Cart, Waggon, or other Carriage, affirmed the same to be, the Master, Owner, or Person so affirming, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges, upon Refusal of Payment thereof, upon Demand, shall and may be recovered and levied as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied: But if such Boat or Vessel, Goods, Wares, Merchandize, Commodities, and Things shall appear to be of less Tonage, Weight, or Quantity than the Master, Owner, or Person so declared the same to be, then the said Collectors shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; and in Default of immediate Payment thereof, the same may be demanded of the said Company of Proprietors at any General or adjourned Meeting or Meetings of the Committee; and if Payment shall not be made within Eight Days thereafter, the said Costs and Charges shall be recovered from the Company of the Proprietors of the said Navigation, their Successors or Assigns, by Action to be brought before any competent Court, in which the Defendant shall be decreed to pay the full Costs of Suit.

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

Provided always, and be it further enacted, That all Persons whatsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways, excepting the Towing-paths, and with Boats or other Vessels, the Navigable Cut or Canal, or Sluices, to be made virtue of this Act, for the Purpose of conveying Coals, Stone, Timber, and other Goods, Wares, Merchandizes, Commodities, and Things whatsoever to or from the said Cut or Canal, Trenches or Passages; and also to navigate upon the said Cut or Canal,

Navigation to be free upon Payment of Tolls.

Trenches, Sluices, or Passages, with any Boats or Vessels, and to use the said Wharfs and Quays for loading and unloading the Goods and other Things before mentioned, and the said Towing-paths for haling and drawing such Vessels and Boats, and also of the aforesaid Road or Waggon-way, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, their Successors, and Assigns, not exceeding the Rates herein before mentioned.

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

And, to the End the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required, on their own proper Costs and Charges, to make, or cause to made, such Arches, Tunnels, Drains, or other Passages, over, under, or into the said Cut or Canal, authorised to be made by this Act, and the said Trenches, Streams, and Watercourses communicating therewith, and Towing-paths on the Sides thereof, of such Depth and Breadth as shall be sufficient, at all Times, to convey the said Water from the Lands adjoining, or lying near to the said Cut or Canal, without obstructing and impeding the same; and that all such Arches, Tunnels, Drains, or other Passages shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors, their Successors, and Assigns: And if at any Time or Times, after One Calendar Month's Notice shall be given in Writing by or on behalf of any Owner or Occupier, or Owners or Occupiers of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the Committee for the Time being, or to the known Agent or Collector of Tolls of the said Proprietors for the Time being, the said Arches, Drains, Tunnels, and other Passages shall not be made, cleansed, repaired, and maintained according to the true Intent and Meaning of this Act; it shall and may be lawful to and for any Person or Persons, having an Order in Writing for that Purpose from any Five or more of the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages; and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, their Successors and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of One Calendar Month after

On Neglect, Commissioners may do the same,

after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the said Navigation, such Expence shall and may be recovered, and levied in such Manner, as the Costs and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied. and levy the Charges.

And be it further enacted, That where, by means of making the said Navigable Cut or Canal, any Cattle which used to depasture in the adjacent Lands or Grounds shall be cut from and deprived of their usual Watering Places, that then, and in such Cases, the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said Navigable Cut or Canal, for Cattle to drink out of and water at in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering Places with Water from and out of the said Cut or Canal if necessary. Where Cattle deprived of Watering Places, others to be provided.

And be it further enacted, That where any Lands or Grounds fenced and inclosed shall be set out and purchased by the said Company of Proprietors, their Successors and Assigns, for the Use of the Navigation aforesaid, then, and in that Case, if the same shall appear to be necessary to the said Commissioners, or any Five or more of them, the said Company of Proprietors, their Successors and Assigns, shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing-paths on each Side of the aforesaid Cut or Canal, and navigable Trenches or Passages (or such Part or Parts thereof as were formerly inclosed with a Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence to be set or made on the Lands and Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid) being now fenced and inclosed from the Lands or Grounds adjoining to such Towing-paths; and shall, at their own proper Charges and Costs, from Time to Time, maintain and support the said Towing-paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and shall also, at their own Charges, make, erect, and set up such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges, Ditches, and Fences to be made by them on the Sides of such Towing-paths as aforesaid; and also such Bridges, Arches, and Passages over or under, or through the said Cut or Canal, and the said Trenches, Streams, Towing-paths to be fenced from the adjoining Lands. Bridges to be made.

Streams, and Watercourſes, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time judge neceſſary and appoint, for the Uſe of the Owners and Occupiers of the Lands, Grounds, Tenements, or Hereditaments, adjoining to ſuch Cut or Canal, Trenches, Streams, Watercourſes, and Towing-paths, or any of them reſpectively; and the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall not make the ſaid Cut or Canal, or any Trench or Watercourſe, or any Part thereof, in or acroſs any common Highway or Footpath, until ſuch Time as they ſhall, at their own proper Charges, have made a ſufficient temporary Road, or make paſſable and convenient ſuch Bridge and Bridges over, or convenient Paſſages through, or Arches under the ſaid Places where the ſaid Cut or Canal, Trench or Watercourſe, reſpectively ſhall be intended to be made for ſuch Road, Way, or Path, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall judge proper; and all ſuch Gates, Stiles, Bridges, Arches, and other Conveniencies ſo to be made, ſhall, from Time to Time, be ſupported, maintained, and kept in ſufficient Repair, by the ſaid Company of Proprietors, their Succeſſors and Aſſigns; and in caſe any ſuch Roads ſhall interfere with the ſaid Cut or Canal, or any Part thereof, or other Works of the ſaid intended Navigation, that the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall have Power to remove and divert ſuch Roads to ſuch Diſtances, not exceeding Two hundred Yards at any One Place, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall judge proper.

Owners of Lands impowered to make Cuts, &c. through their own Lands.

Provided always, and be it enacted, That it ſhall and may be lawful for the Owners of Lands through which the ſaid intended Cut or Canal and Road or Waggon-way ſhall paſs, and they are hereby impowered, at their own proper Charges and Coſts, to make a navigable Cut, or Road or Waggon-way, through their own Lands to communicate with the ſaid intended Cut or Canal, and to paſs through the Towing-paths of the ſame, and with the ſaid Road or Waggon-way; provided always, that the ſaid Land-owners ſhall be obliged to make and maintain ſufficient Bridges, that no Damage ſhall thereby be done to the Towing paths, or to the ſaid Canal, and Road or Waggon-way; and that the ſaid Canal ſhall thereby be no ways deprived of any Water, except Once, to fill the Land-owner's Cut; and that

that only at such Time when the Water in the main Canal runs over the Weir or Waster of the said Canal; and if any Brook shall enter the Land-owners Cut, the respective Owners thereof shall make Settling Places at proper Distances, as shall be approved of by the Company of Proprietors of the main Cut or Canal, their Successors and Assigns, or their Agents and Servants for the Time being; and shall also make a sufficient Pair of Floodgates occasionally to cut off the Communication with the main Cut or Canal when it may be found necessary; and that it shall be in the Power of the said Company of Proprietors, their Successors and Assigns, or Agents and Servants, to shut, or cause to be shut, the said Floodgates, at such Time and Times as shall appear to them to be necessary for preventing any Hurt or Prejudice to the main Cut or Canal, by the Introduction of muddy Water, or too great a Quantity of Water, or by the Leakage of such Land-owners Cut or Cuts; and in case the said Floodgate shall, at any Time or Times, be leaky or in Disrepair, that the said Company of Proprietors shall have Power of putting Dams across the Mouths of the said Land-owners Cuts, until the said Floodgates shall be made sufficient Water-tight; and that such Dams shall be placed and removed at the Expences of the said Land-owners respectively.

Owners of adjoining Lands may be permitted to continue the same.

Provided likewise, That the said Owners of Lands through which the main Cut or Canal, and Road or Waggon-way shall pass, and who shall have made a navigable Cut or Road, or Waggon-way as aforesaid, shall have Power, and they are hereby required to permit other Owners who have Lands immediately adjoining to the Lands of the said first-mentioned Owners, through which the said Cut or Canal, or Road or Waggon-way shall pass, to continue, at their own Costs and Charges, the said navigable Cut, or Road or Waggon-way, made by such Land-owners as aforesaid, through their (the said other Owners) own Lands, to be impowered and required to permit every other adjoining Land-owner to continue, through his Lands, at his own Expence and Charges, the said navigable Cut, or Road or Waggon-way, made by the Land-owners as aforesaid, and all the said Land-owners to have and enjoy the free Use of the same, to and from the said main Cut or Canal to be made by the Proprietors as aforesaid; and in case of any Difference or Dispute between the said Land-owners in respect thereof, or of the necessary Expences of preserving, repairing, and cleansing, from Time to

Time, the said navigable Cut and Road or Waggon-way, or between the said Land-owners and Company of Proprietors, such Difference or Dispute shall be determined by the said Commissioners, or any Five or more of them.

But no Cuts to be made which may diminish the Tolls.

And providing always, That nothing herein contained shall be understood to authorise or impower any Person or Persons to make any Cut or Cuts, in the same Line of Direction with the main Cut or Canal to be made by the Proprietors as aforesaid, which may tend to diminish the Tolls, Rates, and Duties before granted, or any of them respectively; but that such Cut or Cuts to be made by such Land-owners shall be joined to the main Cut or Canal, at the nearest practicable Part to the Place or Places from whence such Land-owners Cut or Cuts shall be brought; and in case of any Dispute in respect thereof, that the same shall be determined by the said Commissioners, or any Five or more of them.

Land Owners to use Pleasure-boats.

And it is hereby provided, and further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use any Pleasure-boat and Boats upon the said Canal, without any Interruption from the said Company of Proprietors, their Successors or Assigns, and without paying any Rate or Duty for the same; so as the same be not made use of for carrying any Goods, Wares, or Merchandize, and so as the same shall, and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof.

Land Owners Right to Fishery reserved, and allowed to kill Game, if qualified so to do.

Provided always, and it is hereby enacted and declared, That the Proprietors of Lands, through which the said intended Cut or Canal shall be made, shall have, and be entitled to, the sole, several, and exclusive Right of Fishery of and in so much of the said Cut or Canal as shall be made over or through the Lands of the said Proprietors respectively; and also, that it shall be lawful for such Proprietors, being qualified by Law so to do, to take and kill Game upon so much of the said Cut or Canal, and other the Lands and Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary notwithstanding.

For ascertaining the Rate of Wharfage.

And be it further enacted, That no more than the Sum of One Penny Sterling Money per Ton shall be demanded or taken for Wharfage, by any Person or Persons,

Persons, Proprietor or Proprietors, Land-owner or Land-owners, who shall or may at any Time hereafter make, erect, or build, any Wharfs or Quays, on any Part of the said intended Cut or Canal, by virtue of this Act, unless the Goods, Wares, Merchandises, Commodities, or Things which shall be laid thereon, shall remain or continue on such Wharf or Quay, for a longer Space of Time than Six Days.

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

And, for the better regulating of Masters of Boats, Bargemen, or others, employed by or under them respectively, and for the more easy Detection of any Thing by them, or any of them respectively, done contrary to the Directions of this Act, be it further enacted, That the Master or Person having the Rule or Command of any Boat or other Vessel passing on the said intended Cut or Canal, shall cause his Name to be set in large Capital Letters upon each of the Outsides of every such Boat or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured at the Expence of the Proprietors of the said Navigation; and shall permit the same to be measured whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year; and every Owner, Master, or other Person, having the Rule or Command of any Boat or other Vessel, who shall refuse or neglect to put his Name on any such Boat or other Vessel in Manner aforesaid, or shall alter, deface, erase, or destroy, any Letter describing such Name as aforesaid, or shall refuse to have his or their Boats or other Vessels measured as aforesaid, he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors or Assigns, the Sum of Forty Shillings Sterling Money.

Boats, &c. to be measured.

Boat-master, &c. answerable for Damages done by Crew.

And be it further enacted, That the Master or Owner of every Boat or other Vessel, navigating within the Limits of the said Navigation, shall be, and is hereby made answerable for any Damages, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Mariners, Boatmen, or Watermen, belonging to, or employed in and about the same respectively; and to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the said intended Cut or Canal, Trenches, Sluices, and Passages, or by loading

loading or unloading any Boat or other Veſſel; and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, or Tenements, adjoining to the ſame, or any of them, other than is authoriſed by this Act; and that no Boat or Veſſel ſhall be permitted to load or unload upon the ſaid Cut or Canal, without a Stage to be laid acroſs from the Gunwale of ſuch Boat or Veſſel to the Bank of the ſaid Canal, ſo as to prevent any Dirt or Rubbiſh from falling in between the Veſſel and the Bank; and the ſaid Maſter or Owner of ſuch Boat or Veſſel, ſhall and may be ſued and proſecuted for the ſame in any Court of Law in that Part of Great Britain called Scotland; and if found guilty, and Judgement given againſt him, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with Full Coſts of Suit.

Places to be made for Boats to turn.

And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall and may, and they are hereby required, in ſuch Parts of the ſaid navigable Cut or Canal, Trenches or Sluices, as ſhall not be of a ſufficient Breadth for admitting a Boat or Veſſel to turn about and lie, or Two Boats or other Veſſels to paſs each other, to open or cut proper Spaces or Places in the ſaid Lands adjoining to the ſaid intended navigable Cut or Canal, Trenches or Sluices, at convenient Diſtances from each other, for the turning, lying, or paſſing of any ſuch Boat or Veſſel; and that the ſaid Boat or other Veſſel, ſailing or being haled or navigated upon the ſaid Cut or Canal, Trenches or Sluices, ſhall, upon meeting any other Boat or Veſſel, ſtop at or go back to and lie in the ſaid Spaces or Places, in ſuch Manner as the ſaid Committee, or the major Part of them, under their Hands ſhall direct and appoint.

Veſſels lying ſo as to obſtruct the Navigation, to be removed.

And be it further enacted, That if any Boat or Veſſel ſhall be wilfully placed in any Part of the ſaid Cut or Canal, or of any Trench, Sluice, or Paſſage aforeſaid, ſo as to obſtruct the Navigation, and the Perſon having the Care of ſuch Boat or Veſſel, ſhall not immediately, upon Requeſt made, remove the ſame, he ſhall for every ſuch Offence forfeit a Sum not exceeding Ten Shillings, nor leſs than Five Shillings Sterling Money for every Hour ſuch Obſtruction ſhall continue; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to cauſe any ſuch Boat or Veſſel to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction in the Navigation;

and

and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel shall be sunk in the said Cut or Canal, or any Trench aforesaid, and the Owner or Owners, or Person or Persons having the Use of such Boat or Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Boat, &c. may be detained till Charges paid.

And be it further enacted, That if any Person or Persons, other than and except the said Proprietors for the Purpose of the said Navigation, shall float any Timber upon the said Cut or Canal, or shall load any Boat or Vessel with Timber, and suffer such Timber to lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or other Vessel navigating in or upon the said Cut or Canal, Trenches, Sluices, or Passages, so as by such Overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Owners, Person or Persons, having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or Vessels to pass each other; every such Owner or Owners, Person or Persons floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay, for every such Offence, the Sum of Five Pounds Sterling Money, to the said Company of Proprietors, their Successors and Assigns; to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Persons overloading and obstructing the Passage of the Canal to forfeit Five Pounds.

And be it further enacted, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Sand, Earth, Rubbish, or any other Matter or Thing whatsoever, to the Prejudice of the said Navigation, into any Part of the said Cut or Canal, or any Trenches or Watercourses to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Pounds Sterling Money.

Penalty of Persons throwing Ballast into the Canal.

Provided always, and be it enacted, That no Person shall act as a Commissioner in pursuance of this Act, in any Case where he shall any ways be interested or concerned in the Matter in Question; nor unless he shall be possessed of the particular Qualifications herein before expressed;

Qualification of Commissioners.

Penalty on acting, if not qualified.

and if any Person interested or not qualified as aforesaid, shall presume to act as a Commissioner under this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds Sterling Money, to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by Action at Law, in any Court competent; and such Person so prosecuted shall prove, that, at the Time of his acting as a Commissioner, he was qualified as above, or otherwise shall pay the said Sum of Fifty Pounds Sterling Money, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Commissioner in the Execution of this Act: Declaring always, that notwithstanding the above Qualification respecting the Commissioners, yet that the Representatives in Parliament for the Counties of Lanerk, and the District of Boroughs aforesaid, and the Deputy and Substitute Sheriffs of the County of Lanerk, the Provost, Dean of Guild, and Deacon Convener of the Trades of Glasgow, for the Time being, the Preceptor of Hutchinson's Hospital for the Time being, shall be no way disqualified from acting as Commissioners under this Act, nor subjected to the Penalties above enacted, although they are not at the Time possessed of the Valuation above written, lying in the County of Lanerk aforesaid.

Exemptions from general Qualification.

Commissioners to take an Oath.

Providing always, That no Person shall act as a Commissioner, otherwise than in administering the following Oath at the first General Meeting of the said Commissioners, until he shall have taken and subscribed the Oath following, before any Five or more of them, who are hereby authorised and impowered to administer the same; videlicet,

The Oath.

I *A B* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, "For making and maintaining a navigable Cut "or Canal, and Waggon-way, from the Collieries in the "Parishes of Old and New *Monkland*, to the City of "*Glasgow*."

Commissioners may call a General Meeting;

And be it further enacted, That upon Application to be made by the said Proprietors, their Successors or Assigns, or any Five or more of them, or by the Owner or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended Navigable Cut or Canal, or any of the Works necessary or relating

relating thereto, or any of them, unto the Commissioners appointed by, and for the Purposes of, this Act, or any Five or more of them, acting for the said County of Lanerk, requesting them or desiring them to appoint a General Meeting of the Commissioners; the Commissioners so requested or applied to, or any Five or more of them, may and shall, and they are hereby respectively authorised and required, within Seven Days after such Request or Application made, to give Notice in manner aforesaid of a General Meeting, to be held at such Time and Place as shall be specified in such Notice; such Time not being less than Fourteen Days, nor more than Twenty-one Days from the Day on which the said Request shall be made to them as aforesaid; and the said Commissioners are hereby authorised, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to, and vested in, them in Execution; and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient; and if it shall happen there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners respectively shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners respectively was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

and for want of a sufficient Number, the Clerk may adjourn the Meeting.

And be it further enacted, That such of the said Commissioners who shall be in the Commission of the Peace for the said County of Lanerk, shall and may, and are hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner; and, in like Manner, such of the said Commissioners as are, or at the Time shall be, Sheriff Deputes or Substitutes of the said County of Lanerk, shall and may act as such, notwithstanding his or their being Commissioners under this Act.

Commissioners, &c. may act as Justices.

And be it further enacted, That if any Person appointed, or to be appointed, a Commissioner by virtue of this Act, shall have or accept any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act; such Person, from and after his accepting such Place

No Commissioner to act whilst he holds any Place of Profit.

of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made, or to be made, for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Commissioners to call a Meeting.

And be it further enacted, That it shall and may be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Such Meeting to be within Five Miles of the Canal.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute or Difference between the said Proprietors, their Successors and Assigns, or any other Person or Persons, shall be held at some Place within the County of Lanerk, and within Five Miles of some Part of the said Cut or Canal; and that no Order or Determination be made, unless the Majority of such Commissioners present at such respective Meetings shall concur therein, such Majority not being less than the respective Numbers authorised to make such Orders or Determinations.

Shares to be held as Personal Estates.

And be it enacted, That all Persons and Corporations, Proprietors of any of the Shares in the said Navigation, and their Executors, Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under them, shall have good, sure, and absolute Estates and Interests in the respective Shares of the said Canal Navigation, according to the Tenor and true Meaning of this Act, and shall be possessed thereof as of a Personal Estate, which shall not be descendable to Heirs, but shall be devisable by Will; or, in Want thereof, shall descend to Executors or nearest in Kin, in the same Manner as other personal or moveable Estates are, by the Law and Usage of that Part of Great Britain called Scotland, descendable; any Law, Custom, or Usage to the contrary notwithstanding.

Executors to produce Extract of Will.

Provided always, That the Executors by Will, or the Executors at Law of any of the said Proprietors, shall not

not transfer any Share or Shares, or be intitled to receive any Dividend thereupon, until an Extract of the Will, or the confirmed Teſtament, or an Extract or Particle thereof be delivered to the Company, or their Cashier or Treaſurer, and until an Entry or Memorandum of ſo much of the ſaid Will or Teſtament as relates to the ſaid Shares, be made in the Book or Books to be kept by the Company for that Purpoſe.

Canal to be meaſured, and Mile-ſtones ſet up.

And be it further enacted, That the ſaid navigable Cut or Canal ſhall be meaſured, and Mile-ſtones erected upon the Sides thereof, at the End of each Mile; and that all Goods, Wares, or Merchandize, which are made liable to the ſeveral Rates and Duties hereby impoſed, that ſhall be navigated, carried, or conveyed upon the ſaid Cut or Canal, ſhall be charged with and pay the ſaid Rates, Tolls, and Duties for One Mile, and ſo in proportion for any greater Diſtance which they ſhall be carried up to, or paſs upon, the ſaid Canal as aforeſaid; and that Six Score Pounds Averdupoiſe Weight ſhall be deemed and taken as and for One hundred Weight, within the Intent and Meaning of this Act.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatſoever, under the Hands of the ſaid Commiſſioners, or any of them, or any other Perſon or Perſons whatſoever, or any Transfer of any Share or Shares, or other Writing whatſoever, made in purſuance of the Powers given in and by this Act, ſhall be charged or chargeable with any Stamp or Duty whatſoever, any Law or Statute to the contrary notwithſtanding; and that no Proceedings to be taken or had in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by Letters of Advocation or otherwiſe, before a final Sentence or Judgement, into the Court of Seſſion, or any other Court within the Kingdom of Scotland; any Law or Statute to the contrary notwithſtanding.

Proceedings not to be vacated for want of Form, nor removeable by Letters of Advocation, &c.

How Penalties and Forfeitures are to be levied and diſpoſed of.

And be further enacted, That all Fines and Forfeitures inflicted by this Act, or which ſhall be inflicted by virtue of any Rule, Order, or by Bye-law to be made in purſuance of this Act, the levying or recovering of which are not particularly herein directed, ſhall be levied by Warrant under the Hand or Hands of the Sheriff Depute, or of One or more Juſtice or Juſtices of the Peace for the County of Lanerk; which ſaid Sheriff Depute, Juſtice or Juſtices, is and are hereby authoriſed to hear and examine Witneſſes upon Oath or Affirmation, and determine the ſame: And all ſuch reſpective Fines, Forfeit-

ures, and Penalties by this Act impoſed and inflicted, or authoriſed to be impoſed and inflicted, the Application whereof is not herein before particularly directed, ſhall be paid into the Hands of the Treaſurer or Caſhier of the Monies to be raiſed by virtue of this Act, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to or for no other Uſe or Purpoſe whatſoever.

Diſtreſs not unlawful for want of Form,

And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, ab initio, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage, in an Action upon the Caſe at Law.

nor Parties making it to be deemed Treſpaſſers *ab initio*, on account of ſubſequent Irregularity.

Perſons aggrieved may appeal

Provided always, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye-law, or Order of the ſaid Company of Proprietors, or by the Order and Determination of any Juſtice or Juſtices of the Peace, or by any Order or Determination of any Sheriff Depute, or Subſtitute, may, within Six Calendar Months after ſuch Order ſhall have been made or given, appeal and complain to the Right Honourable the Lords Commiſſioners of Juſticiary, in that Part of Great Britain called Scotland, at the Circuit Courts then next enſuing to be held at Glaſgow; which Appeal ſhall be determined in a ſummary Way, and the Sentence or Decree of the ſaid Lords ſhall be final.

to the Circuit Court at *Glaſgow*,

Summons, &c. ſerved on Caſhier, &c.

And, for the more convenient ſummoning the ſaid Company of Proprietors, their Succeſſors, or Aſſigns, in Actions which may or ſhall be raiſed and ſued againſt them, and for laying on and uſing Arreſtments in their Hands, for arreſting and attaching the Shares of and belonging to any of the Proprietors, their Succeſſors, and Aſſigns, and for giving the Company Notices or Intimations of any Kind; be it enacted, That any ſuch Summons, Arreſtment, Notice, or Intimation which ſhall be ſerved upon or left in Writing with the Caſhier, Treaſurer, or Chief Clerk of the ſaid Company, perſonally, or at their Dwelling-places, ſhall be deemed, taken, and held to be good, lawful, and ſufficient Notice, Intimation, or Ser-

to be deemed ſufficient Notice to Company.

vice

vice, to or upon the said Company, to all Intents and Purposes whatsoever, and shall be as effectual in Law as if such Summons, Arrestment, Notice, or Intimation had been given, used, or made personally to, or left at the several Dwelling-houses or Abodes of all and each of the said Proprietors, their Successors, or Assigns; and when such Arrestments shall be used, and the same shall not be effectually loosed or removed according to Law, before any such Suit or Process of Forthcoming be commenced for prosecuting such Arrestments, it shall and may be lawful to, and in the Power of, the Committee of Nine of the said Proprietors in this Navigation, or the major Number of them, with the Concurrence of any Five or more of the said Commissioners, to roup and sell the Share or Shares of such Proprietor or Proprietors which shall have been so arrested, and that by public Roup or Auction, on the proper Costs and Charges of such Proprietor or Proprietors, at such a Time and Place as the said Committee, having Concurrence aforesaid, shall see proper; giving always Six Weeks Premonition of such Sale or Sales, by public Advertisements in the Glasgow News-papers; and the Purchaser or Purchasers thereof at such Auction or Auctions, upon granting Bond or Bonds, with Two or more sufficient Securities, for Payment of the Price or Prices of such Purchase or Purchases, within Three Months after such Sale or Sales, to be made to the Proprietor or Proprietors whose Shares were so arrested, or to the Arrestors thereof, or any other Person or Persons that shall be found to have the best Right thereto, by the Sentence and Decree of the Lords of Council and Session, or other Court of Law competent in that Part of Great Britain called Scotland, shall be deemed and held the Proprietor or Proprietors of such Share or Shares in the said Navigation so purchased as aforesaid, as effectually as if he or they had acquired the same by Transfer from the former Proprietor or Proprietors, to all Intents and Purposes whatever.

If Arrestments not loosed before Process of Forthcoming,

Shares may be sold by public Roup,

on Six Weeks Premonition.

Provided always, That the reasonable Charges attending such Sale or Sales, and whole Proceedings therein, be paid down to the Clerk of the said Company by the Purchaser or Purchasers aforesaid.

Purchaser to pay Charges.

And provided also, That if at any Time before the Day of Auction and Sale of the said Share or Shares so arrested, such Arrestment or Arrestments shall be effectually loosed or removed, and the same be instructed to the Satisfaction of the said Committee, and the reasonable Charges of Advertisements, and other Proceedings towards

If Arrestments loosed, &c.

towards such Sale, shall be paid down to the said Company's Clerk; that then, and in such Case, the said Auction and Sale shall be stopped, and no further proceeded in at the Time.

Sales to be stopped.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or in the Orders and Directions herein before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or, in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and the Defendant or Defendants in such Action and Suit shall and may produce this Act, and plead that the said Things were done in Pursuance and by the Authority of this Act: And if it shall appear so to be done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, that then the Defendants shall be absolved from every such Suit, Action, or Actions, and shall have Treble Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same.

Defendant's Plea.

Sheriffs, &c. to enforce Obedience.

And be it further enacted, That all Sheriffs, Justices of the Peace, Judges and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executioners of the Laws whatsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution.

Publick Act.

And be it further enacted, That this Act shall be deemed, taken, and allowed in all Courts of Law and Equity as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.