ANNO UNDECIMO

Georgii III. Regis.

An Act to explain, amend, and render more effectual, an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for making and maintaining a navigable Cut or Canal from the* Firth *or River of* Forth, *at or near the Mouth of the River of* Carron, *in the County of* Stirling, *to the* Firth *or River of* Clyde, *at or near a Place called* Dalmuir Burnfoot, *in the County of* Dumbarton; *and alſo a collateral Cut from the ſame to the City of* Glaſgow; *and for making a navigable Cut or Canal of Communication, from the Port and Harbour of* Bor-

 rowſtounneſs,

rowſtounneſs, *to join the ſaid Canal at or near the Place where it will fall into the* Firth *of* Forth.

Preamble, reciting Act 8 *Geo.* III.

WHEREAS by an Act made in the Eighth Year of his preſent Majeſty's Reign, intituled, An Act for making and maintaining a navigable Cut or Canal from the *Firth* or River of *Forth*, at or near the Mouth of the River of *Carron*, in the County of *Stirling*, to the *Firth* or River of *Clyde*, at or near a Place called *Dalmuir Burnfoot*, in the County of *Dumbarton*; and alſo a collateral Cut from the ſame to the City of *Glaſgow*; and for making a navigable Cut or Canal of Communication, from the Port and Harbour of *Borrowſtounneſs*, to join the ſaid Canal at or near the Place where it will fall into the *Firth* of *Forth*: The Company of Proprietors of the Forth and Clyde Navigation were authoriſed and empowered, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and complete a Cut or Canal of Seven Feet Depth of Water, navigable and paſſable for Boats, Barges, and other Veſſels, from the Firth or River of Forth, at or near the Mouth of the River of Carron, paſſing on the North Side of the Houſe and Offices of Kerſe, through or near Bainsford; to or near Bonny Mill; to or near Bankier Mill, in the County of Stirling; to and through Dollator Bog; to or near Inchbelly Bridge; to or near Calder Bridge; paſſing between Kilmardinny Hill and Beauclair, to or near Saint Germain's Loch; and between Clober Hill and the Hill of Bladardy; to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot; and a collateral Cut of Seven Feet Depth of Water from the ſaid Main Canal, at or near a Place called Bladardy, through or near Partick, acroſs the River of Kelvin, to the City of Glaſgow: And whereas, purſuant to the Powers given by the ſaid Act, great Progreſs has already been made by the ſaid Company of Proprietors, in making that Part of the ſaid Cut or Canal from the Firth or River of Forth, near the Mouth of the River Carron, to Dollator Bog aforeſaid, being the Summit or Point of Partition between the

natural Fall or Run of the Waters to the Firth or River of Forth on the East, and to the Firth or River of Clyde on the West: And whereas, since the passing of the said Act it has been discovered, That by continuing the Course or Track of the said Cut or Canal from Dollator Bog, the Summit or Point of Partition aforesaid, to the Firth or River of Clyde, at or near Dalmuir Burnfoot; by or near Inchbelly Bridge; to or near Easter Calder; to or near Calder Church; to or near Clober Hill; to or near Bladardy Hill; and to or near Three Part Mill Dam; and the said Collateral Cut from the said main Canal, passing by Stockingfield, to or near a Place called Thumblefield; to or near Cowcadens; and to or near the Town Head of the City of Glasgow; instead of carrying the main Canal by Inchbelly Bridge, Calder Bridge, between Kilmardinny Hill and Bleauclair, to Saint Germain's Loch, and between Clober Hill and the Hill of Bladardy, to or near Three Part Mill Dam; and the said collateral Cut from the said main Canal, at or near Bladardy, through or near Partick, across the River Kelvin, to the City of Glasgow, as by the said Act is authorised and directed, will be more beneficial to the Trade of these Kingdoms particularly, in bringing the said main Canal several Miles nearer to the City of Glasgow; and that the same can be accomplished as effectually, and at much the like Expence, as the other Lines or Courses in the said Act mentioned; but that these Alterations cannot be made without the Authority of Parliament: May it therefore please Your Majesty, That it may be enacted; and be it enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of March, One thousand seven hundred and seventy-one, so much, and such Parts of the said Act, made in the Eighth Year of His present Majesty's Reign, as authorise and empower the Company of Proprietors of the Forth and Clyde Navigation to make and complete the said Cut or Canal from Dollator Bog to or near Inchbelly Bridge; to or near Calder Bridge; passing between Kilmardinny Hill and Beauclair; to or near Saint Germain's Loch; and between Clober Hill and the Hill of Bladardy; to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot; and the said collateral Cut from the said

Such Part of the said Act as describes the Course of the Canal, repealed.

main Canal, at or near a Place called Bladardy, through or near Partick, across the River of Kelvin, to the City of Glasgow, shall be, and the same are hereby repealed.

Proprietors empowered to vary the Course of the Canal,

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall be, and are hereby authorised and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to continue, make, and complete the said main Cut or Canal of Seven Feet Depth of Water, navigable and passable for Boats, Barges, and other Vessels, from Dollator Bog aforesaid, to or near Inchbelly Bridge; to or near Easter Calder; to or near Calder Church; to or near Clober Hill; to or near Bladardy Hill; to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot; and the collateral Cut from the said main Canal, passing by Stockingfield, to or near a Place called Thumblefield; to or near Cowcadens; and to or near the Town Head of the City of Glasgow; any Thing in the before-recited Act to the Contrary notwithstanding.

and bring Water, and purchase Lands for the Use thereof.

Provided always, and be it further enacted by the Authority aforesaid, That all the Powers, Privileges, and Restrictions, granted by and contained in the said recited Act, with respect to the bringing Water into such Part of the said Cut or Canal, and for purchasing Land for the Purpose of making and completing the said Cut or Canal thereby directed to be made from Dollator Bog to or near Inchbelly Bridge; to or near Calder Bridge, passing between Kilmardinny Hill and Beauclair; to or near Saint Germain's Loch; and between Clober Hill and the Hill of Bladardy; to or near Three Part Mill Dam; and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot; and the said collateral Cut from the said main Canal, at or near a Place called Bladardy Hill; through or near Partick, across the River of Kelvin to the City of Glasgow, shall extend, and be construed to extend, and be applied to the Alteration of the Track of the said Cut or Canal, hereby authorised to be made from Dollator Bog aforesaid; to or near Inchbelly Bridge; to or near Easter Calder; to or near Calder Church; to or near Clober Hill; to or near Bladardy Hill; to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot; and the collateral Cut from the said main Cut

or Canal passing by Stockingfield; to or near a Place called Thumblefield; to or near Cowcadens; and to or near the Town Head of the City of Glasgow; any Thing in the said recited Act to the Contrary notwithstanding.

Proprietors may encrease the Number of the Committee for Management.

And whereas frequent Delays have been occasioned, and other Inconveniencies have arisen from the small Number of Persons to which the Committee of Management is by the said before-recited Act limited and restrained: For Remedy whereof, be it therefore further enacted, That the said Company of Proprietors, their Successors and Assigns, shall be, and are hereby authorised and empowered, at their next annual General Meeting, to be held in London, or at any other subsequent General Meeting or Meetings, to encrease and enlarge, or lessen and diminish, the Number of Persons, of which the said Committee of Management shall afterwards consist, in such Manner, and by such Additions or Diminutions, as to the said Company of Proprietors, their Successors and Assigns, shall, from Time to Time, appear to be necessary and expedient.

Commitee not to exceed 15 Persons.

Provided always, That the Number of Persons, of which the said Committee of Management shall consist, shall not, at any one Time, exceed Fifteen, or be less than Nine Persons.

Powers of the former Act, 8 *Geo.* III. (except where altered) to extend to this Act.

Provided always, and it is hereby enacted and declared, That the before-recited Act, and all and every the Powers and Authorities therein contained, except in so far as Power and Authority is by this present Act given to the said Company of Proprietors, their Successors and Assigns, to alter the Course or Track of the said Cut or Canal from Dollator Bog to the Firth or River of Clyde, at or near Dalmuir Burnfoot; and the collateral Cut from the said main Canal to the City of Glasgow, and to encrease and enlarge the Number of Persons in the Committee of Management as aforesaid, shall, notwithstanding, continue in Force, and have full Effect and Operation, in the same Manner as if this Act had never been made; any Thing in this present Act contained to the Contrary notwithstanding.

Penalty and Forfeitures further extended.

And be it also enacted by the Authority aforesaid, That all Powers, Authorities, Conditions, Limitations, Restrictions, Tolls, Penalties, Forfeitures, Clauses, Matters and Things, in the before-recited Act contained, which,

which applied or extended, or were meant to apply and extend to the making, compleating, and maintaining of the said navigable Cut or Canal, and collateral Cut, and for carrying the Purposes of the said recited Act, so far as respects the said Cut or Canal, and collateral Cut, into Execution, and for the Appointment of a Committee of Management, consisting of Nine Proprietors, shall be applied and extended, and are hereby declared to apply and extend to the making, compleating, and maintaining the said main Cut or Canal, from Dollator Bog aforesaid to or near Inchbelly Bridge; to or near Easter Calder; to or near Calder Church; to or near Clober Hill; to or near Bladardy Hill; to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near Dalmuir Burnfoot, as aforesaid: And the said collateral Cut from the said main Canal, passing by Stockingfield, to or near a Place called Thumblefield, to or near Cowcadens, and to or near the Town Head of the City of Glasgow, and the Navigation thereof, and to the Committee of Management as by this present Act authorised to be encreased and enlarged, in the same Manner, as fully and effectually, to all Intents and Purposes, as if the said Company of Proprietors, their Successors and Assigns, had by the said before-recited Act been specially authorised and impowered so to make the said main Cut or Canal, and collateral Cut, instead of making and compleating the said main Cut or Canal from Dollator Bog to or near Inchbelly Bridge; to or near Calder Bridge, passing between Kilmardinny Hill and Beauclair, to or near Saint Germain's Loch; and between Clober Hill and the Hill of Bladardy, to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near Dalmuir Burnfoot; and the said collateral Cut from the said main Canal, at or near a Place called Bladardy Hill, through or near Partick, across the River Kelvin to the City of Glasgow, as authorised and impowered by the said before-recited Act, and had been authorised and empoweeed to encrease and enlarge, in Manner as directed by this present Act, the Number of Persons in the said Committee of Management as aforesaid; any Thing in the said recited Act to the Contrary thereof in any-wise notwithstanding.

How Subscriptions not answered or paid shall be disposed of.

And whereas several Sums, Part of the Money originally subscribed for carrying on the said Navigation, now stand in the Books of the said Company of Proprietors, in the Names of different Persons who never

have made any Payment upon the same, notwithstanding repeated Calls and Requisitions for that Purpose, chiefly owing to the Deaths of particular Subscribers before any Call had been made: And whereas a Resumption of such Sums by the said Company of Proprietors would, in the ordinary Course of Law, be attended with great unnecessary Expence, as well as Delay; for Remedy thereof, be it therefore further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and seventy-one, all Sum and Sums of Money standing in the Books of the said Company of Proprietors, as Part of the Capital Stock of the said Company, in the Name or Names of any Person or Persons whosoever, upon which no Payment shall then have been made into the Cash of the said Company, in consequence of the Calls and Requisitions for that Purpose made, under the Powers and Authorities given by the before-recited Act, shall revert to, and from thenceforth be absolutely vested in, the said Company, of Proprietors, their Successors and Assigns, as fully and effectually, to all Intents and Purposes, as if the said Sum and Sums had never been subscribed by, or stood in the Name or Names aforesaid, but had continued from the Beginning with the said Company as Part of the said Company's unsubscribed Stock; and shall, as such, be afterwards sold and disposed of at the Pleasure of the said Company of Proprietors, their Successors and Assigns, free and disencumbered of all prior Claims and Demands whatsoever; any Thing in the before-recited Act to the Contrary notwithstanding.

Proprietors may compel Subscribers to pay their Subscriptions, with Costs.

Provided nevertheless, That it shall at all Times be lawful to and for the said Company of Proprietors, their Successors and Assigns, to take all Measures competent in Law for compelling every Person or Persons, who has or have already subscribed, or shall hereafter subscribe, to the said Navigation, or his or their Representatives, to pay such Sum and Sums of Money as may be so respectively subscribed, with Damages for Delay and Costs of Suit, the said Company of Proprietors, their Successors and Assigns, being always bound to transfer, or cause to be transferred, unto the Person or Persons making such Payment and Satisfaction, a proportional Share corresponding thereto, of the Capital Stock of the said Company of Proprietors.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

FINIS.