ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CIV.

An Act for making and maintaining a Navigable Canal from *Loch Gilp* to *Loch Crinan* in the Shire of *Argyll*. [8th *May* 1793.]

WHEREAS the making and maintaining a Navigable Canal from Loch Gilp to Loch Crinan in the Shire of Argyll will be of Advantage to Trade, and of general Utility: And whereas the Persons particularly herein-after named are desirous, at their own Expence, to make the said Canal: 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 passing of this Act, John Duke of Argyll, George Marquis of Tweeddale, the Right Honourable George Campbell commonly called Marquis of Lorne, John Earl of Breadalbane, the Right Honourable Frederick Campbell commonly called Lord Frederick Campbell, the Right Honourable John Campbell commonly called Lord John Campbell, Alexander Lord Macdonald, Sir Archibald Edmonstone Baronet, Sir

Preamble.

Proprietors.

Sir John Sinclair of Ulbſter Baronet, Sir Alexander Campbell of Aidkinglaſs Baronet, Sir James Riddell Baronet, Sir James Campbell Knight, William Pulteney Eſquire, Colonel Norman Macleod of Macleod, William Macdowall of Garthland Eſquire, Thomas Boothby Parkyns Eſquire, Alexander Brodie Eſquire, Iſaac Hawkins Browne Eſquire, John Shaw Stewart Eſquire, John Campbell of Lincoln's Inn Eſquire, John Allen, Richard Allen, Kay Allen, Charles Allen, John Adams, Samuel Adams, John Aſhton, James Anderſon, George Andrew, Robert Bunney, James Bankart, John Bankart, Edward Bankart, Thomas Bankart, Samuel Bankart ſenior, Samuel Bankart junior, Richard Burton, Robert Bree, George S Benton, John Brook, Thomas Buxton, Thomas Bentley Buxton, George Boſworth, John Buirch, Samuel Bryan, D Barry, John Bouſher, R Bouſher, Blanning, John Blackſley junior, James Bell, John Campbell of Stonefield Eſquire, One of the Senators of the College of Juſtice, Lieutenant General John Campbell of Strachur, Major General John Campbell of Barbreck, Lieutenant Colonel Alexander Campbell of Monzie, Major James Campbell, Captain Hugh Campbell, Duncan Campbell of Roſs, Charles Cole, John Cartwright, Richard Cooke, Duncan Campbell of Lochnell, Mathew Chater, Walter Campbell of Shawfield, Martin Cole, John Cruickſkank, James Cruickſhank, John Coltman, James Cooke, James Campbell of Silvercraigs, Dugald Campbell of Edderline, Alexander Campbell of Barcaldine, Archibald Campbell of Glenmore, David Campbell of Comby, Robert Campbell of Aſkniſh, Donald Campbell of Glenſaddle, John Campbell of Airds, Neil Campbell of Inverliver, James Campbell of Glenfeochan, John Campbell of Lochend, Dugald Campbell of Craigniſh, Colin Campbell of Kilmartine, Duncan Campbell Collector of Excise Glaſgow, H Trafford Campbell younger of Aſkniſh, Archibald Campbell of Aſkomiln, Archibald Montgomery Campbell, Archibald Campbell younger of Succoth, Donald Campbell of Lochiel, John Campbell of Dunoon, Archibald Campbell of Jura, Robert Corſe of Greenlaw, Donald Campbell of Sonachan, John Campbell of Miſhniſh, Malcolm Campbell of Barmolloch, Colin Campbell of Bragleen, Colin Campbell Writer Inveraray, Neil Campbell of Degniſh, John Campbell Writer Inveraray, A and D Campbell, Ewan Cameron of Faſern, Colin Campbell Collector of Cuſtoms Fort William, Alexander Campbell Comptroller of Cuſtoms Port Glaſgow, James Crawford Commander of the Royal George Cutter, Colin Campbell of Achnacroſh, John Campbell Receiver General of the Cuſtoms,

Donald Campbell of Bloomſbury Square, David Dale, Benjamin Dowley, James Dewar, the Eſdale Slate Company, William Elverſon, Thomas Eyton, William Eyn junior, John Fox, Walter Farquhar, Robert Fleetwood, James Ferrier, Edmund Ford, Robert Freer, Robert Fraſer, the Reverend Joſeph Gregory, Thomas Garner, James Guthrie, Edward Oakley Gray, James Goddard, Gabriel Greaſley, the Provoſt of Glaſgow for the Time being on Behalf of the ſaid City, the Chairman of the Chamber of Commerce at Glaſgow for the Time being, A Gray, Henry Glaſsford, James Gemmell, Andrew Gemmell, William Gemmell, Archibald Galbraith, Humphry Graham, Thomas Homer, the Reverend Arthur Homer, the Reverend Philip Bracebridge Homer, the Reverend William Homer, Edward Homer, Charles Homer, Suſannah Homer, Elizabeth Homer, Dorothy Homer, Richard How, the Reverend Robert Holt, Edward Harriſon, Robert Hodgſon, John Heyricke, William Hall, Thomas Hooper, the Reverend Joſeph Hutchins, James Hog, James Hunter, Joſeph Inkerſole, Thomas Inkerſole, William Inkerſole, John Jackſon, Thomas Jeffcut, Harriet James, John Kettleby, Thomas Latter, John Lawton, Edward D Lawton, Richard Lewis, John Lamont, Daniel Liſter, Elizabeth Lindley, Miſs Lindley, Miſs Lindley, Francis Humberſtone Mackenzie of Seaforth, Neill Malcolm of Poltalloch, Neill Malcolm junior, John Mucklaw, John M'Neil of Gigha, John M'Neil junior of Gigha, John Munton, John Mair, Alexander M'Lean of Coll, Alexander M'Lean of Ardgowr, Dugald M'Lachlan, the Reverend John M'Kinnon, Robert M'Lachlan of Dunadd, Francis M'Nab of M'Nab, Murdoch M'Lean of Lochbuy, Archibald M'Neil of Colonſay, Allan M'Dougall of Hayfield, John M'Dougall younger, Charles M'Lean of Kinlochallen, William M'Leod Bannatyne of Kaims, Donald M'Lachlane of M'Lachlane, Patrick M'Dougall younger of M'Dougall, Hector M'Neil of Ugadale, John M'Dougall of Lunga, Iſabella Macartney, Alexander M'Lean of Shuna, M'Gilavrai of Pennygail, Alexander M'Donnell of Glenco, D M'Ruthven, Archibald M'Auſlane, Lachlan M'Lean of Torloiſk, Meſſieurs M'Lachlan and Falconer, James Maxwell Chamberlain of Mull, Iver M'Iver, Lachlan M'Taviſh, Archibald M'Donald of Sanna, John M'Nab Writer to the Signet, Neil M'Gibbon Writer Inveraray, James Mackintoſh, John Naſh, Hannah Neal, Peter Oliver, George Oſwald, Alexander Oſwald, Richard Alexander Oſwald, William Peet, Richard Paley, John Price, Edward Price, John Pinkerton, William Palmer,

Christopher Pegge, James Potter, Matthew Reid, Thomas Ratten, Rowland Rouse, Alexander Raby, George Raby, Edward Reeve, Ebenezer Radcliffe, Joseph Hughes Rann, William Reynolds, Mrs. Mary Reid, Miss Mary Reid, Henry Riddell, George Robertson, A and F Robertson and Company, John Rennie, Walter Ritchie, Joseph Savill, Edward Smith, William Smith, William Smith of Birmingham, John Stevenson of Leicester, John Stevenson of Oban, Thomas Swinburn, John Shipley, Nathaniel Shuttleworth, George Stableford, John Seton, Thomas Saddington, Robert Salisbury, Thomas Stoughton, Thomas Sheppard, Stewart of Ardsheal, Ann Stewart of Ardsheal, Mary Sheldon, Duncan Stewart Chamberlain of Kintyre, the Reverend Charles Stewart Strachur, Robert Stewart of Achadalhanig, Samuel Turner, John Taylor, Miss Taylor, the Reverend Doctor Richard Valpy, George Vowe, John Villers, Mary Ann Vowell, Joseph Wallis, Josiah Wedgwood, John Wedgwood, Josiah Wedgwood junior, Thomas Wedgwood, Wratislavia, Frederick Charles Wratislavia, Robert Whittle, Samuel Whittle, Joshua Wilkinson, George Wightman, William Wightman, John Walker, Robert Ward, William Wartnaby junior, Thomas Wartnaby, George Wartnaby, the Reverend Wright, and William Yeates, their several and respective Successors, Executors, Administrators, and Assigns, together with such Persons as they, or the major Part of them, at any General Meeting duly assembled as herein-after mentioned, shall nominate and appoint under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns, of the Persons so to be nominated and appointed, being Proprietors of any Share or Shares in the said Navigation hereby authorized to be made, are and shall be united into a Company, for the better making and maintaining the said Canal navigable and passable for Ships, Boats, Barges, and other Vessels, and all Works necessary and relating to such Canal, according to the Rules, Orders, and Directions, herein-after expressed, and shall be One Body Politick and Corporate, by the Name of The Company of Proprietors of the Crinan Canal, and by that Name shall have perpetual Succession, and have a Common Seal, and may sue and be sued, and may purchase Lands for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

II. And, in order that all Matters and Things done and carried on by virtue of this Act may be more regularly and effectually carried into Execution; be it enacted by the Au-

Authority aforesaid, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution, shall be holden at the Saint Alban's Tavern in Saint Alban's Street, in the Parish of Saint James and Liberty of Westminster, upon the Second Thursday after the passing of this Act; and that it shall be lawful for the said Proprietors, or the major Part of them, who shall attend in Person, or by their Proxies, constituted in Manner herein-after mentioned, at such General Assembly or Meeting, and they are hereby authorized, to adjourn such First General Assembly or Meeting to any Place or Places within the Cities of London or Westminster, or Liberties thereof, as the said Proprietors, or the major Part of them, shall direct and appoint; with Power to adjourn such other subsequent General Assembly or Meeting, from Time to Time, to such Place or Places within the said Cities or Liberties, and not elsewhere, as they shall think necessary. First General Assembly.

III. And be it further enacted by the Authority aforesaid, That a General Assembly or Meeting of the said Company of Proprietors shall be annually holden, upon the First Thursday of the Month of March in every Year after the passing of this Act, at such Place or Places within the Cities of London or Westminster, or Liberties thereof, as the said Company, their Successors and Assigns, or the major Part of them, shall direct and appoint; with Power to them to adjourn such First or other subsequent Annual General Assembly or Meeting from Time to Time, to such Place or Places, within the said Cities or Liberties, and not elsewhere, as they shall think necessary for the Purposes of this Act. Annual General Assembly.

IV. And be it further enacted by the Authority aforesaid, That at such First General Assembly or Meeting, to be holden after the passing of this Act, the said Company of Proprietors of the Crinan Canal then and there assembled, together with such Proxies as shall be then present, shall choose a Governor and Fourteen Persons, each of whom shall be, for the Time being, a Proprietor of Five or more Shares in the said Navigation, which Fifteen Persons shall be called, The Governor and Directors of the Company of Proprietors of the Crinan Canal; and which said Governor and Directors shall continue and remain in Office, and exercise all the Powers incident thereto, until the First Thursday in the Month of March next ensuing the Date of their Election, or until such Time as an Election of Governor and Directors shall be made in Manner herein-after mentioned. Choice of Governor and Directors.

V. And

Powers of Governor and Directors to choose a Secretary and Engineer.

V. And be it further enacted by the Authority aforesaid, That the said Governor and Directors, or the major Part of them, shall have Power to choose such Persons as they think proper to be their Secretary; and also to appoint an Engineer for planning, directing, and carrying on the Works of the said Navigation, and to appoint such Meeting or Meetings of their own Body, to be held at such Place or Places, within the Cities of London or Westminster, or Liberties thereof, and at such Time or Times as they shall think necessary, for the Purposes of this Act; and that the said Governor and Directors shall have the Management of all the Affairs and Cash of the said Company, subject to the Examination and Controul of the General Assembly or Meeting of the said Company as herein-after mentioned; and shall also have the Custody of the Common Seal, and of all the Books, Papers, and Writings belonging and relating to the Affairs of the said Company, which shall hereafter be kept in the said Cities of London or Westminster, or Liberties thereof.

Duty of Governor and Directors.

VI. And it is hereby enacted, That the said Governor and Directors for the Time being, or the major Part of them, shall convey all Orders and Directions received by them from the General Assemblies or Meetings of the said Company, to the Committee of Management of the Affairs of the said Company herein-after mentioned, and shall correspond with the said Committee, for the Purpose of receiving from them an Account of the Management of all the Affairs in Scotland relating to the said Company, which Accounts the said Governor and Directors, or the major Part of them, are hereby authorized to call for in Manner herein-after mentioned; and shall also prepare and adjust such Information and Accounts, when received from the said Committee of Management, in order that the same may be laid before the next General Assembly or Meeting of the said Company.

Quorum of Governor and Directors.

VII. And be it further enacted, That the Governor for the Time being, and Four Directors, or, in the Absence of the Governor, any Five Directors, shall form a Quorum, for the Purposes aforesaid; and that such Quorum, or the major Part of them, shall have the same Powers and Authorities as are hereby given to the Governor and Directors of the said Company.

President to be chosen in Absence of the Governor.

VIII. And be it hereby enacted, That the Governor to be chosen by virtue of this Act shall preside at all Meetings of the Directors, and of the General Assembly of

the said Company; and, in case of his Absence, the Majority of the Directors and of the Proprietors present at any such Meetings respectively, shall choose One of their own Number qualified as aforesaid, out of those present, as President; and the Governor, or the Person so chosen, shall have One Vote; and in case of an Equality of Votes, he shall have a Casting Vote, over and above his own Vote.

Extraordinary Meetings how to be called.

IX. And be it further enacted, That if at any Time it shall appear to the Governor or President and Directors for the Time being, or the major Part of them, or to any Nine or more of the Proprietors of the said Company, that, for the more effectually putting this Act in Execution, a Special General Meeting of the Proprietors is necessary to be holden, it shall be lawful for the said Governor and Directors, or the major Part of them, or for such Nine or more of the said Company, to cause Notice to be given thereof in the London Gazette, and in One of the Edinburgh and in One of the Glasgow Newspapers, or in such other Manner as the said Company, their Successors or Assigns, shall at any General Assembly or Meeting direct or appoint, declaring in such Notice the Place where and the Time when such Meeting is to be held, the same not being less than Twenty-one 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 given to them by this Act.

Duty of Secretary.

X. And be it further enacted by the Authority aforesaid, That the Secretary to the Governor and Directors shall attend all their Meetings, and all the General Assemblies or Meetings of the said Company; and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of all the Acts, Proceedings, and Transactions of the said Governor and Directors, and their Successors, and of the General Assemblies or Meetings of the said Company, by virtue of and under the Authority of this Act, and of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Proprietors, or entitled to any Share or Shares of and in the said Navigation; and shall regularly enter in a Book or Books true and regular Duplicates of all Accounts and Proceedings, to be transmitted from the Committee of Management in Manner herein-after directed; and shall fulfil and obey all

such Orders as he shall from Time to Time receive from the said Governor and Directors; and that every Proprietor of the said Company shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and may demand and have Copies thereof, or of any Part thereof, provided such Copies be made at the Expence of the Party or Parties applying for the same; and if any such Secretary shall refuse to permit any Proprietor to inspect or peruse such Book or Books, or refuse to make any Copy or Copies thereof, the same being to be paid for as aforesaid, he shall for every such Offence pay and forfeit the Sum of Five Pounds Sterling, to be deducted from the Salary of the said Secretary, provided the said Governor and Directors shall think proper to make such Deduction: And whenever such Secretary shall die, quit, or be removed from his Office, it shall and may be lawful for the said Governor and Directors, or the major Part of them, for the Time being, to appoint some fit Person in the Place of the Secretary so dying, quitting, or being removed from his Office.

Choice of Committee of Management.

XI. And be it further enacted by the Authority aforesaid, That at the First General Assembly or Meeting of the said Proprietors after the passing of this Act, the Proprietors then assembled, together with such Proxies as shall be then present, shall choose Nine Persons, each of whom for the Time being shall be a Proprietor in the said Navigation; which Persons so chosen shall consist of a Chairman and Eight other Members, and shall be a Committee (with the Title of The Committee of Management) for the Purpose of managing all the Affairs of the said Company in Scotland, subject to the Regulations herein-after mentioned; and which Committee of Management shall continue and remain in Office until the First Thursday in the Month of March next ensuing their Election, or until such Time as an Election of a Committee of Management shall be made in Manner herein-after mentioned.

Committee to choose all Officers, except Engineer.

XII. And it is hereby further declared, That the Committee of Management for the Time being shall have the Custody and Charge of all such Cash, Books, Papers, and Writings belonging to the said Company, as the Governor and Directors shall think proper to entrust to them; and such Committee, or the major Part of them, shall have the Choice and Appointment of all Officers, Servants, and Workmen in Scotland, taking such Security for the due Execution of their respective Offices as the said Committee shall think proper, and subject to the Regulations and Restrictions herein after mentioned, save

and

and except the Choice and Appointment of an Engineer, to be appointed by the Governor and Directors in Manner herein-before mentioned.

Quorum of Committee.

XIII. And be it further enacted, That any Three Members of the said Committee of Management shall form a Quorum for the Purposes aforesaid; and it is hereby declared, that such Quorum, or the major Part of them, shall have the same Powers and Authorities as are hereby given to the said Committee of Management.

Chairman to have a Casting Vote.

XIV. And it is hereby further declared and enacted, That the Chairman of the said Committee shall have One Vote in all the Meetings of the said Committee, as well as the other Members thereof; and that in case of an Equality of Votes, the said Chairman, or in his Absence the Person chosen to preside for the Time by the Meeting, shall have a Casting Vote, over and above his own Vote as a Member of the said Committee; and the said Committee of Management, or the major Part thereof, are hereby authorized to appoint such Meeting or Meetings of their own Body, at such Place or Places, and at such Time or Times, as they shall think proper.

Committee to give Notice of Election of Officers.

XV. And be it further enacted by the Authority aforesaid, That the Committee of Management for the Time being shall, within Fourteen Days after the Election or Appointment of any Officer or Servant, whom they have a Power by this Act to elect or appoint, certify and transmit to the Governor and Directors, or to their Secretary, the Name of such Officer or Servant so appointed, together with the Nature of the Office or Service to which he is so appointed, or in which he shall be so employed; and the said Committee of Management shall send or cause to be sent to the said Governor and Directors, or to their Secretary, Once in every Month, or oftener if by them required, Duplicates of all Accounts and Transactions whatsoever, relating to the Affairs of the said Company, under the Management of the said Committee.

General Assemblies for choosing Governor and Directors and Committee of Management.

XVI. And be it further enacted by the Authority aforesaid, That after the First Election of the said Governor and Directors, and Committee of Management, to be made in Manner aforesaid, a General Meeting or Assembly of the said Company shall be holden at such Place within the Cities of London or Westminster, or Liberties thereof, as the said Company, or the Majority of those present, by themselves or their Proxies, at such Meeting shall appoint, on the First Thursday in the

Month of March in every Year subsequent to that on which the First Election of the said Governor and Directors and Committee of Management shall be made as aforesaid, for the Purpose of electing the Governor and Directors and Committee of Management, and for executing the other Purposes of this Act.

Proviso as to Persons holding Contract or Employment.

XVII. Provided always, and be it enacted, That no Person holding any Place, Office, Contract, or Employment, either in his own Name or that of any other Person, under the said Company, shall be capable of being chosen a Governor or Director, or to serve on the said Committee of Management.

Duration of Governor and Directors and Committee of Management.

XVIII. And be it further enacted, That the Governor and Directors and Committee of Management, so to be chosen, shall continue in their respective Offices until the First Thursday in the Month of March next ensuing their Election, or until such Time as an Election shall be made of the said Governor and Directors and Committee of Management, in Manner herein-after mentioned.

General Assembly to be called for filling up Vacancies.

XIX. Provided always, and be it enacted, That if the Governor or any of the Directors, or the Chairman, or any other Member or Members of the said Committee of Management, shall happen to die, or shall quit his Office, then it shall be lawful for, and the Survivors, or the major Part of the Survivors of the said respective Bodies, are hereby empowered, if they shall see necessary, to call a Special General Meeting or Assembly of the said Company, for the Purpose of filling up such Vacancy or Vacancies; of which Meeting Notice shall be given in the London Gazette, and in One of the Edinburgh, and in One of the Glasgow Newspapers, in the same Manner, and under the same Conditions and Restrictions as herein-before provided with respect to the calling of any Special General Assembly or Meeting of the said Proprietors, for the Purposes or by the Persons herein-before mentioned.

Committee of Management to choose a Clerk.

XX. And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Committee of Management and their Successors, at the First or any subsequent Meeting which shall be holden by the said Committee by virtue of this Act, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by 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 all the Acts, Proceedings, and Transactions of the said Committee of Management,

nagement, by and under the Authority of this Act; and that each of the said Proprietors, 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 may demand and have Copies thereof, or of any Part thereof, on paying for the said Copies, and not otherwise; and if such Clerk 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 thereof, or any Part thereof, on being paid for the said Copies as aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling, to be deducted from the Salary of the said Clerk, provided the said Committee of Management shall think proper to make such Deduction.

All Proceedings subject to the Examination of the General Assembly.

XXI. Provided always, and be it further enacted, That all the Proceedings and Transactions of the said Governor and Directors, and of the said Committee of Management, shall from Time to Time be subject to the Examination and Controul of the General Assembly or Meeting of the said Company to be assembled as aforesaid.

Books to be kept.

XXII. And be it further enacted by the Authority aforesaid, That the Book or Books in which all the Accounts relating to the said Navigation shall be stated and settled, and all other Matters relating thereto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company, their Successors and Assigns, assembled in Manner herein mentioned, shall from Time to Time direct and appoint, and the Key or Keys thereof, the said Governor and Directors and the said Committee of Management for the Time being respectively 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.

Subscribers to have One Vote for every One Share, by themselves or Proxies.

XXIII. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner for the Proprietors of the said Navigation, be it further enacted, That the several Proprietors who have subscribed or have undertaken for One Share of Fifty Pounds Sterling 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 General

Assembly or Meeting to be holden in the Manner and at the Times and Places appointed by this Act, which may be given by him, her, or them, or by his, her, or their Proxies, duly constituted by Writing under his, her, or their Hand or Hands, such Proxy or Proxies being entitled to vote in his, her, or their own Right as a Proprietor or Proprietors of the said Navigation as aforesaid; and such Vote or Votes by Proxies shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person, provided that no Person shall give or deliver more Proxies than for Ten absent Proprietors; and any Body or Bodies Corporate, Politick, Person or Persons, who shall have more than One such 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 Fifty Pounds Sterling each, for which he, she, or they shall be a Proprietor as aforesaid; and every Question, and also every Election or other Matter or Thing whatsoever, which shall be made, proposed, discussed, or considered in any General Assembly or Meeting to be holden by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies constituted as aforesaid then present, computing One Vote for every One Share.

But not to vote for more than Ten Shares.

XXIV. Provided always, and be it enacted, That no Person, although possessed of more than Ten Shares, shall by himself or herself, or Proxy or Proxies, have more than Ten Votes in any such General Assembly or Meeting as aforesaid.

General Assemblies to consist of Fifteen Proprietors holding 350 Shares.

XXV. Provided always, and be it enacted, That if at any General Assembly or Meeting to be holden by virtue of this Act, for the Purpose of electing the said Governor and Directors and Committee of Management, there shall not be Persons present to the Number of Nine at least who have Three hundred and fifty Shares in the said Navigation, either as Principals or Proxies, no Choice of a Governor and Directors, or of a Committee of Management shall be made, at such General Assembly or Meeting, but in such Case there shall be a new General Assembly or Meeting of the Company of Proprietors of the said Navigation at the same Place, upon that Day Month following; and in case there shall be then present such a Number of Persons as aforesaid, duly qualified as aforesaid, such Persons shall proceed to the Choice of the Governor and Directors, and Committee of Management, and the Persons then chosen to be the said Governor and Directors, and of the said Committee

of Management, shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the Day herein before for that Purpose appointed: Provided always, That in case there shall not be present at such last mentioned Meeting such Number of Persons so qualified as aforesaid, that then the said Governor and Directors, and Committee of Management, which were last chosen, shall continue and remain in their respective Offices, until the First Thursday in the Month of March next ensuing, and from thence until such Time as an Election shall be made of a Governor and Directors, and Committee of Management, in the Manner prescribed by this Act.

Powers of General Assemblies.

XXVI. And be it further enacted by the Authority aforesaid, That every General Assembly or Meeting which shall be holden by virtue of this Act, shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers, or any other Person or Persons whomsoever, (by whomsoever appointed), employed in or concerned for the said Navigation, and to that Purpose shall have Power to adjourn themselves over from Time to Time to such Place or Places within the Cities of London or Westminster, or Liberties thereof, as shall be thought necessary.

Powers of the Committee of Management.

XXVII. And be it further enacted by the Authority aforesaid, That the Committee of Management, to be chosen as aforesaid, shall keep, manage, and dispose of the Cash belonging to the said Company, in so far as the same shall be intrusted to them by the Governor and Directors, and shall have full Power and Authority to direct and manage all the Affairs of the said Company, 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 Navigation, so that every Purchase, Bargain, or other Matter to be done or transacted by the said Committee of Management, of the Value of Five hundred Pounds Sterling, or more, be first stated to, and receive the Approbation of, the Governor and Directors, and that every other Purchase, Bargain, and Matter to be done or transacted by the said Committee of Management, be subject to the Controul of the Governor and Directors for the Time being, and

be

be subject to the Regulations and Restrictions hereinbefore imposed by this Act upon the said Committee of Management.

Powers of Governor and Directors to dismiss Officers or Servants.

XXVIII. And be it further enacted by the Authority aforesaid, That the Governor and Directors for the Time being shall have full Power and Authority to remove or displace any Officer or Officers, Servant or Servants, who at any Time shall be employed in any Manner whatsoever in the Business or Affairs of the said Company.

Powers of General Assemblies to make Bye Laws,

XXIX. And be it further enacted by the Authority aforesaid, That every General Assembly or Meeting of the said Company, to be holden by virtue of this Act, shall have Power to make such Rules, Bye Laws, and Orders, as to them shall seem meet, for the good Government of the said Company, and for the Regulations and Proceedings of the said Governor and Directors, and of the said Committee of Management, and for regulating all the Officers and Servants employed in the Business or Affairs of the said Company, and for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well-governing the Mariners, Bargemen, Watermen, and Boatmen, and others, who shall carry or convey any Goods, Wares, and Merchandizes, or shall be employed on Land in towing Vessels or Boats on the said Navigation, or any Part thereof.

and to impose Fines.

XXX. And be it further enacted, That such General Assembly or Meeting of the said Company as aforesaid, shall have Power to impose such reasonable Fines or Forfeitures upon the Breakers of such Rules, Bye Laws, or Orders, as to such General Assembly or Meeting shall seem meet, not exceeding the Sum of Five Pounds Sterling for any single Offence, such Fines or Forfeitures to be levied and recovered under the Directions of the said Committee of Management, by such Ways and Means as are authorized and prescribed for the Recovery of Fines by this Act; which said Rules, Bye Laws, and Orders, being put into Writing, under the Common Seal of the said Company, their Successors and Assigns, 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.

Proprietors may raise Money among themselves to carry on the Works.

XXXI. And, to the End that the said Company may be enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company, 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 Canal, provided that the said Sum do not exceed One hundred and twenty thousand Pounds Sterling in the Whole, except as herein-after mentioned; and that the same be divided into such Number of Shares as herein-after directed, at a Price not exceeding Fifty Pounds Sterling per Share: And the Money so to be raised is hereby appointed to be laid out and applied in the First Place, for and towards the Payment, Discharge, and Satisfaction of the Fees and Expences of obtaining and passing this Act, and all other necessary Expences relating thereto; and all the Residue and Remainder of such Money shall be applied and laid out for and towards making, completing, and maintaining the said Navigable Canal, and other the Purposes of this Act.

The Money raised to be divided into Shares.

XXXII. And be it further enacted, That the said Sum of One hundred and twenty thousand Pounds Sterling, or such Part thereof as shall be raised by the several Persons herein-before named Proprietors of the said Navigation, shall be divided and distinguished into as many equal Parts or Shares of Fifty Pounds Sterling each as the same shall amount to, and that the said 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, or to which they have been assumed by original Subscribers or their Executors, and shall contribute and shall pay thereunto; and all Bodies Politick and Corporate, and every Person and 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 Fifty Pounds Sterling, or such Part thereof as shall be demanded, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the Navigation shall be completed, the entire and neat Distribution of Part of the Profits and Advantages that may arise or accrue by virtue of the Sum and Sums of Money to be raised and recovered or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Corporate or Politick, Person or Persons, having such Property of One Part or Share of the said Undertaking, and so in Proportion, shall pay a proportional Sum of Money

towards carrying on the said Undertaking, in Manner herein-after enacted, directed, and appointed.

If not sufficient, a further Sum may be raised among the Proprietors.

XXXIII. And be it enacted, That in case the said Sum of One hundred and twenty thousand Pounds Sterling, herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Canal, and other the Works hereby authorized 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, 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 to the Sums to be provided and paid by them respectively, as the present Proprietors have, or may have, in Proportion to their Shares as aforesaid), in Manner and Form as aforesaid, any further or other Sums of Money for making, completing, and maintaining the said Navigation, not exceeding the Sum of Thirty thousand Pounds Sterling.

How Calls are to be made.

XXXIV. Provided also, and be it enacted, That it shall be lawful for the said Company at their General Meetings, or to their Governor and Directors, to call for and receive the Sums so subscribed, whether original or in addition, at such Time or Times as to them shall seem proper, and to demand and take Interest for so much thereof as shall not be punctually paid, from the Time or Times which shall be appointed for Payment thereof until Payment, provided that no Call shall exceed the Sum of Ten Pounds Sterling for every One hundred Pounds Sterling, and that no additional Call shall be made, but at the Distance of One Calendar Month at the least from the preceding One, which Money so called for shall be paid to such Person or Persons, or Bodies Corporate, as the said General Assembly or Governor and Directors shall appoint to receive the same: And if any Person or Persons shall neglect to pay his, her, or their rateable proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Meeting, or Governor and Directors, he, she, or they so neglecting or refusing shall forfeit the Sum of Two Pounds Ten Shillings Sterling for every Fifty Pounds Sterling of his, her, or their respective Share and 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

How Shares may be forfeited.

Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting, shall forfeit his, her, or their respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof, all which Profits shall go to the Rest of the Company of Proprietors of the said Navigation, their Successors and Assigns, in Trust and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests.

Forfeitures to be declared at General Assemblies.

XXXV. Provided always, and be it further enacted, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Assembly of the said Company, which shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the Rest of the Proprietors, with respect to carrying on the said intended Navigation.

Subscribers compellable to pay their Subscriptions.

XXXVI. And be it further enacted, That the respective Persons who have subscribed or shall hereafter subscribe to advance Money for and towards making and maintaining the said Canal, and the other Works hereby authorized to be made, shall and are hereby required to pay the Sums which shall have been by them respectively subscribed, (or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or by their Governor and Directors, under the Powers and Directions of this Act), at such Times and Places and in such Manner as shall be directed by the said Company, or their said Governor and Directors; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in the Manner required as aforesaid, it shall and may be lawful to and for the said Company to sue for and recover the same in any Court of Law or of Equity.

Shares may be disposed of.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares he, she, or they shall be entitled to therein, by Deed executed after the Form herein-after expressed, a Duplicate whereof, subscribed by both Parties, shall be delivered to the Secretary for the Time being, to be kept for the Use

of

of the said Company, and Entries shall be made in a Book or Books to be kept by the said Secretary for that Purpose, for which Entries no more than Two Shillings and Sixpence Sterling each shall be paid, and the said Secretary is hereby required to make such Entries accordingly; and until such Duplicate of such Deed shall be so delivered and entered, the Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor receive any Interest, or be allowed to vote.

After a Call no Shares to be sold till Money is paid.

XXXVIII. And be it further enacted, That after any Call of such Monies shall be made, 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 their respective Share or Shares so to be sold shall be paid, under the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking to the said Company.

XXXIX. And be it further enacted, That the Sale of the said Shares shall be in the Form or to the Effect following; videlicet,

Form of Transfer.

I *A. B.* in Consideration of

paid to me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, One

(or more Share or Shares, *as the Case is*), in the Undertaking of the *Crinan* Canal, to hold to him the said *C. D.* his Executors, Administrators, 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 the said *C. D.* doth hereby agree to accept 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 Council and Session or Sheriff-Court Books of the Shire of *Argyll*, or any others competent, therein to remain for Preservation; and for that End constitute

Procurators. In Witness whereof, these Presents, written by

on stamped Paper, are subscribed by the said Parties at

the Day of One thousand seven hundred and

before these Witnesses.

Shares to be held as Personal Estates.

XL. And be it enacted, That all Persons and Corporations, Proprietors of any Shares in the said Navigation, and their Executors, Administrators, 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, according to the Tenor and true Meaning of this Act, and shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, but shall be deviseable by Will, or in Want thereof shall descend to Executors or nearest of Kin, in the same Manner as Personal or Moveable Estates are by the Law and Usage of that Part of Great Britain called Scotland descendible, any Law, Custom, or Usage to the contrary notwithstanding.

Regulations as to the Acquisition of Shares,

XLI. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Navigation, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid: Be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Share of the Profits of the said Navigation in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage or the Effect of such Register, shall be made and sworn to by some credible Person before One of his Majesty's Justices of the Peace, and shall be transmitted to the Secretary of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Secretary for the Entry of Transfers and Sales of Shares in the said Navigation; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, an Extract or Probate of the Will or confirmed Testament, or an Extract or Particle thereof, or Letters of Administration, shall be produced and shewn to the Secretary, or an Affidavit containing a Copy of so much of such Will or Testament as shall relate to the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), before One of his Majesty's Justices of the Peace, and shall also be

by Marriage,

or Will, or in Course of Administration.

transmitted to the said Secretary, who shall file and enter the same in Manner herein-before mentioned.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

XLII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company shall, and are hereby required at their Second General Meeting, to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company; and shall also cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Secretary Two Shillings and Sixpence Sterling, and no more, for every such Ticket or Instrument, which shall be admitted in all Courts whatever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Summons left with the Clerk of the Committee of Management sufficient Notice.

XLIII. And, for the more convenient summoning the said Company, or their Successors, or Assigns, in Actions which may or shall be raised or sued against them, and also 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 Notice or Intimation 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 Clerk of the Committee of Management of the said Company personally, or at their or his Dwelling Place, shall be deemed, taken, and held to be good, lawful, and sufficient Notice or Intimation of Service 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 different Dwelling Houses or Abodes of all and each of the said Proprietors, their Successors or Assigns: And where such Arrestments shall be used, and the same shall not be effectually loosed or removed according to Law, before any 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 Management of the said Navigation, to expose and sell by Publick Auction, the Share or Shares of such Proprietor or Proprietors which shall have been so arrested, and that at the proper Costs and Charges of such Proprietor or Proprietors, and at such Time and Place as the said Committee shall see proper, giving always Six Weeks Notice of such Sale or Sales by Publick Advertisements, at least Once in the London Gazette, and in One of the Edinburgh and One of the Glasgow Newspapers; and the Purchaser or Purchasers thereof at such Auction or Auctions, upon granting Bond or Bonds, with Two or more sufficient Sureties, 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 Arresters thereof, or any other Person or Persons who shall be found to have the best Right thereto, by Decree of the Lords of Council and Session, or of any other competent Court 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 Proprietor or Proprietors, to all Intents and Purposes whatsoever.

Charges of Sale to be paid.

XLIV. Provided always, That the reasonable Charges attending such Sale or Sales, and whole Proceedings therein, be paid down to the Clerk of the Committee of Management by the Purchaser or Purchasers aforesaid, to be retained by them out of the Purchase Monies.

If Arrestment loosed, and Charges paid, Sale not to proceed.

XLV. 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 of Management, and the reasonable Charges of Advertisements and other Proceedings towards the Sale shall be paid down to the Clerk of the said Committee, that then, and in such Case, the said Auction and Sale shall be stopped, and no further proceeded in at the Time.

Company of Proprietors empowered to borrow.

XLVI. And, in case the said Company shall be desirous to raise such further Sum of Money, or any Part thereof, by borrowing on the Security of the said Navigation and Undertaking, instead of by Contribution or Subscription, then, and in that Case, be it enacted, That it shall

ſhall and may be lawful to and for the ſaid Company to borrow and take up at Intereſt, or by granting Annuities on Lives, of and from any Perſon or Perſons who ſhall be willing to advance and lend the ſame, upon the Credit of the ſaid Navigation, any ſuch further Sum or Sums of Money, not exceeding the ſaid Sum of Thirty thouſand Pounds Sterling, as they ſhall ſee fit and convenient; and the ſaid Company, and their Governor and Directors, are hereby authorized and empowered to aſſign and make over the ſaid Canal, and other Works, and the Rates to ariſe by virtue of this Act, or any of them, or any Part thereof, as Security for any Sum or Sums of Money ſo to be borrowed with Intereſt, or for which ſuch Annuities ſhall be granted, to the Perſon or Perſons who ſhall advance the ſame, or to his or their Truſtee or Truſtees, by Aſſignment under the Seal of the ſaid Company, to be executed by their Governor, and counterſigned by their Secretary, (under the Special Authority herein-after mentioned reſpecting the ſame, and not otherwiſe), in the following Words, or Words to the like Effect; videlicet:

Form of Aſſignment.

WE, the Company of Proprietors of the *Crinan* Canal, in Conſideration of the Sum of Sterling, paid to us at *London*, (*or elſewhere as the Caſe may be*), by *A. B.* do (under the Authority of an Act of Parliament, empowering us to the following Effect, and in purſuance of a Reſolution of a General Meeting of the ſaid Company of Proprietors, bearing Date the Day of) by theſe Preſents, aſſign unto the ſaid *A. B.* his (*or* her) Executors, Adminiſtrators, and Aſſigns, all and ſingular the Tolls and Rates ariſing from the ſaid *Crinan* Canal by virtue of the ſaid Act, and alſo the Canal itſelf, and all the Eſtate, Right, Title, and Intereſt of us the ſaid Company of Proprietors of, in, and to the ſame, to hold unto the ſaid *A. B.* his (*or* her) Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, at the Rate of *per Centum per Annum*, (to be paid half-yearly by us the ſaid Company of Proprietors, at the End of every Six Months following the Date of theſe Preſents) ſhall be completely paid or ſatisfied at *London* (*or elſewhere, as the Caſe ſhall be*); or (*in caſe the Grant be for an Annuity*) otherwiſe do grant and aſſign unto the ſaid *A. B.* his (*or* her) Executors, Adminiſtrators, and Aſſigns, a clear yearly Rent Charge of to be iſſuing and payable from and out of all and ſingular the Tolls,

Tolls, Rates, and Duties arising by virtue of the said Act, and also the said Canal itself, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, and to the same, to have, hold, receive, take, and enjoy the said Annuity, or clear yearly Rent Charge of unto the said *A. B.* his (*or* her) Executors, Administrators, and Assigns, for and during the natural Life or Lives (of such Person or Persons as shall be for that Purpose therein named), by Two equal Payments in each Year, to be made by us the said Company of Proprietors at *London (or elsewhere, as the Case shall be)*, *videlicet*, the Day of and Day of ; declaring always, that so long as the said Interest (*or* Annuity) shall continue to be regularly paid unto the said *A. B.* his (*or* her) Executors, Administrators, and Assigns, as herein-before stipulated for, or within Three Months of the respective Times hereby appointed for the Payment of the same, it shall not be in the Power of the said *A. B.* his (*or* her) Executors, Administrators, or Assigns, to enter upon the Possession of the said Tolls, Rates, Duties, and Premises, or to commence or carry on any Action or Suit for attaining the same.

Given under the Seal of the said Company of Proprietors, and signed by the Governor, and counter-signed by the Secretary at .

Persons to whom Assignments are made, entitled to their Proportions of the Tolls.

And that any Person to whom such Grant or Grants, Assignment or Assignments, shall be made, shall (after Entries thereof have been registered in the Book or Books, and in the Manner herein-after mentioned, and not otherwise) be equally entitled to their Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Grant or Grants, Assignment or Assignments, mentioned to be advanced with the Interest, and according to the Amount of such Annuity or Annuities for which such Grant or Grants shall be made payable to him, her, or them, either in London or elsewhere, as shall for that Purpose be stipulated between the said Company and them, in such respective Assignments and Grants, which shall be deemed to be real and preferable Rights to the Tolls, Rates, Duties, and Profits of the said Canal, but without any Preference by reason of the Priority of such Grants or Assignments, or on any other Account whatsoever.

Assignments to be considered as Personal Estates.

XLVII. Provided always notwithstanding, and be it enacted, That in all other Respects (the Security herein-before given alone excepted) the said Grants and Assign-

ments, and Sums of Money thereby secured, shall be considered and taken, pass and go, and be enjoyed and possessed, as Personal or Moveable Estates and Effects are considered and taken, do pass and go, and are enjoyed and possessed by the Law of Scotland.

Assignments to proceed upon an Order by General Meeting.

XLVIII. Provided always, and be it enacted by the Authority aforesaid, That all Grants and Assignments to be made and executed in Manner herein-before directed, shall pass and proceed upon a Resolution or Order to be for that Purpose previously made by a General Meeting of the said Company, authorizing the issuing of such Grants and Assignments, and the Extent and the Amount of the same; and that every Grant and Assignment shall bear Reference to the Resolution or Order under the Authority of which the same was made and issued.

Money borrowed to be applied towards making the Canal.

XLIX. And be it enacted by the Authority aforesaid, That the Money so borrowed, and for which such Grant or Grants, and Assignment or Assignments as aforesaid, shall be given and granted, shall, in the first Place, be applied for and towards making, maintaining, and completing the said Navigable Canal, and other Works authorized by this Act to be made, and in carrying the several Powers, Provisions, and Authorities herein contained, into effectual Execution, so far as relate to the said Navigable Canal, and to no other Use or Purpose whatsoever.

Books to be prepared for entering Assignments.

L. And, for the further Security of all Parties having an Interest in the aforesaid Grants and Assignments, and in the several Sums of Money which shall become due and payable under and by virtue of the same, be it also enacted by the Authority aforesaid, That the said Company shall have Power, and they, their Successors and Assigns, are hereby empowered and required from Time to Time, and at all Times as often as there shall be Occasion for so doing, to prepare, or cause to be prepared, a Book or Books for entering and registering therein all such Grants and Assignments by way of Life Annuity or otherwise, as shall be by them made, for Money borrowed under and by virtue of the Powers given by this present Act, and of the Transfers and other Conveyances of such Grants and Assignments as aforesaid; and that the said Book and Books respectively shall contain in the Beginning a Memorandum in Writing, signed by the Governor, and countersigned by the Secretary for the Time being, specifying the Number of Pages which such Book or Books respectively consist of; and that every Page of the whole Number shall be marked by the said Governor and Secretary

cretary respectively, with the Initials of their respective Names, and shall in that State and Condition be delivered to the said Secretary, for the Entry and registering by him of all such Grants, Assignments, Transfers, and Conveyances as before-mentioned; and that Entries of all Grants and Assignments, which shall be made by the said Secretary, under and by virtue of the Powers given by this present Act, (mentioning the Date of such Grant or Assignment, the Names of the Parties, and Sums of Money borrowed, or Sums for which such Annuity or Annuities shall be granted as aforesaid), shall be made in the Book or Books, so to be kept for that Purpose, by the said Secretary; and that none of the said Grants or Assignments shall be delivered by the said Company to the Grantees or other Persons interested in the same, until the Entry aforesaid be made in the said Book or Books, and until the said Secretary has marked on every such Grant or Assignment the Date of the Entry, and the Page or Pages in the aforesaid Book or Books wherein such Entry has been made; and that only such Grants and Assignments as shall be so marked on some Part thereof by the said Secretary, shall be binding and obligatory upon the said Company, their Successors and Assigns; and which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and that any Person to whom such Grants or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby granted or secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the said Annuity or Annuities, or the Principal and Interest Money thereby secured, or any Part or Share of the same, to any Person or Persons whomsoever, by indorsing on the Back of such Grant or Security, before Two credible Witnesses, the following Words, or Words to the like Effect; videlicet,

Assignments may be transferred.

I Do transfer this Grant or Assignment, or the Principal Money, or the Annuity thereby secured, or certain Parts of the same, *(as the Case may happen to be)*, and all the Interest now due, or hereafter to become due, unto *C. D.* of his Executors, Administrators, or Assigns. Dated this Day of in the Year

Form of Transfer.

Witness

Which

Which said Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced and notified to the said Secretary, who shall immediately mark the Hour and Day upon which such Production and Notification was made to him, and (as often as required so to do) shall certify the same under his Hand to all and every Person or Persons interested; and shall further, immediately after the Production and Notification aforesaid, cause an Entry to be made of such Transfer or Assignment, containing the Date, Names of the Parties, and the Annuity or Sum of Money therein transferred, in the said Book or Books to be kept for entering the said original Grants or Assignments, and for which the said Secretary shall be paid Two Shillings and Sixpence Sterling; and that after such Entry made, but not till then, every such Grant or Assignment shall entitle such Grantee or Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and that such Grantee or Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made any such Transfer or Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and that in case of the Production and Notification within the Thirty Days before mentioned to the aforesaid Secretary, of Two or more Assignments or Transfers of the same Grant or Assignment, that the Assignment or Transfer first produced or notified to the said Secretary, shall be preferable, and received, marked, and entered by him, and that he shall return the other Assignment or Assignments, without marking or entering the same, to the Person or Persons producing and notifying such Assignment or Assignments to him.

Securing Payment of Annuities.

LI. And it is hereby further enacted, That as well the Annuity or Annuities to be granted, as also the Interest of the Money which shall be borrowed as aforesaid, shall be paid half-yearly to the several Persons entitled thereto; and that the said Company, their Successors and Assigns, shall have Power, and they are hereby empowered and required to pay the said Interest and Annuities half-yearly as aforesaid, out of any and whatsoever Sum or Sums of Money which shall from Time to Time come into the Receipt of the said Company, their Successors or Assigns, by virtue of the Powers given by this Act, in Preference to any Interest or Dividends

vidends due and payable by virtue of this Act, to the said Company, or any of them; and that the Interest of the Money so to be borrowed, and the Annuities aforesaid, shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; any Thing in this present Act to the contrary notwithstanding.

Course of the Canal.

LII. And be it enacted by the Authority aforesaid, That the said Company shall be and are hereby authorized to make and complete a Navigable Canal for Ships, Boats, Barges, and other Vessels, from Loch Gilp at or near the Point of Ardrelhaig, or any other Point or Part of the said Loch, passing near to the Mansion House of Oakfield and of Craiglass, to or near to Auchinshellach and Leikachluan, from thence to or near to Barslirhnach, and to Loch Crinan, at or near to Duntroon Castle, or to or near to Cairnbaan, Dunnamuck Mill, Dell, Dunardry, Bardarroch, and from thence to Loch Crinan, at any Part or Point in the said Loch, passing through the Parishes of South Knapdale, North Knapdale, Glassry alias Kilmichael, and Kilmartine, in the Shire of Argyll, and to supply the said Canal with Water from such Springs, Sources, Rivers, Streams, Lakes or Lochs, as are within the Distance of Ten Miles from any Part of the said Canal, and also to make such Reservoirs or Receptacles for Water within the Distance last mentioned, as they shall deem convenient and proper for the Purposes of the said intended Navigation, and to make Watercourses, Aqueducts, Drains, Gutters, Tunnels, and Soughs, for conveying Water into the said Reservoirs, and Heads, Dams, and Sluices for preserving the same; and for the Purposes aforesaid, and also for making, using, completing, extending, and maintaining such Trenches, Passages, Gutters, Tunnels, Soughs, and Watercourses as shall be necessary and proper for acquiring and conveying Water to and from the said intended Canal, according to the Tenor and Intent of this Act, the said Company, and their Agents, Servants, and Workmen, are hereby authorized and empowered in, upon, or through the Lands or Grounds of or belonging to the King's Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politick, Corporate or Collegiate, 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 or Things which may be dug or got in making the said Canal, or out of the Lands and

Grounds of any Person or Persons adjoining or contiguous thereto, or within Five Miles thereof, 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, extending, and maintaining the same respectively; and also to make, build, erect, and set up such and so many Docks, Harbours, Piers, Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Dams, Wears, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, and other Works, Ways, and Conveniencies, as and where the said Company, their Successors or Assigns, shall think requisite and convenient for the Purposes of the said Navigation, either within the Entrances of the said Canal, or without the same, in Loch Gilp and Loch Crinan, or any Part of the said Lochs; and also from Time to Time to alter, repair, and amend the same, and to make, widen, or enlarge any Docks, Harbours, Piers, Bridges, Dams, Ways, Passages, Cuts, Locks, Watercourses, Tunnels, Soughs, Aqueducts, Trenches, Sluices, Warehouses, or other Conveniencies, as well for carrying and conveying Goods, Commodities, and other Things to or from the said Canal, as for carrying and conveying all Manner of Materials necessary for making, erecting, finishing, altering, repairing, or amending the said Works, of or 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, or any of them, shall be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively which shall communicate therewith, or with the Reservoirs belonging to the same; and also to make and set up such Towing Paths, Banks, and Ways convenient for towing, haling, and drawing Ships, Boats, Barges, or other Vessels passing in, through, or upon the said Canal, or the Harbours and Docks thereof, as the said Company, their Successors or Assigns, shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, or other Works, in, upon, and across any Rivers or Brooks, for making, using, maintaining, and repairing the said Canal, and Towing Paths on the Sides thereof, or Reservoirs belonging thereto; and also to make, erect, and do all other Matters and Things which they shall

think necessary and convenient for making, effecting, extending, improving, preserving, completing, and using the said Harbours, Docks, and Navigation, in pursuance and within the true Meaning of this Act; the said Company, their Successors and Assigns, making Satisfaction in Manner herein-after directed, to the Owners and Proprietors of such Lands, Tenements, or Hereditaments, Waters, Lakes, or Lochs, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all the 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, their Successors or Assigns, and their Servants, Agents, and Workmen, and all other Persons whomsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Materials may be got in the Islands of *Arran*, &c.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Company, and their Successors, Agents, Servants, and Workmen, from Time to Time to dig, hew, take, and carry away any Stone which shall be thought requisite and convenient for making, carrying on, repairing, improving, and maintaining the said Canal, or any Pier or Piers, Dock or Docks, or other Works or Buildings, for the Use, or in anywise belonging to the said Company in the several Islands of Arran, Bute, Jura, Ilay, Mull, Cumbray, Colonsey, and Gigha, or any of them, they the said Company, and their several Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the Powers to them hereby granted, and paying a reasonable Price for such Stone, and making Satisfaction in the Manner herein-after mentioned to the Owners or Proprietors of, or the Persons entitled to or interested in the Lands or Grounds from or out of which such Stone shall be dug and taken.

Power to treat for the Purchase of certain Mills.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Company, and their Successors, to treat and agree with the Owners and Occupiers of the Mills of Kildusland, Belinaw, and Dunamuck, or with any other Persons interested therein, for the absolute Purchase of the said Mills, or any of them, at such Price or Prices as can be settled for the same.

Lands may be entered to make a Survey, and set out Land for the Canal, making Satisfaction for Damages.

LV. And be it further enacted, That it shall and may be lawful to and for the Agents and Servants of the said Company, their Successors and Assigns, from Time to Time, and at all Times hereafter, to enter upon the Lands

Lands or Grounds of the said several Persons, Bodies Politick, Corporate or Collegiate, through which the said Canal, and other Works hereby authorized, 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 Canal, and other Matters and Conveniences 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.

Line to be according to a Plan deposited with the Sheriff Clerk.

LVI. And whereas a Map or Plan, describing the Line of the said intended Canal, and the Lands through which the same is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners, or reputed Owners, and Occupiers of such Lands, have been deposited at the Office of the Sheriff Clerk for the Shire of Argyll, be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in Custody of the said Sheriff Clerk for the said Shire; and all Persons shall, at any seasonable Times, have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying the said Sheriff Clerk the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company, in making the said intended Canal, shall not deviate more than Five hundred Yards from the respective Lines or Courses thereof described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said intended Canal, on account of any Error or Omission in the said Book of Reference, in case it shall appear to the Sheriff Depute or Substitute of the Shire of Argyll, and be certified by Writing under his hand, that such Error or Omission proceeded from Mistake: And provided also, That no Deviation shall be made from the Line or Course of the said intended Canal into any Lands or Grounds not described in the said Plan and Book of Reference, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made.

Breadth of the Canal and Towing Paths and Harbours.

LVII. Provided always, and be it enacted, That the Land or Ground to be taken or used for such Canal and Towing Paths, and the Ditches, Drains, and Fences, for separating such Towing Paths from the adjoining Land, shall not exceed One hundred and fifty Yards in Breadth, except in such Places where the said Canal shall be raised higher, or cut more than Sixteen Feet deeper 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, or for making any Dock, Harbour, or Pier for the said Navigation.

Power of Proprietors of Lands to sell and convey.

LVIII. And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained for making the said Canal, and other Purposes and Conveniences herein-before mentioned, and after the Price of the said Mills shall be agreed and fixed as aforesaid, 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 whomsoever, 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, Idiots, married Women, or other Person or Persons, and to and for all married Women who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed, or interested in any Lands or Grounds which shall be so set out and ascertained as aforesaid, or in the said Mills so to be purchased, or any Part thereof, whether by Titles held in Fee-simple or entailed, to contract for, sell, and convey unto the said Company, their Successors and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall from Time to Time be so set out and ascertained as aforesaid, and also the Mills herein-before particularly mentioned; and if it shall happen that 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, Corporate and Collegiate, and other such Land Owners or other Persons interested, to sell and convey all or any Part of such Lands or Grounds which shall be so separated into small Parcels, not exceeding

reeding Ten Acres in each Parcel, to any Person or Persons, for such Price or Prices as shall be agreed upon between the Parties interested; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual, any Law to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever so conveying or exchanging, are hereby indemnified for what they or any of them shall respectively do by 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 Land Owners), so to be made, shall, at the Expence of the said Company, their Successors and Assigns, be recorded in the Sheriff Court Books of the Shire of Argyll by the Sheriff Clerk of the said Shire, and true Copies or Extracts thereof, under the Hands of such 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 he shall have and receive the Common Fees.

Damages how to be ascertained.

LIX. And whereas Differences may arise between the said Company 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 all Questions, Matters, and Differences, which shall or may arise between the said Company, their Successors and Assigns, 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, shall be and are hereby referred to the Decision of the Sheriff Depute of the Shire of Argyll, or his Substitute at Inveraray for the Time being, and they are hereby authorized and required to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company, their Successors and Assigns, to such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so entitled or interested, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained for making the said Canal or any Part thereof, and the other Purposes herein mentioned; and also the Recompence to be made for any Damages which may

may or 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, or for or by reason of making, repairing, or maintaining the said Canal, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, for supplying the same or any of them with Water, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Trenches or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers given hereby, for conveying and communicating Water to or from the said Canal, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same or into the Reservoirs, or by reason or means of the Execution of any of the Powers herein contained, by the said Company, their Successors and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damage and Recompence respectively, cannot be settled, adjusted, and agreed for by and between the said Company, their Successors and Assigns, and such Proprietors of and Persons interested in the said Lands and Grounds as aforesaid; and if the said Company, their Successors and Assigns, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Parts, shall be dissatisfied with the Determination of the said Sheriff Depute or his Substitute; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled 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 Politick, 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 usual Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds for the Space of Twenty Days next after Notice, or neglect or refuse to treat, or shall not agree with the said Company, their Successors or 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

If Parties are dissatisfied with the Determination of the Sheriff, or refuse to accept Purchase Monies;

or to treat, and shall not agree;

nient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a 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 Sheriff Depute, or Substitute, is hereby authorized 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 Sheriff Depute, or Substitute; which Persons to be summoned and returned are hereby required to come and appear before the said Sheriff Depute, or Substitute, at such Times or Places as shall be appointed, not being less than Ten nor more than Twenty Days after the Order shall be issued and served; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed, the said Sheriff Depute, or Substitute, shall return other honest and indifferent Men that can speedily be procured, 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 Sheriff Depute, or Substitute, are hereby impowered to summon and call before them all Persons who shall be thought necessary to be examined as Witnesses, touching the Matters in Question; and the said Jury shall enquire of, 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; and the said Sheriff Depute, or Substitute, 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 Sheriff Depute, or Substitute, shall be binding, conclusive, and final to all Intents and Purposes whatsoever, against the King's Majesty, his Heirs, and Successors, and against all Persons, Bodies Politick, Corporate, and Collegiate, having, or claiming, any Right, Title, Trust, or Interest, in, to, or out of, the said Lands, Grounds, and Premises, to be affected by this Act, either in Fee, or Life-rent, or Expectancy, as well Infants, Minors, Idiots, or Furious Persons, Proprietors by Entail, Life-renters, Lessees, or Tenants, his, her, and their Successors, Executors, and Administrators, without further Appeal; and the said Verdicts, Judgements, Orders, Sentences, and Decrees, and other Proceedings so to be made, given, and pronounced, shall

Juries shall be impanelled to assess the Purchase Monies.

Sheriff to summon, swear, and examine Witnesses.

Verdict of the Jury to be final.

be fairly written on Paper or Parchment by the Sheriff Clerk, and signed by the Sheriff Depute, or Substitute, present at the making, and pronouncing of the same, and shall be recorded in the Sheriff Court Books of the Shire of Argyll by the Sheriff Clerk, and true Copies or Extracts thereof under the Hands 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 his usual and accustomed 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, 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 in the same Manner as if the said Lands and Premises had been conveyed by Disposition to the said Company, their Successors and Assigns.

Expences of Juries how to be paid.

LX. Provided also, and be it enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Money, as a Recompence or Satisfaction for any Lands, Grounds, Tenements, or Hereditaments, or for any Damage to be done to the same, than had been previously offered by or on Behalf of the said Company, their Successors or Assigns, or than had been determined and assessed by the said Sheriff Depute, or Substitute, all the Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Company, their Successors or Assigns; but if any Verdict or Assessment shall be given or made for no more or for a less Sum than had been previously offered by or on Behalf of the said Company, their Successors or Assigns, or than had been determined and assessed by the said Sheriff Depute, or Substitute, then, and in every such Case, the Costs and Expences of summoning such Jury and taking such Inquest shall be borne and paid by the Party who required the Jury.

Persons requesting a Jury to enter into Bond to prosecute.

LXI. Provided further, and be it enacted, That all Persons making Complaints and requesting such Jury, shall, before the said Sheriff Depute, or Substitute, be obliged to summon such Jury, first enter into a Bond with Two Sureties, to the Clerk of the Committee of Management of the said Company, their Successors and Assigns, for the Time being, in the Penalty of Fifty Pounds Sterling, 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 a leſs Sum than had been offered by or on Behalf of the ſaid Company, their Succeſſors and Aſſigns, or than had been aſſeſſed by the ſaid Sheriff Depute, or Subſtitute, before 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 be given to the Company of Proprietors before Complaint is made to the Sheriff.

LXII. Provided moreover, and be it further enacted, That the ſaid Sheriff Depute, or Subſtitute, ſhall not 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 whomſoever, 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, 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 or committing thereof ſhall have ceaſed.

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

LXIII. 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 aſſeſſed as aforeſaid, for the Purchaſe of any ſuch Lands or Grounds, to the Proprietors thereof, or other Perſons entitled to receive ſuch Money, or legal Tender thereof made to ſuch Proprietor or Proprietors, or other Perſon or Perſons, or to the principal Officer or Officers of any ſuch Body Politick, 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 Sheriff Depute, or Subſtitute, ſhall by a Writing under his Hand appoint for the Uſe of, and to be paid on Demand without Fee or Reward to ſuch Proprietors or Perſons reſpectively, 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, their Succeſſors and Aſſigns, to and for the Uſe of the ſaid Navigation, 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, their

Succeſſors and Aſſigns, their Agents, Workmen, and Servants, immediately to enter upon the ſame, and dig, cut, trench, ſough, and remove Earth, Stone, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions for making, raiſing, maintaining, and repairing the ſaid Canal, and Roads and Towing Paths on the Sides thereof, in or upon ſuch Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall be determined or aſſeſſed, and thereupon to make, erect or do any Works, Matters, or Things, for effecting and carrying on the ſaid Navigation, and for ſupporting and maintaining the ſame, as the ſaid Company, 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 this Act ſhall be ſufficient to indemnify the ſaid Company, 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.

LXIV. And be it further enacted by the Authority aforeſaid, That all Determinations of the Sheriff Depute, or Subſtitute, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Verdicts and Judgements being firſt ſigned by the Sheriff Depute, or Subſtitute, who ſhall be preſent at making ſuch Determinations, or taking ſuch Verdicts, and pronouncing ſuch Judgements reſpectively, ſhall be tranſmitted to and kept by the Sheriff Clerk among the Records of the ſaid Shire of Argyll; and the ſame, or true Copies or Extracts thereof, (under the Hands 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, and alſo the Records and Enrolments of ſuch Contracts, Agreements, Sales, and Conveyances as are herein-before mentioned, paying for each Inſpection the Sum of One Shilling Sterling, and to take Copies or Extracts thereof, paying for every Copy or Extract, not exceeding Two hundred Words, the Sum of Sixpence Sterling, 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 Uſe ſuch Money ſhall be paid, in and out of the ſaid Lands, Tenements, Hereditaments, and Premiſes, ſhall veſt in the ſaid Company, their Succeſſors

Verdict to be recorded by the Sheriff Clerk.

ceſſors 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 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 had been infeft 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 or 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 Monies to be laid out to the ſame Uſes.

LXV. And be it enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees whomſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Married Women, or other Truſts, or to any Perſon or Perſons 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 Twenty Pounds Sterling, be, by ſuch Bodies Politick, 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, laid out as ſoon as conveniently may be in the Purchaſe of Lands, Tenements, and Hereditaments, and conveyed to ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, 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, 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 re-

ſpective Land Owners, to be made at the Expence of the ſaid Company, their Succeſſors and Aſſigns; and in the mean Time, and until ſuch Purchaſe and Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons, upon ſufficient real or perſonal Security, in the Names of Two Perſons, the One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Sheriff Depute, or Subſtitute, and the Intereſt ariſing or to be produced from ſuch Securities ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled 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.

The Sheriff to ſettle the Proportions of the Money to be paid to the ſeveral Perſons intereſted.

LXVI. And be it further enacted, That the ſaid Sheriff Depute, or Subſtitute, or the Jury, as the Caſe ſhall happen, may and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Monies or Recompence for Damages which ſhall be ſo agreed for between the ſaid Company, their Succeſſors and Aſſigns, or any of them, or determined by the ſaid Sheriff Depute, or Subſtitute, or aſſeſſed by the ſaid Juries in Manner reſpectively, 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, except in ſuch Caſes where the ſame are herein directed to be laid out and inveſted in the Purchaſe of Lands, Tenements, or Hereditaments; and 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 Act, it ſhall be lawful for the ſaid Sheriff Depute, or Subſtitute, to appoint One or more Perſon or Perſons to receive the Rates and Duties by this Act impoſed, and thereout, in the firſt Place, to pay all ſuch Damages to be determined or aſſeſſed, with the Coſts (if any) occaſioned by ſuch Refuſal or Default of Payment; and the Money ſo to be received by ſuch Perſon or Perſons ſhall be and is hereby declared to be as ſo much Money received to the Uſe of ſuch Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages, 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 Sum or Sums of Money

ney so to be assessed and awarded, and which shall not be paid according to the Judgement of the said Sheriff Depute, or Substitute, shall and may be recovered by Action at Law in the Sheriff Court of Argyll, or Court of Session, against the said Company, together with full Costs of Suit.

Costs and Damages may (if not paid within Four Months) be levied by Distress.

LXVII. Provided always, and be it enacted, That in case the Damages and Costs by this Act directed to be satisfied out of the Tolls arising by the said intended Navigation shall not be paid and satisfied within the Space of Four Calendar Months after the same shall be so determined or assessed as aforesaid, that then, and in such Case, it shall be lawful for the said Sheriff Depute or Substitute, upon Complaint made to him by or on Behalf of the Person or Persons sustaining such Damage, to issue his Warrant or Warrants authorizing the Damages so determined and assessed to be levied by Distress and Sale of the Goods and Chattels of the said Company, together with such reasonable Charges as the said Sheriff Depute or Substitute shall in such Warrant direct and appoint.

If Lands not used within a certain Time, to be re-conveyed.

LXVIII. Provided always, and be it further enacted, That if the said Company, their Successors and Assigns, shall be in Possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years, without making the said intended Navigation through the same respectively, or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then, and in either of the said Cases, from and immediately after the Expiration of the Ten Years without making, or Five Years after disusing the said Navigation as aforesaid, the said Company, their Successors or Assigns, shall convey all their Right, Property, or Interest in or to such Lands or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, who shall be possessed at the Time as Proprietors of the Estates from which such Grounds were taken or acquired by the said Company, in case the said respective Persons or Bodies, or any of them, shall think fit to become Purchasers thereof respectively; and to pay such valuable Consideration for the said Lands or Grounds to the said Company, their Successors or Assigns, as the said Sheriff Depute or Substitute, or a Jury to be impanneled in Manner herein-before directed, shall ascertain or award to be paid to the same.

For ascertaining the Consideration Monies,

LXIX. Provided, That in case the said Company, their Successors or Assigns, upon the Payment or Tender

of such valuable Consideration as aforesaid, for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company, their Successors or Assigns, shall revert to and be thenceforth vested in the said several and respective Person or Persons, Bodies Politick, Corporate or Collegiate, their Heirs, Successors, or Assigns.

Mile Stones to be erected.

LXX. And be it further enacted, That the said Navigable Canal shall be measured, and Stones erected upon the Sides thereof at the End of each Quarter of a Mile.

Punishment for destroying the Works.

LXXI. 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, Locks, Harbours, Quays, or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent carrying on, completing, supporting, and maintaining the said intended Navigation, such Person or Persons shall be subject and liable to be transported, 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 him, her, or them for the Space of Seven Years to some of His Majesty's Plantations beyond Seas, in like Manner as Persons liable to suffer Transportation are directed to be transported by the Laws of this Realm.

Penalty on Persons throwing Ballast into the Canals,

LXXII. 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 Canal, or any Trenches or Watercourses, Basons, Quays, or Harbours 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.

or injuring Locks, Gates, &c.

LXXIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever shall wantonly, or through Carelessness or Negligence, open or cause to be opened any Lock or Clough belonging to the said Navigable Canal, or shall in such Manner suffer any Boat or other Vessel to strike or run against any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off the Water from any Part of the said Canal, or shall leave any of the Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to the said Canal,

Canal, or if any Person or Persons shall draw or cause to be drawn any Clough or Cloughs in the Lock Gates on the said Canal, so as to mispend and waste the Water in such Canal, or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation, every such Person so offending in any of the said Particulars, and being thereof convicted before any One or more Justice or Justices of the Peace of the Shire of Argyll, by the Oath of One or more Witness or Witnesses, (which Oath such Justice or Justices is and are hereby respectively empowered to administer), shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds, nor less than Twenty Shillings Sterling, at the Discretion of the said Justice or Justices.

Regulations for Vessels passing the Locks.

LXXIV. Provided always, and be it enacted, That no Shipmaster, Skipper, or Boatman, or his or their Agents or Servants, navigating any Ship, Boat, or other Vessel upon the said Canal, and passing with any Ship, Boat, or other Vessel through any Lock to be made upon the said Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Ship, Boat, or other Vessel to pass through any such Lock; and also that every such Shipmaster, Skipper, Boatman, or other Person in going down the said Canal shall shut the Lower Gates of such Lock before he or they shall draw the Cloughs of the Upper Gates thereof, and after he or they shall have brought his or their Ship, Boat, or other Vessel into the said Lock, shall shut the Upper Gates before he or they shall draw the Cloughs of the Lower Gates thereof, and in going up the said Canal shall, so soon as he or they shall have passed with his or their Ship, Boat, or other Vessel out of the said Lock, shut the Upper Gates of the said Lock, and afterwards draw the Cloughs of the Lower Gates, unless there shall be then a Ship, Boat, or other Vessel in Sight of the said Lock coming down the said Canal, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal, the Vessel going up the same, if within Sight of and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Locks before the Vessel coming down, and then the Vessel next above shall come down, and if there are more Vessels than One below and above any Lock at the same Time in such dry Season within the Distance aforesaid, (at which Distance a Post or Mark shall be set up or made for that Purpose), such Vessels shall go up and come down at such Lock by Turns aforesaid, till all the

said Vessels going up and coming down shall have passed, by which means One Lockful of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before the said Sheriff Depute or Substitute, or any Justice of the Peace, upon the Oath of any One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Ship, Boat, or Vessel, shall forfeit the Sum of Forty Shillings Sterling.

Lock Keepers not to give Preference.

LXXV. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company, shall give any Preference or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said intended Canal or any of them, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines, belonging to the said Company; every Person so offending shall forfeit the Sum of Ten Shillings Sterling, to be deducted from his Wages by the said Company.

Swivel or Drawbridges to be shut after Vessels passed.

LXXVI. And be it further enacted, That if any Swivel or Draw Bridge shall be laid over or across the said Canal, or any Cuts, Trenches, or Passages to be made by virtue of this Act, any Person or Persons opening any such Draw or Swivel Bridge shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same; and every Person neglecting so to do, shall forfeit and pay, for every such Offence, the Sum of Ten Shillings Sterling, and in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for such Offence, the Sum of Ten Shillings Sterling, and if any Person or Persons shall wilfully open any such Draw Bridge or Swivel Bridge, when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Shillings Sterling to the said Company.

Drains to be made into Canal for conveying Water.

LXXVII. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company, their Successors and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches,

Tunnels, Drains, or other Passages, over, under, or into the said Canal, Reservoirs, 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 Canal, Reservoirs, Trenches, Streams, and Watercourses, without obstructing and impounding 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, their Successors and Assigns: And if at any Time or Times, after Thirty Days Notice shall be given in Writing by or on Behalf of any Owner or Occupier, 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 Company for the Time being, the said Arches, Drains, Tunnels, or 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 for any Person or Persons having an Order in Writing for that Purpose from the said Sheriff Depute or Substitute, from Time to Time, as often as there shall be Occasion, to make, clean, and repair such Arches, Tunnels, Drains, or other Passages, and the reasonable Expences thereof, to be ascertained by the said Sheriff Depute, or Substitute, shall be defrayed by the said Company, their Successors and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of Thirty Days after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges or other Works by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

Works damaged by Floods to be repaired by the Company.

LXXVIII. And whereas it may happen by Floods, or from some unexpected Accident, that the Locks, Weirs, Floodgates, Dams, Banks, Reservoirs, Trenches, or other Works of the said Navigation, may be injured or destroyed, and the adjacent Lands may therefore suffer Damage, and that it shall be necessary that the same should be immediately repaired or rebuilt, to prevent further Damages; be it therefore further enacted, That when and

as often as any such Case may happen, it shall be lawful for the said Company, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal, Collateral Cuts, or other Works or Conveniencies, or any of them, (not being the Ground whereupon any House or other Buildings stand, or an Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials, as may be necessary and proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in, such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers of, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Thirty Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled, determined, or assessed, by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

Watering Places to be provided for Cattle in certain Cases.

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

Towing Paths to be fenced.

LXXX. And be it further enacted, That where any Lands or Grounds fenced and inclosed shall be set out and purchased by the said Company, 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 Sheriff Depute or Substitute, the said Company, their Successors and Assigns, shall, at their

their own proper Charges, divide and separate, and keep constantly divided and separated the Towing Paths on each Side of the said 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, Dyke, or Fense, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them, (being now fenced and inclosed), from the Lands or Grounds adjoining to such Towing Paths, and shall, at their own proper Costs and Charges, 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; and also shall, 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 by them so made on the Sides of such Towing Paths; and also such Bridges, Arches, and Passages over or under, or through the said Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions and in such Manner, as the said Sheriff Depute or Substitute 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 Canal, Trenches, Streams, Watercourses, and Towing Paths, or any of them respectively; and the said Company, their Successors and Assigns, shall not make the said Canal, or any Trench or Watercourse, or any Part thereof, in or across any Common Highway, Publick Bridleway, or Foot Path, 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 Arch or Arches under the said Places where the said Canal, Trenches or Watercourses respectively shall be intended to be made, for such Road, Way, or Path, and of such Dimensions and in such Manner, as the said Sheriff Depute or Substitute shall judge proper; and all such Gates, Stiles, Bridges, Arches, and other Conveniences so to be made, shall from Time to Time, be supported, maintained, and kept in sufficient Repair, by the said Company, their Successors and Assigns; and in case any such Roads shall interfere with any Lock or other Work of the said intended Navigation, that the said Company, their Successors and Assigns, shall have Power to remove and divert such Roads at such Distances (not exceeding Five hundred Yards at any One Place) and in such

Bridges to be made.

such Manner as the said Sheriff Depute or Substitute shall adjudge proper.

In case of Failure the Sheriff to do it.

LXXXI. And be it further enacted, That in case the said Company, their Successors and Assigns, or their Agents, shall fail or neglect to make, erect, and set up such Gates, Bridges, and Stiles, in and over the Fences on the Sides of such Towing Paths, or such Bridges, Arches, and Passages, over, under, and through the said Canal, and the said Trenches, Streams, and Watercourses, or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, of such Dimensions and in such Manner as the said Sheriff Depute or Substitute shall from Time to Time direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes, then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences as aforesaid, as shall have been so directed or appointed to be made, erected, and set up by the said Company, their Successors and Assigns as aforesaid; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Sheriff Depute or Substitute, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, by the said Company, their Successors or Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Sheriff Depute or Substitute shall, and he is hereby required by Warrant under his Hand to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company, their Successors and Assigns, in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining or near to the same, to and for the Use of such Person or Persons who shall have so laid out or expended the same, rendering to the said Company, their Successors and Assigns, or to some of their Agents, the Overplus, if any such there be, after deducting the reasonable Charges of making such Distress and

Sale, to be settled by the said Sheriff Depute or Substitute; or otherways every or any of the said Owners or Occupiers of Land, who shall have made, erected, or set up any such Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, upon the Failure or Neglect of the said Company, their Successors or Assigns, doing the same or paying the said Costs or Charges, shall and may have such and the like Remedy against the said Company, their Successors and Assigns, for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

In case of Failure of Company to repair, Land Owners may do it.

LXXXII. And be it further enacted, That in case any of the said Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, or the said Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, shall by Time or any Accident be damaged or out of Repair, it shall be lawful for the said respective Owners and Occupiers of Lands and Grounds on both or either of the Sides of the said Navigable Canal, Trenches, Reservoirs, Watercourses, or Passages, to apply to the said Sheriff Depute or Substitute, giving at least Fourteen Days previous Notice of such intended Application to the said Company, and of the Time and Place of making such Application, by inserting the same in One of the Edinburgh and in One of the Glasgow Newspapers, and the said Sheriff Depute or Substitute is hereby authorized, by Warrant in Writing under his Hand, to authorize and empower such Owner or Owners, Occupier or Occupiers of Land respectively, to do such Repairs as to them shall seem just, in case the said Company shall not do the same within Twenty Days from the making of such Order; and the Owner or Owners, Occupier or Occupiers respectively, shall have and recover the Costs and Charges thereof by such Ways and Means as are herein-before provided for having and recovering the Costs and Charges of making, erecting, and setting up the same originally, by the said Owner or Owners, Occupier or Occupiers respectively, in case of the said Company failing or neglecting to make or erect the same.

Land Owners may make Bridges at their own Expence.

LXXXIII. Provided always, and be it enacted, That if the Owners or Occupiers of any Lands through which the said intended Canal shall be made, do or shall at any Time or Times hereafter find upon Experience that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, which the said Sheriff

Sheriff Depute or Substitute shall have limited or directed to be made by the said Company, their Successors and Assigns, in, upon, over, under, or through the said Canal, or the Towing Paths thereof, or the Trenches, Watercourses, or Passages, are insufficient either in the Number or Situation for the commodious Use and Occupation of their respective Lands and Grounds; that then and so often, or in any such Case, it shall and may be lawful to and for every or any of such Owners or Occupiers of the said Lands for the Time being, with the Consent and Approbation of the said Committee of Management for the Time being, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Sheriff Depute or Substitute, to make, fix, and erect at, their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, of the same or the like Construction with others made and erected by the said Company, their Successors and Assigns, on, in, over, or near the said Canal, or Towing Paths thereof, or the Trenches, Watercourses, or Passages, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, and Improvement or Occupation thereof, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges to be made or erected by the said Company, their Successors and Assigns.

Land Owners may erect Warehouses, &c. on their own Lands.

LXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall restrain or hinder the Owner or Owners of any Lands or Grounds through which the said intended Canal shall be made, from making, erecting, or using any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their respective proper Lands, Grounds, or Wastes adjoining to the said Canal, or from landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said intended Canal, or from making and using proper and convenient Places for Boats or other Vessels to lie in, turn or pass by each other, so that the making, erecting, or using thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Canal, or the Tow-

ing Paths on the Sides thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby vested in the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, upon their own proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties granted to the said Company, their Successors and Assigns, for the Tonnage and Wharfage, shall not be thereby reduced or altered, nor the Trade on the Navigation interrupted or diminished.

But if not done within 12 Months after Notice, the Company may build them.

LXXXV. Provided also, and be it enacted, That if any such Owner or Owners shall not, within the Space of Twelve Months after the said Canal shall be completed, and Notice given in Writing, by or on Behalf of the said Company, their Successors and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, and keep in substantial Repair, in the Opinion of the said Sheriff Depute or Substitute, proper and sufficient Warehouses and Buildings, agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Owner or Owners, at the Time or Times when such Notice or Notices shall be given, on the respective Part or Parts of the Lands, Grounds, and Wastes comprized or described in such Notice, then, and in every such Case, the said Company, their Successors or Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, except such as are herein particularly specified and excepted, for erecting and building sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered to the Owner or Owners, and by, after, or according to no other Plan or Plans whatsoever, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the Use of the said Canal.

Land Owners may grant Feu Rights for building Towns.

LXXXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for all Owners of Lands, Bodies Politick or Corporate, Heirs of Entail, married Women, Trustees, Tutors and Curators of Minors, and of Idiots and Furious Persons, through

whose Lands the said Canal, or any of the Aqueducts leading thereto shall pass, and they are hereby empowered to erect or to grant Feu Rights for erecting Towns, Houses, and Buildings upon their Lands, immediately adjoining to the said Canal or Aqueducts, but so as the same shall not prejudice the said intended Navigation or Aqueducts, or the Towing Paths thereof; and that in such Cases where the said Lands are now possessed under Lease or Leases, the Owner or Owners, or the original Lessor or Lessors thereof, shall have Power, and they are hereby empowered and authorized to purchase from Lessees, and other Persons interested therein, the Remainder of their Term or Terms, in such Parts and Portions of the said leased Lands as shall lie within Eight hundred Yards (but at no greater Distance) of the said Canal or Aqueducts; and in case of Difference between them in respect of the Price or Prices to be paid, that the same shall be ascertained and settled in Manner as herein-before directed with respect to other Lands or Grounds to be taken and used by the Company for the Purpose of the said intended Navigation: Provided always, That all Bodies Politick or Corporate, Heirs of Entail, married Women, Trustees, Tutors and Curators of Minors, and of Idiots and Furious Persons, granting Feu Rights as aforesaid, shall be bound and obliged to make the same, with Reservation of a Feu Duty or Feu Duties at least equal to the present full Rent of the Lands.

Land Owners empowered to make Cuts through their own Lands.

LXXXVII. Provided always, and be it enacted, That it shall and may be lawful for the Owners of Lands through which the said intended Canal shall pass, and they are hereby empowered, at their own proper Costs and Charges, to make a Navigable Cut through their own Lands, to communicate with the said intended Canal, and to pass through the Towing Paths of the same: Provided always, That the said Land Owners shall be obliged to make and maintain sufficient Bridges, that no Damage shall be thereby done to the Towing Paths or to the said Canal, and that the said Canal shall not thereby be deprived of any Water, except Once to fill the Land Owners Cut, and 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 such proper Distances as shall be approved of by the said Company, their Successors and Assigns, or their Agents and Servants for the Time being, and shall also make a sufficient Pair of

Flood Gates occasionally to cut off the Communication with the main Canal when it may be found necessary; and that it shall be in the Power of the said Company, their Successors and Assigns, or Agents and Servants, to shut, or cause to be shut, the said Flood Gates at such Time and Times as shall appear to them to be necessary for preventing any Hurt or Prejudice to the main Canal, by the Introduction of muddy Water, or of too great a Quantity of Water, or by the Leakage of such Land Owners Cut or Cuts; and in case the said Flood Gates shall at any Time or Times be leaky or out of Repair, that the said Company shall have Power of putting Dams across the Mouths of the said Land Owners said Cuts, until the said Flood Gates shall be made sufficiently Watertight, and that such Dams shall be placed and removed at the Expences of the said Land Owners respectively.

Other Land Owners to continue such Cuts.

LXXXVIII. Provided likewise, and be it enacted, That the Owners of Lands through which the said Canal shall pass, who shall have made a Navigable Cut as aforesaid, shall have Power, and they are hereby required to permit other Owners who have Lands adjoining, to continue, at their own Costs and Charges, the said Navigable Cut through their Lands; and in like Manner every other adjoining Land Owner is hereby empowered and permitted to continue through his Lands, at his own Expence, the Navigable Cut made by the Land Owner next adjacent to him; and all the said Land Owners, who shall make such Communications, to have and enjoy a free Navigation to and from the said main Canal; and in case of any Difference or Dispute between the said Land Owners in respect thereof, or of the necessary Expences in preserving, repairing, and cleansing, from Time to Time, the said Navigable Cut, (so long as the same shall be used respectively), or between the said Land Owners and Company, such Difference or Dispute shall be determined by the said Sheriff Depute or Substitute.

Not to make any parallel Cut.

LXXXIX. And provided always, and be it enacted, That nothing herein contained shall be understood to authorize or empower any Person or Persons to make any Cut or Cuts in the same Line of Direction with the main Canal to be made by the said Company as aforesaid, which may tend to diminish the Lock Dues thereof.

Coals, Iron Stone, and other Minerals dug out of the Lands, to be taken by the Owners.

XC. Provided always, and be it enacted, That all Coals, Iron Stone, Metals, and Minerals, which shall be found and dug up in making, carrying on, and completing the said Canal, or any other of the Works hereby

hereby authorized to be made, carried on, and completed, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company, their Successors and Assigns; and it shall and may be lawful to and for the Person or Persons respectively, in whose Lands or Grounds the said Coals, Iron Stone, Mines, and Minerals, shall be found and dug up, to take, carry away, and dispose of the same to and for his and their own Use and Benefit; and that it shall and may be lawful to and for the Owner or Owners, Proprietor or Proprietors, of any such Mines or Minerals which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater or drain the remaining Part of such Mines or Minerals, and to discharge the Water arriving and flowing from the same into such Tunnel or Aqueduct: Provided, That such settling Places be made at convenient Distances in such Soughs or Drains, as shall be approved and directed by the said Company, their Successors and Assigns, or their Engineer for the Time being, and cleansed as often as shall be necessary, at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and if, notwithstanding of these settling Places, any Mud or Soil shall be conveyed into the said Aqueduct or Tunnels, the same shall be forthwith removed at the Expence of the Person or Persons making the same, and provided that such Part thereof as shall be under or within the Distance of Twenty Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth, and that the same shall be performed under the Direction and Inspection of the said Company, their Successors or Assigns, or their Engineer for the Time being; and that no Owner or Proprietor of any Mines or Minerals, their Workmen or Servants, or other Person whomsoever, shall, within Twenty Yards of any Tunnel, or under the same, open and carry on any Works for digging, getting, or discovering such Minerals, without the Consent of the said Company, their Successors and Assigns; and that no Water shall, without the Consent of the said Company, be taken or drained out of the said Canal, or Tunnel, or Aqueduct, made for the Purpose of conveying Water into the said Canal, or from any of the Springs, Streams, or Brooks that supply the same, or out of any Lake or Reservoir which shall be appropriated for keeping Water for the Use of the said Canal, unless by Land

Owners of Mines to make Soughs into the Navigation.

Owners

Owners upon their own Grounds, for the Use of Mills and other lawful Purposes, and where the Water so used shall (after the said Purposes have been satisfied) be returned into the said Canal, at the most convenient Place or Places for and without Damage to the same.

Owners of Mines to work the same.

XCI. Provided always, and be it enacted, That nothing herein contained shall hinder the Owner or Owners of any Mines or Minerals to work, carry on, and drain the same, in such Manner as they shall think proper, so that no Injury or Damage be done thereby to the said Canal.

Mines not to be worked within a certain Distance of the Canal.

XCII. 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 whomsoever, shall on any Account whatsoever open, dig, sink, or carry on any Work for the getting of Coal, Lime Stone, Iron Stone, or other Minerals, within the Distance of One hundred Yards from the said intended Canal or the Towing Paths thereof, or under any Part or Parts thereof, or within or under any Land or Ground lying within the Distance of One hundred Yards on either Side of the said Canal, on any Account whatsoever, without the Consent of the said Company, their Successors and Assigns, in Writing under their Common Seal for that Purpose first had and obtained.

Mode of working when Mines extend under the Canal.

XCIII. Provided always nevertheless, and be it enacted, That when and so often as any Coal Mine shall be got up to or within the Distance aforesaid of the said Canal, 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 Canal or any Part thereof, it shall and may be lawful for the Owner or Owners of such Mine from Time to Time to dig, cut, drive, and make Headways or Tunnels under the said Canal and the Towing Paths thereof, for the further and better getting Coal, Iron Stone, or other Minerals, so as such Headways or Tunnels do not exceed Six Feet in Height nor Four Feet in Breadth; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Mode of discovering when Mines are working under the Canal.

XCIV. And, for the better discovering of and bringing to Justice all Persons who shall or may open, dig, sink, or carry on any Work for the getting of Coal or other Mineral under the said intended Canal or the Towing Paths thereof, or within the Distance aforesaid from the Sides thereof, be it further enacted, That it shall and may be lawful to and for the said Company, their Successors and Assigns, by themselves, their Agents and Servants,

vants, from Time to Time, and at all Times after the passing of this Act, to enter upon the Lands or Grounds of the several Persons, Bodies Politick, Corporate, or Collegiate, through or near which the said intended Canal, and other Works hereby authorized and intended to be made, shall pass, wherein any Coal Mine or other Mines shall or may be from Time to Time dug or opened, and likewise into such Coal or other Mines to enter, and there to view, search, measure, latch, and use all other Means for discovering the Distance of the said intended Canal and Towing Paths from such Part and Parts of the said Mine or Mines as shall or may be from Time to Time at Work, got or getting, so that the Distance of the nearest Approach of such Coal or other Mine working or getting to the said intended Canal and Towing Paths may be thereby fully ascertained or determined; and in case it shall appear that any Mine or Mines have been worked or got within the Distance aforesaid from the said intended Canal and Towing Paths, or any other Works hereby authorized, whereby the said Canal or Towing Paths or other Works shall or may be endangered, it shall and may be lawful to and for the said Company, their Successors and Assigns, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owner or Owners, Proprietor or Proprietors of such Mine or Mines, to enter into and upon such Mine or Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Towing Paths, and other Works; and such Expences, Costs, and Charges shall be recovered by the said Company, their Successors and Assigns, in such and the same Manner, and when recovered paid to the said Company, their Successors or Assigns, for such and the same Uses as all Fines and Forfeitures hereinafter inflicted by this Act, the recovering and levying of which are not herein particularly directed, are hereinafter by virtue of this Act directed to be applied and disposed of.

Notice to be given to the Company of Intention to work Mines under the Canal.

XCV. Provided always, nevertheless, and it is hereby further enacted and declared, That when and so often as any Coal Mine shall be hereafter worked, and got within the Distance aforesaid of the said Canal, and the Person or Persons who hath or have worked or got the same within the Distance aforesaid shall be desirous to get that Part of the said Mine, lying under the said Canal, Towing Paths, Aqueducts, and Reservoirs, whether Natural or Artificial, or other Works of the said Company,

or within the Distance aforesaid; then, and in such Case, the Worker or Workers of such Mine shall give Notice in Writing under his, her, or their Hands, of such his, her, or their Mind or Intention, to the Clerk for the Time being of the Committee of Management of the said Company, at least Two Calendar Months before he or they shall begin to work or get any Part of such Mines so lying within the Distance aforesaid of the said Canal, Towing Paths, or other Works; and upon the Receipt of such Notice, it shall and may be lawful for the said Company, their Successors and Assigns, to inspect, or cause such Mine to be inspected, in order to determine what Coal may be come at and actually gotten; and if the said Company, their Successors or Assigns, shall fail or neglect to inspect, or cause such Mine to be inspected, within Thirty Days after the Receipt of such Notice, that then it shall and may be lawful for the Worker or Workers of such Mine, and he, she, and they are hereby authorized to work and get such Part of the said Mine lying under the said Canal, or Towing Paths, Aqueducts, and Reservoirs, or other Works of the said Company, or within the Distance aforesaid; and if, upon such Inspection as aforesaid, the said Company, their Successors or Assigns, shall refuse to permit the Worker or Workers of the said Mine to work and get Part of the said Mine lying under the said Canal or Towing Paths, or other Works of the said Company, within the Distance aforesaid, or any Part thereof, as they might from Time to Time have come at and actually gotten, or in any Manner obstruct or prevent them from getting the same, that then the said Company, their Successors and Assigns, shall, within Sixty Days after such Refusal or Obstruction as aforesaid, pay or cause to be paid, to the Worker or Workers of the Mine, or to his or their Executors or Administrators, a fair and reasonable Price and Value for such Part of the said Mine lying under the said Canal, or Towing Paths, or within the Distance aforesaid, as they might come at and actually have gotten, had they not been so obstructed or prevented as aforesaid; and if the said Company, their Successors or Assigns, cannot agree with the Workers of the said Mines, their Executors or Administrators, touching such Price or Value to be paid as aforesaid, then the same shall be settled and ascertained in such Manner, and subject to the Verdict of a Jury if required, as the Value of the Lands for making the said Canal, and Towing Paths, is by this Act directed to be settled and ascertained; and in Default of Payment, the said Sheriff Depute or Substitute is hereby impowered and required, by Warrant under his

Company to inspect the Mines.

If upon Inspection Company shall not permit working,

to make Satisfaction to the Workers.

hand and Seal, to levy the same by Distress and Sale of the Goods and Chattels of the said Company, their Successors or Assigns, in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining or near to the same, to and for the Use of the Worker or Workers of the said Mine, their Executors or Administrators.

Reservation to Owners of Right to Mines,

XCVI. Provided always, and be it further enacted, That nothing herein contained shall defeat, prejudice, or affect the Right of any Over Lord or Superior Owner or Owners, of any Lands or Grounds in or upon or through which the said Canal, Towing Paths, Wharfs, Quays, Basons, Reservoirs, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid, or any of them, shall be made to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be set out or made Use of for such Canal, Towing Paths, Wharfs, Quays, Basons, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, or any of them, but all such Mines, Minerals, and Quarries are hereby reserved to such Over Lord or Superior Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Over Lord or Superior Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to take and carry away to his or their own Use, such Mines, Minerals, or Quarries, not thereby injuring, prejudicing, or obstructing the said Canal, Towing Paths, Wharfs, Quays, Basons, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniences as aforesaid, or any of them; any Thing herein contained to the contrary notwithstanding.

and to Fisheries.

XCVII. Provided always, and it is hereby enacted and declared, That the Owner or Owners of any Lordship, Barony, and Estate, through which the said intended Canal shall be made, shall have and may be entitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canal, or Towing Paths, Trenches and Sluices, and Reservoirs and Watercourses, as shall be made over or through the Lands within his, her, or their Lordship, Barony, and Estate respectively, so as in the Use and Exercise of the said Right of Fishery in the said Navigable Canal, Trenches and Sluices, Reservoirs and Watercourses, or the Towing Paths, Banks, or other Works or Conveniences, and the Navigation hereby authorized to be made shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, or Trenches and Sluices, Reservoirs and

and Watercourses, and so as the said Company, their Successors or Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying any Fish in the said Canal, Trenches or Sluices, Reservoirs or Watercourses, which shall be taken, killed, or destroyed through or by means of letting the Water out of the said Canal, Trenches, or Sluices, Reservoirs or Watercourses, or for or on Account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful for such Over Lord or Superior of any Lordship, Barony, or Estate, and the Owner or Owners of such Lands or Grounds, being qualified by Law so to do, to take and kill Game upon so much of the said Canal, Trenches, Sluices, Towing Paths, and other Lands or 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.

Company may remove Lime and Limestone, and make Roads,

XCVIII. And be it further enacted, That it shall and may be lawful to and for the said Company, their Successors and Assigns, and to their Agents, Workmen, and Servants, to dig, cut, quarry, remove, and carry off Stone, Limestone, Clay, Gravel, Sand, and all other Materials whatsoever, (Trees and standing Timber excepted,) necessary to be made use of by them in making, maintaining, and repairing the said Canal, and the Reservoirs, Aqueducts, Tunnels, Trenches, and other Works belonging to the said intended Navigation, and as 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 Canal, Reservoirs, Watercourses, or other Works belonging to the said Canal, (not being Ground within the Distance of One hundred and fifty Yards of any capital Mansion House, or where a House stands, Garden, Planted Walk or Avenue to a House, Lawn inclosed or adjoining to a Mansion House), and to make, maintain, and use such good and sufficient Roads for conveying the said Stone, Limestone, 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 Canal, and also Roads to and from all Works opened and to be opened, and all Lakes, Locks, Reservoirs, and Aqueducts, which shall be appropriated or 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, 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, Limestone, Clay, Gravel, Sand, and other Materials aforesaid shall be dug, for and in respect of the said Roads, and of digging and carrying away the Materials aforesaid; and that all Disputes and Differences which may arise between the said Company and the Land Owners and Possessors and Occupiers aforesaid, shall be adjudged and finally determined in the same Manner and by the like Proceedings as are herein-before provided in case of Purchases of Lands to be made by the said Company, to and for the Use of the said intended Navigation.

and remove Obstructions to the Navigation.

XCIX. And be it further enacted, That it shall and may be lawful to and for the said Company, their Successors and Assigns, at all Times, at their own proper Costs and Charges, to cause Surveys to be made of the Coasts and Navigation from Greenock to Loch Gilp, and to the Westward and Northward of Loch Crinan, and to publish the same with Directions and Remarks, and to lay down Buoys, and fix Beacons, and erect Light Houses and Land Marks, and to remove and carry off all Rocks, Sand Banks, and other Obstructions whatsoever to the free Navigation of Loch Gilp and Loch Crinan aforesaid, at any Place or Places between the respective Entries of the said Canal and the Sea.

Tolls allowed to be taken.

C. And be it further enacted, That in Consideration of the great Charges and Expences which the said Company, their Successors and Assigns, will be at in making, maintaining, and supplying with Water the said Canal, and in making and maintaining all the other Works hereby authorized to be made and erected, it shall and may be lawful to and for the said Company, 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 Tonnage and Wharfage for all Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, and conveyed upon or through the said Canal, such Rates, Tolls, and Duties as the said Company, their Successors and Assigns, shall think fit, not exceeding the Sum of Three-pence Sterling per Mile, and in the same Proportion for a less Distance, for every Ton of Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon and through the said Canal, and so in Proportion

for any greater or less Quantity than a Ton; and where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or other Vessel so to be navigated on the said intended Canal, or any of them, a Proportion of the said Rates shall be demanded and taken by the said Company for such Fraction of a Ton, according to the Number of Quarters of a Ton contained therein; and where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading, such Fraction shall be deemed and considered as a whole Quarter of a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Canal, in such Manner, and under such Regulations, as the said Company, their Successors and Assigns, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate or Duty, or any Part thereof, on Demand, to any such Person or Persons, the said Company, their Successors or Assigns, may sue for the same in any Court competent within that Part of Great Britain called Scotland; or the Persons to whom the said Tolls ought to have been paid may, and he and they is and are hereby empowered to seize and distrain any such Boat or Vessel or Goods 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, to the Owner.

Articles to pass at reduced Rates.

CI. Provided always, and be it enacted, That Coals, Salt outward-bound, Lime, Lime-stone, Shell Sand, Marle, and all Sorts of Manure for Land, shall not pay more than Two-pence Sterling per Ton per Mile, and so in Proportion for a less Quantity and Distance, and that open Boats not exceeding Seven Tons Burthen shall not pay more than Fourteen-pence Sterling for each Boat per Mile, and so in Proportion for a less Distance.

Harbour Dues to be taken.

CII. And whereas the said Company must be at considerable Expence in making Harbours or Basons at both Ends of the said Canal for the Accommodation of Trade; be it enacted, That it shall and may be lawful to and for the said Company, their Successors or Assigns, in order to defray the Expence of supporting, cleansing, and improving the said Harbours or Basons, to ask, demand, and take, to and for their Use and Behoof, a

Duty not exceeding One Penny Sterling per Ton for all Goods landed or put into Lighters from, and on all Goods loaded into, Vessels lying in the said Harbours or Basons, and a Duty not exceeding Two-pence Sterling per Ton on all Vessels entering the said Harbours or Basons without unloading or passing upon or through the said Canal.

Tonnage of Goods to be ascertained.

CIII. And, for better ascertaining the Tonnage of all Goods, Wares, Merchandizes, and Commodities, passing along the said Canal, or liable to the Payment of the said Rates, Tolls, and Duties, be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Company, their Successors and Assigns, to levy Tolls on all Goods, Wares, Merchandizes, and Commodities whatsoever, navigated, carried, and conveyed as aforesaid, either by Weight or Measure in the Option of the said Company; and when the said Tolls are levied by Weight, that One hundred and twelve Pounds Avoirdupoise Weight, and no more, shall be deemed and taken for One hundred Pounds Weight, and Twenty hundred Pounds Weight shall be a Ton; and when the said Tolls are levied by Measure, that Five Feet shall be deemed and reckoned a Barrel Bulk, and Eight Barrel Bulk or Forty Feet shall be deemed and reckoned a Ton: Provided always, That the Ton of Logwood, and all other Woods for Dying, shall be estimated and reckoned by Weight only, and the Tonnage of all other Timber and Wood shall not be rated below Forty Feet, nor above Sixty Feet for One Ton Weight.

Duties to be taken for empty or light Vessels.

CIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, 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 all light Boats or other Vessels without a Lading or in Ballast only, which shall be navigated upon or through the said Canal, such Rates and Duties as the said Company, their Successors and Assigns, shall think fit, not exceeding One Penny Sterling per Mile for every Ton Burthen of such Boats or Vessels respectively.

Vessels to pay in Proportion to the Distance they pass.

CV. Provided always, and be it further enacted, That all Goods, Wares, Merchandize, and other Commodities whatsoever, or light Vessels passing the said Canal for any Space less than One Quarter of a Mile, shall pay the same Rates, Tolls, and Duties as if they passed a Quarter of a Mile; and if they pass more than a Quarter of a Mile, but less than half a Mile, they shall pay the same as if they passed half a Mile; and if they pass more than half a Mile, but less than Three Quarters

Quarters of a Mile, they shall pay for Three Quarters of a Mile; and if more than Three Quarters of a Mile, but less than a Mile, they shall pay for a Mile; and so in like Manner for the whole Length of the said Canal.

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

Powers of Governor and Directors to regulate the Tolls.

CVII. And be it further enacted, That it shall and may be lawful to and for the Governor and Directors of the said Company for the Time being, and they are hereby authorized and empowered, by Writing under the Company's Seal, to lessen or reduce all or any of the Rates, Tolls, or Duties by this Act granted, on all or any Sort of Goods, Wares, or Merchandize passing upon the Whole or any Part of the said Canal, as they shall think proper, and afterwards from Time to Time to advance all or any of the said Rates, Tolls, or Duties so lessened, to any Sum or Sums of Money not exceeding the Rates, Tolls, or Duties hereby granted; and also to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal respectively, or any Part thereof.

Tolls may be let by Auction.

CVIII. And be it further enacted, That it shall and may be lawful for the Governor and Directors of the said Company for the Time being, and they are hereby authorized and empowered by Writing under the Common Seal of the Company, at any Time or Times, to lease or let to farm by publick Auction to the highest Bidder the Rates hereby granted, or any Part or Parts thereof, upon the Whole, or any Part or Parts of the said Canal, unto any Person or Persons for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting the same as if they had been appointed for that Purpose by the said Company; provided publick Notice of the Intention to let the said Tolls, or any Part thereof, be given by the said Governor and Directors, by publick Advertisements to be inserted in the London Gazette, and in One of the Edinburgh and One of the Glasgow Newspapers, at least Three Weeks prior to the Day on which

the said Rates or any Part thereof are proposed to be let as aforesaid.

CIX. Provided always, and be it enacted, That when the said Rates, Tolls, and Duties are assigned to Creditors in Security of any Sum or Sums of Money to be borrowed thereon under the Powers herein-before given, no Reduction shall take place on the said Rates, Tolls, and Duties, nor any Lease thereof be granted for a less Sum or Rent than the Tolls have before produced, unless the Consent of the said Creditors, or a Majority of them, be obtained to such Reduction or Lease, as the Case may be. Tolls not to be reduced without the Consent of the Creditors.

CX And, for the more easy collecting the said Rates, Tolls, and Duties hereby laid and directed to be paid; be it further enacted, That the Masters, Owners, and Managers of every Ship, Boat, or other Vessel, navigating upon the said intended Canal, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Charge of every such Ship, Boat, or other Vessel, to the Collector of the said Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of the Tonnage of such Boat or other Vessel, from whence brought, and where they intend to land the same; but if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each Toll respectively; and every Master or other Person having the Care of any such Ship or Vessel, shall on Demand made by the said Collector or his Deputy, produce the general Bill of Lading thereof; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall decline to shew such Bill of Lading, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in such Account, they shall forfeit and pay to the said Company, their Deputies, Agents, Officers, or Assigns, the Sum of Ten Shillings Sterling for every Ton of Goods which shall be in such Boat or Vessel respectively, of which such Account shall be so refused to be given, or of which such Accounts 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, their Deputies, Agents, Officers, and Assigns, that then, and in such Case, the same shall be recovered and levied in Masters of Vessels, &c. to give an Account in Writing of the Particulars of their Lading, on Penalty of 10 *s. per* Ton.

such Manner and by such Methods as the said Rates, Tolls, and Duties hereby granted to the said Company, their Successors and Assigns, are herein-before directed and appointed to be recovered and levied.

Mode of proceeding in case of Difference about Weight or Measure of Goods.

CXI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties and the Master or Person having the Charge or Command of any Ship, Boat, or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Tonnage of such Ship, Boat, or Vessel, or the Weight or Quantity of Goods, Wares, or Merchandize aforesaid, it shall be lawful for any such Collector to stop and detain any such Ship, Boat, or Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Ships, Boats, or Vessels, Goods, Wares, and Merchandize, as shall be therein contained; and in case the same shall upon weighing, measuring, or gauging, appear to be of greater Tonnage, Weight, or Quantity than such Master, Owner, or Person having the Care of the said Ship, Boat, or Vessel 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 and Duties are hereby appointed to be recovered and levied; but if such Ship, Boat, or Vessel, Goods, Wares, and Merchandize, shall appear to be of less Tonnage, Weight, or Quantity, or no more, 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 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 Proprietors of the said Navigation, their Successors or Assigns, by Action to be brought in the Sheriff's Court of the Shire of Argyll, or in any other proper Court.

Navigation free upon Payment of Tolls.

CXII. Provided always, and be it further enacted, That all Persons whomsoever shall have free Liberty to navigate upon the said Canal, with Ships, Boats, or Vessels, and to use the said Wharfs and Quays for loading and unloading Wares or Merchandize, Fish, Kelp, Iron, Ironstone, Coals, Lime, Limestone, Dung, Sand, and other Goods and Commodities, and the said Towing Paths for haling and drawing such Ships,

Boats, and Veſſels, upon Payment of ſuch Rates and Duties as ſhall be demanded by the ſaid Company, their Succeſſors, Officers, and Aſſigns, not exceeding the Duties herein-before mentioned.

For allowing the Uſe of Pleaſure Boats.

CXIII. And it is hereby provided, and further enacted, 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 or Boats upon the ſaid Canal, not paſſing through any Lock without the Conſent of the ſaid Company, their Succeſſors and Aſſigns, or of their principal Agent for the Time being, without any Interruption from the ſaid Company, their Succeſſors or Aſſigns, and without paying any Rate or Duty for the ſame, ſo as the ſame ſhall and do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Towing Paths on the Side thereof.

For aſcertaining the Rate to be paid for Wharfage.

CXIV. And be it further enacted, That if any Goods, Merchandize, Timber, Wood, Stones, Lime, Coals, Iron, Ironſtone, Sand, Dung, or any other Matter or Thing whatſoever, ſhall at any Time remain upon the Wharfs or Landing Places which may hereafter be erected upon either Side or at either End of the ſaid Canal, or if any Ship, Boat, or Veſſel ſhall at any Time lie and remain in the Baſons or Harbours, on any Part, or at either End of the ſaid Canal, above the Space of Twenty-four Hours, the Owner or Owners, Maſter or Maſters, of the ſaid Ships, Boats, Veſſels, Goods, or other Things whatſoever, ſhall be ſubject and liable to pay ſuch Wharfage or Harbour Dues reſpectively as ſhall be fixed by the Regulations or Bye-Laws of the ſaid Company.

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

CXV. And, for the better regulating Maſters of Veſſels, Boats, Bargemen, and others, employed on Land or Water 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 every Perſon having the Rule or Command of any Ship, Boat, or other Veſſel, paſſing on the ſaid intended Canal, ſhall cauſe his Name to be ſet in large Capital Letters on each of the Outſides of every ſuch Ship, Boat, or other Veſſel, higher than the ſame ſhall ſink into the Water when full loaded, and ſhall alſo permit and ſuffer ſuch Ship, Boat, or other Veſſel, to be meaſured at the Expence of the ſaid Company of the ſaid Navigation, whenever it ſhall be required by the ſaid Company, or ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, provided that no ſuch Veſſel ſhall be meaſured more

more than Four Times in any One Year; and every Owner, Master, or other Person having the Charge or Rule of any such Ship, Boat, or other Vessel, who shall refuse or neglect to put his Name on any such Ship, 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 Ships, Boats, or other Vessels measured as aforesaid, he or they shall, for every such Offence, respectively forfeit and pay to the said Company, their Successors or Assigns, the Sum of Forty Shillings Sterling.

Master of Vessels liable for Damage done by their Crew.

CXVI. And be it further enacted, That the Master or Owner of every Ship, Boat, or other Vessel, navigating within the Limits of the said Navigation, shall be and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Ship, Boat, or other Vessel, or any of the Mariners, Boatmen, or Watermen, belonging to or employed on Land or Water in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, of, in, or upon the said intended Canal, Trenches, Sluices, or Passages, or by loading or unloading any Ship, 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 authorized by this Act; and that no Ship, Boat, or Vessel, shall be permitted to load or unload upon the said Canal without a Stage to be laid across from the Gunnel of such Ship, 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 Ship, Boat, or Vessel, shall and may be sued and prosecuted for such Damages in any Court of Law in Great Britain, and if found guilty, the Plaintiff or Pursuer shall recover his Damages, with full Costs of Suit, over and above any Penalty or Penalties in this Act contained.

Proper Places to be made for Boats to turn.

CXVII. And be it further enacted, That the said Company, their Successors and Assigns, shall and may, and they are hereby required, in such Parts of the said Navigable Canal, Trenches, or Sluices, as shall not be of a sufficient Breadth for admitting a Ship, Boat, or Vessel to turn about and lie, or Two Ships, Boats, or other Vessels to pass each other, to open or cut proper Spaces or Places in the Lands adjoining to the said Navigable Canal, Trenches or Sluices, at convenient Distances from each other, for the turning, lying, or passing

passing of any such Ships, Boats, or Vessels; and that the said Ships, Boats, or other Vessels, sailing or being haled or navigated upon the said Canal, Trenches, or Sluices, shall, upon meeting any other Ship, Boat, or Vessel, stop at, or go back to, and lie in the said Spaces or Places, in such Manner as shall be directed and appointed by the Bye Laws and Regulations of the said Company.

Vessels obstructing the Navigation to be removed.

CXVIII. And be it further enacted, That if any Ship, Boat, or Vessel shall be wilfully placed in any Part of the said 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 Twenty Shillings, nor less than Ten Shillings Sterling, for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company, their Successors and Assigns, or any of them, to cause any such Ship, 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 to seize and detain such Ship, Boat, or Vessel, with the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Ship, Boat, or Vessel shall be sunk in the said Canal, or any Trench as aforesaid, and the Owner or Owners, or Person or Persons having the Charge of such Ship, 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, their Successors and Assigns, or any of them, to cause such Ship, 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 thereby.

Persons overloading their Vessels, or obstructing the Passage of the Canal, to forfeit 5 *l.*

CXIX. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or shall load any Ship, Boat, or Vessel, and suffer such Timber to lie over the Sides of any such Boat or Vessel so laden, or shall overload any Ship, Boat, or Vessel navigating in and upon the said Canal, Trenches, Sluices, or Passages, so as by such overloading to obstruct the Passage of any other Ship, Boat, or Vessel, and shall not immediately, upon Notice given to the Owner or Owners, Person or Persons having the Care of such Ship, Boat, or Vessel so obstructing the Passage as aforesaid, haul such Ship, 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 Ship, Boat, or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds Sterling to the said Company, their Successors and Assigns, to be laid out and employed towards maintaining the Works of the said Navigation.

Customers not to discharge any Vessel till Duties are paid.

CXX. And, for better securing the due Collection of all Rates, Tolls, and Duties made payable by this Act; be it enacted by the Authority aforesaid, That the respective Officers of His Majesty's Customs within whose Districts the said Canal is to be made, shall be, and they are hereby authorized and required to ask and demand from all Masters of Vessels, or others requiring Clearances, the previous Production of a Receipt, shewing that the said Rates, Tolls, or Duties have been paid, and that in case such Masters of Vessels shall, upon Request made, neglect or refuse to produce such Receipt or Receipts, then it shall and may be lawful for the said Officer or Officers, and they are hereby required and commanded to withhold the Clearances aforesaid until such Receipt shall be produced; and in case any Customer, Collector, Receiver of Entries of Ships, Surveyor, Searcher, or other Officer whomsoever of the Customs within the Districts aforesaid, shall grant such Clearances contrary to the Provisions of this Act, he or they shall forfeit the Sum of Five Pounds Sterling for each Offence, such Sum to be levied by the said Company for their own Use and Behoof, by such Ways and Means as the said Company are enabled to raise and levy other Penalties under and by virtue of this Act.

Penalty on Masters of Ships refusing to pay Duties.

CXXI. And be it enacted by the Authority aforesaid, That if any Master or Commander of any Ship or Vessel shall not pay or shall refuse to pay the Duties granted by this Act, and shall depart without paying the same, he shall in like Manner be liable in a Penalty of Five Pounds Sterling for each Offence, to be levied and applied as aforesaid.

Company may distrain for Duties.

CXXII. And be it further enacted by the Authority aforesaid, That in all Cases where the said Rates, Tolls, or Duties, and Penalties, are not duly paid and satisfied, it shall and may be lawful for the said Company, their Successors and Assigns, or their Collector or Collectors, Wharfinger, or Shore Master, or any other Person appointed by them and acting under their Authority,

to

to distrain the Goods and Tackle of the Vessel which shall not have paid the said Rates, Tolls, or Duties, and Penalties, and Three Days after such Distress, to bring the Goods or Tackle so distrained, to Publick Sale; and if any Surplus shall arise from the Sale thereof, after Payment of the said Rates, Tolls, or Duties, and Penalties incurred as aforesaid, the same shall be returned to the Owner or Master of the Vessel the Goods or Tackle of which shall be so distrained as aforesaid.

Tonnage of *British*-built Ships to be ascertained by the Registers.

CXXIII. And be it enacted by the Authority aforesaid, That all Tonnages of British-built Vessels shall be fixed and ascertained by the Register of the Vessel to which they apply, and in no other Manner.

Regulations for Birthing Vessels.

CXXIV. And be it enacted by the Authority aforesaid, That it shall and may be lawful for the Harbour or Shore Masters or Wharfingers, or any other Person employed by the said Company, their Successors and Assigns, to regulate the Birthing of all Vessels frequenting the said Harbours, Wharfs, and Basons of the said Navigation, and to remove at the Owner's Expence such Vessels as may impede, hinder, or obstruct the discharge or lading of such Vessels as are then in Employment; and all Masters, Owners, or others refusing to comply with the Regulations which shall from Time to Time be made and published by the said Company relative hereto, or shall obstruct the Harbour or Shore Master or Wharfinger in the Execution of his Duty, shall forfeit and pay the Sum of Five Pounds Sterling for each Offence; and the said Harbour or Shore Master or Wharfinger, or other Person so employed, may distrain the Vessel of such Owner or Master, or other Person, for the Recovery of the same, and which Penalty when recovered shall belong to the said Company, and shall be applied in such Manner as they shall direct or appoint.

Restraining the use of Fire, Candle, or Lamp, on board Vessels.

CXXV. And for preventing Accidents by Fire in any of the Harbours or Basons belonging to the said Company, be it further enacted by the Authority aforesaid, That no Person whosoever shall have or keep, or cause to be had or kept, any Fire, Candle, or Lamp lighted on board any Ship or Vessel within the said Harbours or Basons at any Time or Times whatsoever, between the Twenty-ninth Day of September and the Twenty-fifth Day of March in every Year, after the Hour of Seven in the Evening or before the Hour of Seven in the Morning, nor at any Time or Times whatsoever, between the Twenty-fifth Day of March and the Twenty-ninth Day

of September in every Year, after the Hour of Eight in the Evening and before the Hour of Five in the Morning, upon Pain of forfeiting, for every Offence, any Sum not exceeding Three Pounds nor less than Twenty Shillings Sterling.

Notice to be given for extinguishing Fires and Candles.

CXXVI. And, the better to make known the several Times when Fires and Candles shall be extinguished as before directed, be it further enacted by the Authority aforesaid, That every Evening and Morning, at the Hours herein for the above Purposes appointed, a large Bell, to be provided by the said Company, shall be rung for the Space of Ten Minutes at the least in the said Harbours or Basons, or in some Place contiguous thereto.

Pitch or other Combustibles not to be heated on board Vessels.

CXXVII. And be it further enacted by the Authority aforesaid, That no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Thing, shall at any Time hereafter be boiled and heated on board any Ship or Vessel in the said Harbours or Basons, or in any Boat except in a Boat lying alongside of some Ship or Vessel, nor within Twenty Feet of the Quays and Warehouses, (Carpenters Yards only excepted); nor shall any Gunpowder, exceeding the Quantity of Six Pounds, be suffered to remain on board any Ship or Vessel for any longer Time than Twenty-four Hours after the Arrival of such Ship or Vessel in the said Harbours or Basons, upon Pain that every Master, Commander, or Owner of every Ship or Vessel shall forfeit, for every Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings Sterling.

Vessels not to enter the Harbour under Sail.

CXXVIII. And, for the Security and Preservation of the said Harbours or Basons, be it further enacted by the Authority aforesaid, That before any Ship or Vessel shall enter or pass into the said Harbours or Basons, such Ship or Vessel shall have her Sails taken down, so that she may not enter under Sail, upon Pain that every Master or Owner of every such Ship or Vessel shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings Sterling.

Regulations for Carts.

CXXIX. And be it further enacted by the Authority aforesaid, That the said Company shall, and hereby have full Power and Authority from Time to Time to set down and ascertain the Rates and Duties which shall from Time to Time be paid and payable for carrying and conveying any Goods, Wares, Merchandize, and all other Matters and Things from One Part of the said Canal to another, or from the Basons thereof to the Warehouses, in or upon any Truck or Cart, Sledge, Waggon, Dray, or other Carriage employed about the

said Canal, according to the Distances the same shall be carried, which said Rates and Prices of Carriage, and none other, shall from Time to Time be paid or payable for any the Purposes aforesaid; and that no Cart or other Carriage so employed shall be loaded with more than Twenty-four Hundred Weight, unless such Cart or other Carriage has Wheels the Fellies or Soles whereof are Six Inches broad, or shall carry any Timber or Wood exceeding Fifteen Feet in Length, unless such Cart or other Carriage has Four Wheels; and that the said Timber or Wood shall not project or extend over the Sides of or occupy more of the said Road than shall be occupied by the said Cart or Carriage; and if any Owner or Driver of any Truck or Cart, Sledge, Waggon, Dray, or other Carriage, shall act contrary to the said Rules and Regulations, he shall, for each Offence, forfeit and pay the Sum of Ten Shillings Sterling to the said Company, to be levied and applied in Manner as hereinbefore directed with respect to other Fines and Forfeitures.

Proceedings not to be suspended or removed.

CXXX. Provided always, and be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be suspended, or removed into the Court of Session by Letters of Advocation or otherwise, before a final Sentence or Judgement is first pronounced by the Sheriff Depute or Substitute of the Shire of Argyll, any Law or Statute to the contrary notwithstanding.

Mode of recovering Forfeitures, and Application thereof.

CXXXI. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance of this Act, the levying and recovering of which are not particularly herein directed, shall be levied by Warrant under the Hand or Hands of the said Sheriff Depute or Substitute, or of One or more Justice or Justices of the Peace; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid to the said Company, their Successors and Assigns, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Persons aggrieved may appeal to the Circuit Court of Justiciary.

CXXXII. 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, or by the Order or Determination of the said Sheriff Depute or Substitute, or of the said Justice or Justices of the Peace, 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 Inveraray, which Appeal shall be determined in a summary Way, and the Decree or Sentence of the said Lords shall be final.

Limitation of Actions.

CXXXIII. And be it further enacted, That if any Action, Suit, or Complaint 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 the Orders and Directions herein-before given or granted, every such Suit or Complaint 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, Suit, or Complaint shall and may produce this Act, and plead that the Things were done in pursuance and by the Authority of this Act: And if it shall appear so to have been done, or if any Action, Suit, or Complaint shall be brought after the Time so limited for bringing the same, that then the Defendant or Defendants shall be absolved from every such Suit, Complaint, Action or Actions, and shall have Treble Costs or Expences in the Defence thereof awarded to him, her, or them, from and against the Prosecutor or Prosecutors of the same.

Treble Costs.

Due Execution of Act.

CXXXIV. 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 Law whomsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution.

Publick Act.

CXXXV. And be it further enacted, That this Act shall be deemed, taken, and allowed in all Courts of Law or 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.

4 FINIS.