ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXVIII.

An Act for making and maintaining a Navigable Canal from the Harbour of *Aberdeen*, in the Pariſh of *Aberdeen*, or *Saint Nicholas*, into the River *Don*, at or near the South End of the Bridge over the ſame, (adjacent to the Royal Burgh of *Inverury*), in the Pariſh of *Kintore*, all within the County of *Aberdeen*, *North Britain*. [26th *April* 1796.]

Preamble.

WHEREAS the making and maintaining of a Canal, navigable for Boats, Barges, and other Veſſels, from the Harbour of *Aberdeen*, in the Pariſh of *Aberdeen*, commonly called *Saint Nicholas*, through the ſaid Pariſh, and through the Pariſhes of *Old Machar*, *Newhills*, *Dyce*, *Kinnellar*, and *Kintore*, on the South Side of the River *Don*, and into the ſaid River at or near the Bridge over the ſame, adjacent to the Royal Burgh of *Inverury*, all within the County of *Aberdeen*, *North Britain*, will greatly facilitate, and render more convenient and leſs expenſive than at preſent, the Conveyance of all Kinds of Commodities not only to and from the Port of *Aberdeen*, but alſo to and from the ſeveral Towns, Villages, and Places connected with the Line of ſuch Canal, will thereby promote the Improvement and better Cultivation of the inland Parts of the Country, and will be of great Publick Utility:

And whereas the ſeveral Perſons herein-after particularly named are deſirous, at their own proper Coſts and Charges, to begin, carry on, and complete the ſaid Navigable Canal: But as the ſame cannot be made without the Authority of Parliament, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *Anthony* Earl of *Kintore*, the Right Honourable *George* Earl of *Aberdeen*, the Right Honourable *James* Lord *Forbes*, the Honourable *William Keith* commonly called *Lord Inverury*, the Honourable *Mary* Lady *Inverury*, Lady *Mary Keith*, Lady *Catharine Keith*, Lady *Chriſtina Keith*, the Honourable Lieutenant Colonel *James Forbes*, Sir *William Forbes* of *Craigievar*, Baronet, the Honourable Dame *Sarah* Lady *Forbes*, Sir *Erneſt Gordon* of *Park*, Baronet, Sir *William Johnſton* of *Hilton*, Baronet, the Provoſt of the City of *Aberdeen* for the Time being for the Corporation of the ſaid City, Doctor *Alexander Bannerman*, *Patrick Baron*, Miſs *Barclow* Spinſter, *Alexander Brodie*, the Reverend Doctor *John Brown*, *John Brown*, *Thomas Brown*, *Alexander Burnett*, *John Burnett*, Mrs. *Burnett*, *Alexander Brebner*, Doctor *John Chalmers*, the Reverend *Alexander Cuſhnie*, Doctor *Alexander Dauney*, *Hope Donaldſon* Widow, *James Dalrymple Horn Elphinſton*, *Margaret Horn Elphinſton*, *John Durno*, *Alexander Farquhar*, *James Farquhar*, *Robert Farquhar*, *Alexander Fraſer* junior, Lieutenant Colonel *Erſkine Fraſer*, *Elizabeth Fraſer*, *James Forbes*, *John Forbes*, Doctor *James Garioch*, *Charles Gordon*, *Harry Gordon*, Mrs. *Gordon*, Miſs *Gordon*, Miſs *M. Gordon*, Spinſters; Lieutenant General *William Gordon*, *John Gordon*, *Thomas Gordon*, *Thomas Gray*, Lieutenant Colonel *Alexander Hay*, *John Harvey*, *John Henderſon*, *Alexander Henderſon*, *Patrick Henderſon*, the Provoſt of the Royal Burgh of *Inverury* for the Time being for the Corporation, *George Jopp*, *Henry Erſkine Knight*, *Alexander Leith*, *George Leith*, *William Forbes Leith*, *John Leſlie*, *Thomas Leys*, Miſs *Lumſden*, Miſs *Tereſa Lumſden*, Spinſters; *Harry Lumſden*, *William Mackintoſh*, *Forbes Mackenzie*, *Roderick Mackenzie*, *James Mansfield*, *Duncan Forbes Mitchel*, *Alexander Milne*, *Patrick Milne*, *George Mole*, Miſs *Iſabella Moſman* Spinſter, *Thomas Moriſon*, *John Niven*, Miſs *Ogilvie* Spinſter, *David Scott*, *Andrew Skene*, *George Skene*, Reverend *Shepherd*, *Alexander Smart*, *Alexander Stephen*, *Alexander Stuart*, *George Taylor*, and *James Urquhart*, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, or ſuch of them as ſhall from Time to Time be poſſeſſed of any Share or Shares in the Navigation or Undertaking hereby authorized to be made and carried on, and alſo ſuch other Perſon or Perſons as ſhall from Time to Time be poſſeſſed of any Share or Shares therein, ſhall be, and they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining of the ſaid Canal for the Paſſage of Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions herein-after contained; and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Aberdeenſhire Canal Navigation*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and ſhall have full Power and Authority to purchaſe Lands, Tenements, and Hereditaments to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid

Proprietors.

Undertaking, and also to sell and dispose of any of the Lands, Tenements, or Hereditaments to be purchased by them; and that it shall be lawful for the said Company of Proprietors, and they are hereby accordingly fully authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen, or Servants, to make and keep navigable and passable for Boats, Barges, and other Vessels, a Canal from the Harbour of *Aberdeen*, in the Parish of *Aberdeen*, commonly called *Saint Nicholas*, through the said Parish and the Parishes of *Old Machar*, *Newhills*, *Dyce*, *Kinnellar*, and *Kintore*, on the South Side of the River *Don*, and into the said River at or near the South End of the Bridge over the same, adjacent to the Royal Burgh of *Inverury*, all within the County of *Aberdeen* aforesaid; and to supply the said Canal whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same, and from the River *Don*, and from all Rivers, Springs, Brooks, Streams, and Watercourses whatsoever which are or shall be found within the Distance of Two thousand Yards from any Part of the said Canal, and for that Purpose to cleanse, scour, deepen, embank, enlarge, or straighten any such Rivers, Brooks, Streams, or Watercourses, or any others which may come or be brought into the same respectively; and to make and lay down such and so many Feeders, Pipes, Trenches, and Aqueducts, and to make, erect, and set up such and so many Weirs, Engines, and Machines for supplying the said Canal with Water, or for any other Purpose necessary for the better making and maintaining of such Canal, as they the said Company of Proprietors shall from Time to Time think proper and expedient; and for the several Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for the making, completing, maintaining, improving, and using of the said Canal, and other Works and Conveniencies hereby authorized to be made; and there to bore, dig, cut, trench, and sough, and also to remove, take, and carry away any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatsoever, which shall or may be dug or got in the making, or which may hinder, prevent, or obstruct the making, using, completing, carrying on, maintaining, or repairing of the said Canal, and other Works respectively, or of such Feeders, Pipes, Trenches, Passages, Aqueducts, and Watercourses, as shall or may be necessary and proper to convey Water to or from the said Canal, according to the true Intent and Meaning of this Act; and also to make, build, erect, or set up in or upon the said Canal, or in or upon the Lands adjoining or near thereto respectively, such and so many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Drains, Wharfs, Quays, Toll Houses, Warehouses, Watch Houses, Landing Places, Weighing Beams, Cranes, Docks, Fire Engines, or other Machines and Conveniencies, as and where they the said Company of Proprietors shall think requisite and convenient for the Purposes of the said intended Navigation, and from Time to Time to alter, repair, and amend, or discontinue the

The Company empowered to make the said Canal.

General Power for effecting the Purposes aforesaid.

the ſame; and alſo to make, divert, alter, widen, amend, enlarge, and extend any Roads, Cuts, Sluices, Ways, Paths, and Paſſages, as and where they the ſaid Company of Proprietors ſhall think requiſite, as well for the carrying and conveying of Goods, Wares, Merchandizes, and other Things to and from the ſaid Canal, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging of the ſaid Canal and other Works reſpectively; and to place, lay, work, or manufacture any Materials on the Lands and Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be carrying on; and alſo from Time to Time to make, maintain, repair, and alter any Fences, Roads, or Paſſages over, under, or through the ſaid Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices, which ſhall communicate therewith reſpectively; and alſo to make, ſet out, and appoint ſuch Towing Paths, Banks, Roads, and Ways for the towing, hauling, or drawing of Boats, Barges, or other Veſſels paſſing upon the ſaid Canal, with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels to turn, lie in, or paſs each other, as the ſaid Company of Proprietors ſhall think proper and expedient; and alſo to dig, take, and carry away any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone which ſhall be proper, requiſite, and convenient for the carrying on, repairing, and maintaining of the ſeveral Works aforeſaid, or any of them, in or from the Grounds of any Perſon or Perſons adjoining or lying contiguous thereto, or within the Diſtance of Two thouſand Yards thereof; and alſo to conſtruct, erect, ſet up, make, and do all or any other Works, Matters, and Things whatſoever, which they ſhall think requiſite and neceſſay, or convenient for the making, carrying on, completing, repairing, improving, maintaining, and uſing of the ſaid Canal, in purſuance and within the true Intent and Meaning of this Act; they the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and repairing ſuch Damage as ſhall be deemed practicable, and be directed by the Commiſſioners herein-after appointed, and from Time to Time making Satisfaction, in the Manner herein-after mentioned, to the Owners or Proprietors of, or the Perſons intereſted in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall or may be taken, uſed, removed, diverted, or prejudiced for the Purpoſes aforeſaid, for all Damages to be by them reſpectively ſuſtained by Means or in conſequence of the Execution of the Powers hereby given, over and above ſupplying, by every Means in their Power, the Owners or Occupiers of Lands and Houſes on either Side of the ſaid Canal with Water for domeſtic Uſes, wherever the former Supplies ſhall happen to have been diverted or interrupted by the aforeſaid Work.

Houſes or Buildings, Gardens, &c. (except thoſe mentioned) not to be taken or injured.

II. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage any Houſe or other Building, or any Ground which upon the Firſt Day of *January* One thouſand ſeven hundred and ninety-ſix, was the Scite of any Houſe or other Building, or was a Garden, Orchard, Yard, Park, Paddock, or planted Walk or

Avenue to a Houſe, or a Lawn or Pleaſure Ground incloſed or adjoining to a Dwelling Houſe, without the Conſent of the reſpective Owners and Occupiers thereof, other than and except a Garden in the Pariſh of *Saint Machar*, now or late the Property, and in the Occupation of the Reverend *John Skinner*, and alſo the Mill of *Kinnaldy*, in the Pariſh of *Kinnellar*, now or late the Property of Sir *William Forbes* Baronet, and in the Occupation of *Thomas Hall*, and alſo certain Cottages, Houſes, and Yards in the Pariſh of *Kintore*, now or late the Property of *Duncan Forbes Mitchell* Eſquire, and in the Occupations of *John Smith*, *Arthur Carnie*, and *Francis Abel*.

Plan and Book of Reference to be authenticated by the Speaker of the Houſe of Commons, and depoſited with the Clerk of the Peace and the Clerk to the Company.

III. And whereas a Survey has been taken to aſcertain the Practicability of making the ſaid Canal, and a Map or Plan, with a proper Book of Reference thereto, has been made in conſequence thereof, in order to ſhew the Line or Courſe of the ſaid Canal, be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan, and Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, One with the Clerk of the Peace for the ſaid County of *Aberdeen*, and the other with the Clerk to the ſaid Company of Proprietors, to either of which Maps or Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort, and to examine or make Extracts from, or Copies of the ſame, as Occaſion ſhall require, paying to the ſaid reſpective Clerks for Copies of, or Extracts from, the ſaid Book of Reference, after the Rate of Four-pence Sterling for every One hundred Words; and the ſaid Maps or Plans, and Books of Reference, ſo certified, or true Copies thereof, ſhall be, and are hereby declared to be, good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors, upon Eight Days Notice to him given for that Purpoſe, ſhall and is hereby required from Time to Time to produce the ſaid Map or Plan, and Book of Reference, to be ſo depoſited with him as aforeſaid, before the Commiſſioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impanneled by virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence, ſuch Clerk to the ſaid Company of Proprietors having a reaſonable Sum of Money allowed for his travelling Expences, Abſence from Home, and Attendance on ſuch Occaſions.

Not to deviate without Conſent.

IV. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid intended Canal, ſhall not deviate from the Courſe or Direction delineated in the ſaid Map or Plan, and ſet forth in the ſaid Book of Reference, without the Approbation and Conſent in Writing, ſigned by the Perſon or Perſons to whom any Lands, Grounds, or Hereditaments do or ſhall reſpectively belong, into, through, or over which any Deviation is deſired to be made, but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any ſuch Deviation from the ſaid Courſe or Direction of the ſaid Canal, in caſe all the Perſons to whom the Lands, Grounds, or Hereditaments, to be cut through or made uſe of for the Purpoſes of ſuch Deviation ſhall belong, ſhall conſent thereto.

V. Pro-

Land Owners omitted in the Book of Reference not to obstruct making the Canal.

V. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal into, through, across, or over the Estates, Lands, or Grounds, of any Person or Persons whomsoever into whose Estates, Lands, or Grounds, such Deviation as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds, of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds, do not belong, have or hath been by Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Width of Canal and Towing Paths.

VI. And be it further enacted, That the Lands or Grounds to be taken or used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof respectively, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Twenty Yards in Breadth, measured horizontally, except in such Places where any Dock or Bason shall be made, or where the said Canal shall be raised higher or cut more than Five Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to lie, turn, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandizes, which shall be carried or conveyed on the said Canal, nor more than One hundred Yards in Breadth in any such Place, except at the Head of the said Canal, in the said Parish of *Kintore*, where the said Company shall be, and they are hereby authorized and empowered to make a Wharf not exceeding Four Acres in Extent.

Where Roads are injured, others to be made.

VII. Provided always, and be it further enacted, That in all Cases where, in Exercise of the Powers hereby given, any Part of any Carriage or Horse Road, or Foot Way, either publick or private, shall be found necessary to be cut through or taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors shall, at their own Expence, before any such Road or Way shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, or Foot Way, (as the Case may require), to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road or Way to be cut through, taken, or injured as aforesaid, or as nearly as Circumstances will permit, and shall cause the same to be put in good and substantial Order and Condition.

Pieces of Land cut off being less than One Acre, or less than 50 Yards in Breadth, shall be purchased by the Company, if required.

VIII. And be it further enacted, That if in making the said Canal any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Canal shall be less than One Acre in Quantity, or less than Fifty Yards in Breadth throughout the Whole Length thereof; and if the Owner or Owners of

any ſuch Pieces Parcels of Ground ſhall not have any other Land or Ground adjoining contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall alſo take and purchaſe the Piece or Parcel, or Pieces or Parcels, of Ground ſo left on each or either Side of the ſaid Canal, being leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame after the ſame Rate, and in the ſame Manner, as they ſhall pay for Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal, provided the Owner or Owners, or the Perſon or Perſons entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company of Proprietors to take and purchaſe the ſame, at or before the ſame Time as they the ſaid Company ſhall purchaſe the other Parts of the ſaid Lands as aforeſaid, but not otherwiſe.

Compelling the Company to purchaſe Pieces of Land ſeparated by the Canal, or to make a Communication by Bridges.

IX. And be it further enacted, That in all Caſes where, by the effecting of the ſaid Undertaking, any Part or Parts of the Lands or Grounds of any Perſon or Perſons whomſoever ſhall be ſevered and divided from the other Part or Parts of the Lands or Grounds of ſuch Perſon or Perſons, ſo as to deprive ſuch Perſon or Perſons, or the Occupier or Occupiers of ſuch Lands or Grounds, of a convenient or proper Acceſs to the ſame, then and in every ſuch Caſe, the ſaid Company of Proprietors ſhall, and they are hereby required either to purchaſe the Lands or Grounds ſo ſeparated and deprived of a Road as aforeſaid, (the Purchaſe Money in ſuch Caſes to be ſettled, adjuſted, and levied, by ſuch Ways and Means as are herein appointed with regard to other Purchaſe Monies, and to be apportioned, paid, and diſpoſed of, in the Manner herein directed), or to build and conſtruct, and afterwards to maintain and keep in good and ſufficient Repair, a proper Bridge or Bridges, at the Coſts and Charges of the ſaid Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers, of ſuch Lands or Grounds, as the ſaid Commiſſioners ſhall think fit and determine, in caſe ſuch Owner or Owners ſhall require either ſuch Lands to be purchaſed, or a Bridge to be erected for the Uſe thereof; and that if the ſaid Company of Proprietors ſhall neglect or refuſe, by the Space of Six Calendar Months next after Notice ſhall be given to them, or the Clerk by them appointed, to purchaſe ſuch Parts of the Lands or Grounds which ſhall be ſo deprived of a Road thereto as aforeſaid, or to build and conſtruct, and keep in good and ſufficient Repair, ſuch Bridge or Bridges, purſuant to a Determination of the ſaid Commiſſioners, that then and in every ſuch Caſe it ſhall and may be lawful for the Perſon or Perſons whoſe Lands are ſo ſeparated, and who ſhall have given Notice as aforeſaid, to build himſelf, herſelf, and themſelves ſuch Bridge or Bridges as ſhall be neceſſary for the Purpoſe of making a proper Communication between the different Parts of the Land ſo ſeparated, and to recover the Expence of building ſuch Bridge or Bridges from the ſaid Company of Proprietors, by the ſame Ways and Remedies as are herein provided for recovering of other Damages done by effecting the Purpoſes of this Act.

Bodies Politick and Corporate, and all incapacitated

X. And be it further enacted, That after any Parts of any Lands or Grounds ſhall be ſo ſet out and aſcertained for making of the ſaid Canal,

Perſons empowered to convey Lands, &c. to the Company.

and other the Purpoſes and Conveniencies herein-before mentioned, it ſhall and may be lawful for all Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Heirs of Entail, Truſtees and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their ſeveral and reſpective Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed, and intereſted in their own Right, and to and for every other Perſon or 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 any Part thereof, whether by Titles held in Fee Simple, or under Settlement of Entail, or as Part and Pertinent of a Miniſter's Glebe, or Church Living, or otherwiſe, to contract for, ſell, and convey, unto the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or to ſuch other 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 where, by making the ſaid Canal, or accompliſhing the Purpoſes and Conveniences herein-before mentioned, the Property of any Land Owner or Land Owners ſhall happen to 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, and all and every ſuch other Perſon or Perſons as aforeſaid, by and with the Conſent of the Commiſſioners herein-after appointed, to be authenticated by any Writing or Writings under their Hands, atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey and exchange, for or in lieu of other Lands or Grounds in a Situation more convenient to be occupied by them and their Tenants, all or any Part or Parts of ſuch Lands and Grounds as ſhall be ſo ſeparated into ſmall Parcels, and the Occupation thereof rendered inconvenient as aforeſaid, not exceeding Five Acres in each Parcel, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, Annual Rent, or other Equivalent, as ſhall be agreed upon between the Parties intereſted, by and with the Conſent of the Commiſſioners herein-after named; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, Aſſignments, and Diſpoſitions, as ſhall be made and executed for the Purpoſes aforeſaid, to, with, or for Account of the ſaid Company of Proprietors, and all Matters and Things relating thereto, ſhall be made and done at the Expence of the ſaid Company of Proprietors, and ſhall be valid and effectual in Law to all Intents and Purpoſes, any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and other Perſons ſo conveying or exchanging as aforeſaid, are hereby indemnified for, on account, or in reſpect of, any ſuch Sale or Exchange which he, ſhe, or they, or any of them, ſhall reſpectively make by virtue or in purſuance of this Act, and which ſhall be valid and effectual to all Intents and Purpoſes, any Law or Uſage to the contrary notwithſtanding; and that all ſuch Contracts, Agreements, Sales, and Conveyances, other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners ſo to be made as aforeſaid, ſhall, at the Expence of the ſaid Company of Proprietors, their Succeſſors

and Aſſigns, be recorded in the Sheriff Court Books of *Aberdeen*, and true Copies, or Extracts thereof, under the Hand of the Clerk of the ſaid Court, or his Deputies, ſhall be allowed to be good Evidence in all Courts whatſoever, and the ſaid Clerks are hereby required to record the ſame accordingly, for which they ſhall have and receive the Sum of Sixpence Sterling for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words, and no more.

Satisfaction to be made by Payment of an Annual Rent when the Title is doubtful.

XI. Provided always, and be it further enacted, That where any Contract or Contracts ſhall be made with any Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons whomſoever, by the ſaid Company of Proprietors, for the Purchaſe of any Lands, Grounds, or Hereditaments, through, into, or upon which the Canal, Towing Paths, Quays, or other Works hereby authorized are intended to be made, and the Title of ſuch Lands, Grounds, or Hereditaments reſpectively ſhall not be thereupon made out to the Satisfaction of the ſaid Company of Proprietors, then and in all ſuch Caſes, from the Time of making ſuch Contracts until a good Title ſhall be made to the ſaid Lands, Grounds, or Hereditaments reſpectively, and the ſame ſhall be effectually conveyed to the ſaid Company of Proprietors in Fee Simple, or other good Eſtate of Inheritance, the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, and other Perſons contracting to ſell the ſaid Lands, Grounds, or Hereditaments, ſhall be entitled to have and receive Annual Rents or Sums for the ſame reſpectively from the ſaid Company of Proprietors; and in caſe ſuch Annual Rents or Sums reſpectively ſhall not be agreed on between the ſaid Company of Proprietors and the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons entitled to the ſaid Lands, Grounds, or Hereditaments, the ſame ſhall be aſcertained and ſettled by the ſaid Commiſſioners, in ſuch Manner, and ſubject to the Verdict of a Jury, if required, as the Value of the Lands to be ſet out for making the ſaid intended Canal and Towing Paths are herein directed to be aſcertained and ſettled.

Commiſſioners appointed for ſettling Differences between the Company, and Individuals whoſe Property may be affected or damaged.

XII. And whereas, Differences may ariſe between the ſaid Company of Proprietors and the Owners of or Perſons intereſted in the Lands, Grounds, Tenements, Waters, or Hereditaments, which ſhall or may be taken, uſed, affected, damaged, or prejudiced in purſuance or in the Execution of the Powers hereby granted, touching the Purchaſe Money or Recompence to be paid or made for the ſame; be it therefore enacted, That the Commiſſioners of the Land Tax for the Time being for the ſaid County of *Aberdeen*, and their eldeſt Sons and Heirs Apparent, and alſo the Repreſentatives in Parliament for the ſaid County, and for the Royal Burghs of *Aberdeen*, *Inverury*, and *Kintore*, the Sheriff Depute of the ſaid County, or his Subſtitutes, and the Commiſſary of the Commiſſariot of *Aberdeen* or his Deputies for the Time being, ſhall be, and are hereby appointed Commiſſioners for ſettling, determining, and adjuſting all Queſtions, Matters, and Differences which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Waters, or other Hereditaments that ſhall or may be taken, uſed, affected, damaged, or prejudiced in purſuance or in the Execution of any of the Powers hereby granted, and for other the Purpoſes in this Act mentioned.

XIII. Pro-

Qualifications of Commiſſioners.

XIII. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of this Act who ſhall be Owner or Occupier of any Land or Hereditament intended to be purchaſed for the Purpoſes of this Act, in any Caſe reſpecting the Purchaſe of ſuch Land or Hereditament, nor in any Caſe during the Time of his holding any Place of Profit under the ſaid Company of Proprietors, nor during the Time of his being a Proprietor in the ſaid intended Navigation, nor in any other Caſe where he ſhall be in anywiſe intereſted or concerned in the Matter in Queſtion; and alſo that no Perſon ſhall act as a Commiſſioner in the Execution of this Act, otherwiſe than in adminiſtering the Oath or Affirmation following, until he ſhall have taken and ſubſcribed ſuch Oath or Affirmation before any One or more of the ſaid Commiſſioners, who is and are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath to be taken by Commiſſioners.

'I Do ſwear that I will, without Favour or Affection, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by an Act, made in the Thirty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the Harbour of* Aberdeen, *in the Pariſh of* Aberdeen, *or* Saint Nicholas, *into the River* Don, *at or near the South End of the Bridge over the ſame, (adjacent to the Royal Burgh of* Inverury), *in the Pariſh of* Kintore, *all within the County of* Aberdeen, North Britain.

'So help me GOD.'

Penalties on Perſons acting as Commiſſioners not being duly qualified.

And if any Perſon, not being qualified as herein-before is mentioned, or hereby made incapable to act as a Commiſſioner, ſhall nevertheleſs preſume to act as ſuch in the Execution of the Powers hereby given, or any of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds Sterling to the ſaid Company of Proprietors, or to any Perſon who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, by ſummary Action at Law, in any competent Court in *Scotland*, and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the Powers given by this Act.

Commiſſioners may act as Juſtices of the Peace relating to the Execution of the Act.

XIV. Provided always nevertheleſs, That it ſhall be lawful for any of the ſaid Commiſſioners, who are or ſhall be in the Commiſſion of the Peace for the ſaid County of *Aberdeen*, to act as Juſtices of the Peace in or relating to the Execution of this Act, notwithſtanding their being Commiſſioners.

Meetings of the Commiſſioners to be publick, and Notice thereof given.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act at ſuch Time and Place as they ſhall be thereunto required, by Notice to be given in ſome Newſpaper publiſhed or circulated in the ſaid County of *Aberdeen*, by the Order of the Committee of Management to be appointed, as herein-after mentioned at their Firſt Meeting, and the ſaid Commiſſioners may afterwards meet from Time to Time by Adjournment or otherwiſe as they

ſhall think neceſſary or proper; but no Meeting whatever (except adjourned Meetings) of the ſaid Commiſſioners ſhall at any Time be had, (except in ſuch Caſes as are herein-after otherwiſe ordered and provided for), unleſs Fourteen Days previous Notice at leaſt of the Time, Place, and Purpoſe of ſuch intended Meeting ſhall be given and inſerted in ſome Newſpaper publiſhed or circulated in the ſaid County; and that every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be publick; and that no Act, Order, or Proceeding of the ſaid Commiſſioners, or any of them, in or relating to any of the Matters or Things hereby meant to be ſubmitted to their Deciſion and Determination, (except in ſuch Caſes as are hereby otherwiſe ordered and provided for), ſhall be valid, unleſs the ſame ſhall be done or made at a Meeting to be held in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively, the whole Number preſent at ſuch Meetings reſpectively not being leſs than Five, and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

General Meetings of the Commiſſioners how to be called.

XVI. And be it further enacted, That upon Requiſition to be made by the ſaid Committee of Management, or upon Application by any One Owner or Occupier of any Grounds, Lands, Waters, Tenements, Mills, or Hereditaments, to be taken for or affected by the ſaid Canal, or any of the Works hereby authorized to be made or carried on, unto the Clerk of the ſaid Company of Proprietors to appoint a General Meeting of the ſaid Commiſſioners, the ſaid Clerk ſhall and is hereby required, within Seven Days after ſuch Requiſition or Application made to him, to give publick Notice, in Manner aforeſaid, of a General Meeting of the ſaid Commiſſioners, to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-eight Days from the Day on which ſuch Requiſition or Application ſhall be made as aforeſaid; and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them into Execution, notwithſtanding any previous Adjournment of the ſaid Commiſſioners; and in caſe the Buſineſs to be tranſacted at any Meeting of the ſaid Commiſſioners to be held in purſuance of this Act ſhall not be concluded and finiſhed on or within the Day mentioned in ſuch Notice, then the Commiſſioners preſent at ſuch Meeting ſhall and may adjourn themſelves, and afterwards meet at ſuch Time and Place as they ſhall think proper and expedient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then and in ſuch Caſe, and from Time to Time as often as the ſame ſhall happen, the Clerk to the ſaid Commiſſioners for the Time being ſhall and may, by publick Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Place where a Meeting of the ſaid Commiſſioners was laſt appointed to be held, on that Day Week next after the Day laſt appointed for ſuch Meeting.

Meetings of Commiſſioners for determining Diſputes, to be held within Five Miles of the Place in Diſpute.

XVII. Provided always, That every Meeting of the ſaid Commiſſioners for the hearing and determining of any Complaint, Controverſy, Diſpute, or Difference between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at ſome Place within Five Miles of the Place where or reſpecting which ſuch Complaint, Diſpute, or Difference ſhall ariſe; and that no Buſineſs ſhall commence at any Meeting of the ſaid Commiſſioners before Ten of the Clock in the Forenoon, nor after Three of the Clock in the Afternoon.

Commiſſioners to determine what Sums of Money or Annual Rent the Company ſhall pay for the Purchaſe of Lands, and what Sums they ſhall pay.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby authorized and required, at any of their Meetings, to examine Witneſſes on Oath to be adminiſtered by them touching any Matter which may in purſuance of this Act be ſubmitted to the Conſideration of the ſaid Commiſſioners, and alſo that it ſhall be lawful for the ſaid Commiſſioners aſſembled at a Meeting, and they are hereby fully authorized and empowered, by Writing under their Hands, (with the Conſent of the Parties concerned), to determine and adjuſt what Sum or Sums of Money ought in their Opinion to be paid by the ſaid Company of Proprietors, either in Groſs, or by an Annual Rent or Payment in Money, or in Meal, or Grain, at the current Prices of the Year, to be aſcertained by the Sheriff Fiars of the County as ſhall be deemed moſt proper by the ſaid Commiſſioners, to any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, who ſhall be entitled thereto or intereſted therein, for the abſolute Purchaſe of any Lands, Tenements, Grounds, or Hereditaments, which ſhall be ſet out and aſcertained, or be intended or be taken or uſed as aforeſaid, for making the ſaid Canal, or the Towing Paths thereto, or any Part thereof reſpectively, or for other the Purpoſes herein-mentioned, or which ſhall be taken by the ſaid Company of Proprietors purſuant to any of the Directions of this Act, and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of them the ſaid Commiſſioners, to be paid by the ſaid Company of Proprietors, as a Recompence for any Damages which ſhall or may at any Time or Times be ſuſtained by any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or by Reaſon of the making, repairing, or maintaining of the ſaid Canal and Towing Paths, or any of the Aqueducts, Feeders, Drains, Back Drains, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Sluices, or other Works hereby authorized to be made, or carried on and maintained, or by Reaſon or Means of the flowing, leaking, or oozing of the Water over or through the Banks of the ſaid Canal, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, and Sluices, or any of them, or of the ſupplying the ſame, or any of them, with Water, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or any of them, or by Reaſon or Means of the Execution of any of the Powers hereby given to the ſaid Company of Proprietors, their Agents, Workmen, or Servants, in caſe ſuch Annual Rent or Sum in Groſs, or ſuch Damages and Recompence reſpectively cannot be ſettled, adjuſted, and agreed upon by and between the ſaid Company of Proprietors and the Owners of or Perſons intereſted in ſuch Lands, Grounds, Tenements, Waters, or Hereditaments as aforeſaid.

XIX. And

XIX. And be it further enacted, That if the ſaid Company of Proprietors, or their Committee of Management for the Time being, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on the Behalf of himſelf, herſelf, or themſelves, or for or on the Behalf of their reſpective Truſts, or of the Perſon or Perſons entitled in Remainder after them as aforeſaid, ſhall refuſe to ſubmit ſuch Compenſation or Recompence as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination reſpecting the ſame, and of ſuch Diſſatisfaction ſhall within Twenty-one Days next after ſuch Determination give Notice to the ſaid Commiſſioners making ſuch Determination, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Recompence as ſhall be ſo adjuſted and determined to be paid as aforeſaid, or ſhall, for the Space of Twenty Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at his, her, or their uſual or laſt Place or Places of Abode, or the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Grounds, Tenements, or Hereditaments, reſpectively as aforeſaid, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors concerning the ſame, or ſhall by Reaſon of Abſence be prevented from treating, or ſhall by Reaſon of Non-age or other Impediment, not provided for by this Act, be incapable of treating or making ſuch Agreements as ſhall be expedient for enabling the ſaid Company to proceed in the making and carrying on of the ſaid Canal, and other the Works aforeſaid, or ſhall not produce and evince a clear Title to the Premiſes which he, ſhe, or they is, are, or ſhall be in Poſſeſſion of, or to the Intereſt which they claim therein, then and in either of the ſaid ſeveral Caſes the ſaid Commiſſioners, aſſembled at a Meeting, to be held in the Manner herein-before mentioned, are hereby empowered and required from Time to Time to iſſue a Warrant or Warrants under their Hands to the Sheriff Depute of the ſaid County of *Aberdeen*, or his Subſtitutes, requiring ſuch Sheriff Depute or his Subſtitutes to impannel, ſummon, and return, and the ſaid Sheriff Depute or his Subſtitutes are hereby accordingly authorized, empowered, and required, to ſummon and return a Jury of Twenty-four ſufficient and indifferent Men to appear before the ſaid Commiſſioners, or ſuch of them as ſhall be aſſembled at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff Depute or his Subſtitutes as aforeſaid; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff Depute or his Subſtitutes ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the ſaid Jury to the Number of Fifteen; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Five or more of them, although not aſſembled at any Meeting as aforeſaid, are hereby empowered to ſummon and call before them

In caſe of Diſputes a Jury to ſettle it.

them and the ſaid Jury (as the Caſe may be) all and every Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching any Matter in Queſtion; and the ſaid Commiſſioners ſhall and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter, in Controverſy, and ſuch Jury upon their Oaths, (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall by Examination of Witneſſes enquire of, aſſeſs, and aſcertain the Sum or Sums of Money, or Annual Rent or Rents to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements, or Hereditaments as aforeſaid, and alſo what other ſeparate and diſtinct Sum or Sums of Money ſhall be paid by Way of Recompence for the Damages which ſhall or may be ſuſtained as aforeſaid; and the ſaid Commiſſioners ſo to be aſſembled, ſhall accordingly give Judgement for ſuch Purchaſe Money, Rent, or Recompence as ſhall be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement to be thereupon pronounced as aforeſaid, ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever.

Verdicts for Value of Lands and Damages to be aſcertained ſeparately.

XX. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively, ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them concerning the Value of Lands and other Hereditaments, ſeparately and diſtinctly from the Conſideration of any other Damages ſuſtained, or to be ſuſtained, by any Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Penalty on Sheriffs, Jurymen, and Witneſſes making Default.

XXI. And be it further enacted, That if any ſuch Sheriff Depute or his Subſtitutes ſhall make Default in the Premiſes, the Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling, and if any Perſon ſo to be ſummoned and returned upon any ſuch Jury as aforeſaid ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon to be ſummoned to give Evidence as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, then and in ſuch Caſe every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling, for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned.

Witneſſes giving falſe Evidence liable to the Pains and Penalties of Perjury.

XXII. And be it further enacted, That all and every Perſon and Perſons who in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be liable to the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

XXIII. And

XXIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments, or Property, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company of Proprietors, or where by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from the ſaid Company of Proprietors as herein-before mentioned, then and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined, or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act or otherwiſe legally capacitated to treat and convey, or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where by Reaſon of Abſence or otherwiſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid), the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences may be ſued for and recovered by the ſaid Company, by any ordinary Action at Law.

Expence of Commiſſioners, Witneſſes, and Jury, by whom to be paid.

Perſons requeſting a Jury to enter into a Bond to proſecute.

XXIV. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Company ſhall have any ſuch Controverſy or Diſpute as aforeſaid, and who ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination thereof, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, firſt enter into a Bond to the Treaſurer or Treaſurers to the ſaid Company for the Time being in the Penalty of Fifty Pounds Sterling, or in ſuch other Penalty as the ſaid Commiſſioners ſhall appoint, not exceeding One hundred Pounds Sterling, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of ſuch Commiſſioners, of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall fall upon him, her, or them, to be paid, according to the true Intent and Meaning of the Clauſe next herein-before contained.

Notice of Injury or Damage to be given to the Company before Complaint to the Commiſſioners.

XXV. And be it further enacted, That the ſaid Commiſſioners, or any of them, 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 Damage by him, her, or them ſuſtained or ſuppoſed to be ſuſtained as aforeſaid, unleſs Application ſhall have been made in relation thereto by or on the Behalf of ſuch Perſon or Perſons to the ſaid Company of Proprietors, or to their Clerk, Treaſurer or Treaſurers, 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.

Proceedings of the Commiſſioners to be entered into a Book.

XXVI. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered into a Book to be kept for that Purpoſe by their Clerk or Clerks, which Book ſhall be provided at the Expence of the ſaid Company of Proprietors, and ſhall be open at all ſeaſonable Times for the Inſpection of any Perſon or Perſons intereſted in the ſaid Proceedings without Fee or Reward; and ſuch Entries, being ſigned by ſuch Number of the ſaid Commiſſioners as are empowered by this Act to make ſuch Orders or carry on ſuch Proceedings reſpectively, ſhall be deemed Originals, and the ſame or true Copies thereof ſhall be admitted as Evidence in all Courts whatſoever; and that the ſaid Commiſſioners ſhall appoint ſuch One out of Three Perſons, to be nominated for that Purpoſe by the ſaid Company of Proprietors, or their Committee of Management, as they the ſaid Commiſſioners ſhall think proper, to be the Clerk or Clerks to the Commiſſioners appointed by this Act, and that the ſaid Commiſſioners ſhall and may, from Time to Time, remove any ſuch Clerk, and on ſuch Removal, or in caſe ſuch Clerk or Clerks ſhall die or quit the ſaid Employment, the Committee of Management of the ſaid Company ſhall, within the Space of Fourteen Days after Notice in Writing for that Purpoſe to be given by Three of the ſaid Commiſſioners, although not aſſembled at a Meeting, to the principal Clerk to the ſaid Company, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners from whom ſuch Notice in Writing ſhall be received, and the ſaid Commiſſioners ſhall and may appoint One of the Three laſt-mentioned Perſons to be the Clerk to the ſaid Commiſſioners; and every ſuch Clerk ſhall be paid for his Care,

Appointment of Clerk to the Commiſſioners.

Expences,

Expences, and Trouble, in the Execution of his or their Office by the ſaid Company of Proprietors.

On Payment of Purchaſe Money, or giving Security for the Annual Rent fixed for Purchaſe of Lands, the Company may enter and proceed with their Works.

XXVII. And be it further enacted, That upon Payment of any Sum or Sums of Money in Groſs, or giving Security which ſhall be approved of by the Commiſſioners for the Payment of ſuch Annual Rent or Rents as ſhall be contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, Tenements, or Hereditaments as aforeſaid, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or upon legal Tender of ſuch Money, or Tender of ſuch Security reſpectively, to ſuch Owner or Owners, or other Perſon or Perſons, or to the principal Officer or Officers of any Body Politick, Corporate, or Collegiate, at any Time after ſuch Money or Rent ſhall have been ſo agreed for, determined, or aſſeſſed, or if ſuch Owners or other Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rent, or in caſe it doth not appear to whom the ſame ought to be paid or given, then upon Payment or Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, for the Uſe of, and to be paid or delivered upon Demand, without Fee or Reward, to ſuch Owners or Perſons reſpectively as aforeſaid, then and in ſuch Caſe, but not before, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter into and upon ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and other Obſtructions, and to do all other Matters and Things neceſſary and proper for the making, uſing, maintaining, and repairing of the ſaid Canal, and the Towing Paths on the Sides thereof, and other the Works and Conveniencies aforeſaid in or upon ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, and thereupon to make, erect, carry on, complete, repair, and maintain the ſaid Canal, Towing Paths, and other Works and Conveniencies reſpectively as they the ſaid Company of Proprietors ſhall think fit, and to have, uſe, and enjoy ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively to and for their own Uſe and Benefit, for the Purpoſes of the ſaid Canal and other Works.

Determinations of Commiſſioners, and Verdicts of Juries to be recorded; and the Lands purchaſed to veſt abſolutely in the Company.

XXVIII. And be it further enacted, That all Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries, and Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall, with all convenient Speed, be tranſmitted to and ſhall be kept by the Clerk of the Peace for the ſaid County of *Aberdeen*, amongſt the Records of the Quarter Seſſions of the ſaid County, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling Sterling, and alſo to take Copies thereof, paying for each Copy after the Rate of Sixpence Sterling for every Two hundred Words; and that immediately after the Payment of ſuch Sum or Sums of Money in Groſs, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, the Lands or Hereditaments ſo purchaſed, and

and concerning which ſuch Determinations, Verdicts, and Judgements ſhall be made and given as aforeſaid, and all the Eſtate, Right, Title, and Intereſt, Uſe, Truſt, Property, Claim, and Demand, at Law or in Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be ſo paid or ſecured as aforeſaid, in, to, and out of the ſame, and alſo the Fee Simple and Inheritance thereof, ſhall veſt in the ſaid Company of Proprietors, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate or Intereſt therein had actually conveyed the ſame to them by any legal Conveyance whatſoever; and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to or for whoſe Uſe the ſame ſhall be made or given, but alſo bar the Terce or Dower of the Wife of every ſuch Perſon reſpectively, the Courteſy of the Huſband known in the Law of *Scotland*, and all Eſtates and Intereſts in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue of ſuch Perſon or Perſons, and againſt all Infants, Femes Covert, and all and every other Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either in Law or Equity.

The Company not chargeable with the Land Tax, or any other publick Burden.

XXIX. And be it further enacted, That the ſaid Company of Proprietors ſhall not be chargeable with any Part or Portion of the Land Tax, or other King's Subſidy, Miniſters Stipends, Schoolmaſters Salaries, or of any other publick Burdens or Taxations whatſoever, nor with any Part or Portion of the Feu, Blanche, or Tiend Duties of the Lands which ſhall be ſo ſet out, aſcertained, and purchaſed to and by them for the Uſe of the ſaid Navigation, by virtue of the Powers given to them by this Act as aforeſaid; but that all ſuch Taxations, publick Burdens, and Duties, ſhall be chargeable upon the Lands remaining with the Vendor or Vendors after ſuch partial Alienation to the ſaid Company of Proprietors as aforeſaid, and ſhall be levied from them, their Heirs and Succeſſors in the ſaid Lands, in the ſame Manner as if ſuch partial Alienation had never been made; and the ſaid Vendor or Vendors, and all other Perſon or Perſons intereſted in the Lands ſo ſold to the ſaid Company of Proprietors, as Superiors or otherwiſe, ſhall be entitled to the ſame Rights and Privileges from the remaining Parts of theſe Lands as if ſuch Sale or Sales to the ſaid Company of Proprietors had never been made.

Purchaſe Money of Lands, in certain Caſes, to be laid out in other Lands to be ſettled to the ſame Uſes.

XXX. And be it further 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 whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe of or for the Damage to be done to any Lands, Grounds, Tenements, or Hereditaments, for the Purpoſes or by virtue of this Act, (except in ſuch Caſes where Annual Rents ſhall be made payable as aforeſaid), in caſe the ſame ſhall exceed the Sum of Twenty Pounds Sterling, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee

Simple, which ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, upon, or ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, Tenements, or Hereditaments, for or in reſpect whereof ſuch Monies ſhall be paid, were limited, ſettled, and aſſured to, for, upon, and ſubject to, at the Time ſuch Monies were agreed for, aſcertained, or aſſeſſed, reſpectively as aforeſaid, or to, for, upon, and ſubject to ſuch and ſo many of them as ſhall be then exiſting or capable of taking Effect; ſuch Conveyances and Settlements reſpectively, and all Matters and Things relating to ſuch Purchaſe or Purchaſes to be made and done at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or 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 as aforeſaid, in ſome of the Publick Stocks or Funds, or on Government or Real Securities, producing an Annual Intereſt, in the Names of Two or more Perſons, to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from ſuch Stocks, Funds, or Securities, and alſo the Annual Rent or Rents to be paid for the Purchaſe of or Damage done to ſuch Lands, Tenements, or Hereditaments, for the Purchaſe or Damage whereof a Rent or Rents ſhall have been fixed upon as aforeſaid, ſhall from Time to Time go and belong, and be paid to ſuch Perſon or Perſons reſpectively as would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, reſpectively, ſo to be purchaſed or damaged by the ſaid Company of Proprietors as aforeſaid, in caſe ſuch Purchaſe or Damage had not been made or done.

Commiſſioners to ſettle the Proportion of the Purchaſe Money where different Intereſts.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall, and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Monies, or Compenſation for Damages which ſhall be ſo agreed for, determined, and adjuſted, or aſſeſſed in Manner aforeſaid, ſhall be allowed to any Tenant, or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in the Premiſes for ſuch his, her, or their reſpective Intereſts therein.

The Company may pay off the Mortgages before Lands purchaſed.

XXXII. Provided always, and be it further enacted, That in caſe any Lands, Tenements, or Hereditaments, to be taken and uſed by the ſaid Company of Proprietors for the Purpoſes, or purſuant to the Directions of this Act, ſhall happen to be in Mortgage, or burdened with any Life-rent Security, or with an heritable Bond or Diſpoſition in Security in favour of any Perſon or Perſons, then it ſhall be lawful for the ſaid Company of Proprietors, upon Application being made to them by the Mortgagee or Mortgagees thereof, his, her, or their Executors or Adminiſtrators, or by any Life-renter or Life-renters, Creditor in any heritable Bond, or Diſpoſition in Security, or other Perſon or Perſons having Intereſt, but not otherwiſe, nor without the Conſent of ſuch Mortgagee or other Perſon or Perſons, to pay ſuch Sum or Sums of Money as ſhall have been ſo agreed for, adjuſted, or aſſeſſed, as aforeſaid, for the Purchaſe of, or for the Damage done to ſuch Lands, Tenements, or Hereditaments, in Mortgage, or the Reſidue of ſuch Sum or Sums,

after ſuch Allowance or Payment thereout to any Leſſee or Tenant as aforeſaid, unto any ſuch Mortgagee or Mortgagees, Life-renter, Creditor, or other Perſon or Perſons having Intereſt, his, her, or their Executors or Adminiſtrators, in Part Diſcharge and Satisfaction of the Principal Money or Annual Rent due on ſuch Mortgage, or other Security as aforeſaid: Provided always, that upon Receipt of ſuch Sum or Sums, ſuch Mortgagee, or other Perſon or Perſons aforeſaid, his, her, or their Executors or Adminiſtrators reſpectively, ſhall acknowledge the Receipt thereof by Indorſement, Diſcharge, Renunciation, or otherwiſe in due Form of Law.

Monies to be paid for Damages of any Kind, how to be recovered.

XXXIII. And be it further enacted, That in Default or on Refuſal of Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money, and at ſuch Times, and in ſuch Manner as ſhall be agreed upon, awarded, or aſſeſſed, as herein-before is mentioned, as a Recompence for any Damages to be done in Exerciſe of the Powers hereby given, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Perſon or Perſons (from whom the ſaid Commiſſioners ſhall take a proper Security) to collect and receive the Tolls, Rates, and Duties, by this Act impoſed, or any of them, and thereout in the Firſt Place to pay all ſuch Damages ſo to be agreed upon, awarded, or aſſeſſed, as aforeſaid, and the Coſts (if any) occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame, to be computed from the Time ſuch Damages ſhall be agreed upon, awarded, or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Tolls Rates, or Duties, and the Perſon or Perſons ſo to be appointed ſhall be deemed a Collector or Collectors of the ſaid Tolls, Rates, and Duties, and ſhall have ſuch and the ſame Powers for collecting the ſame as if he or they had been appointed for that Purpoſe by the ſaid Company of Proprietors, and the Money ſo to be collected and received by ſuch Perſon or Perſons, ſhall be, and is hereby declared to be as ſo much Money received to or for the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively, as ſuch Agreement, Award, or Aſſeſſment, ſhall be in Priority of Time; and after ſuch Damages, Intereſt, and Coſts, ſhall be paid and ſatisfied, the Power and Authority of ſuch Collector or Collectors, for the Purpoſes aforeſaid, ſhall ceaſe and determine; or otherwiſe the Party or Parties ſo aggrieved ſhall and may recover ſuch Sum and Sums of Money ſo to be agreed upon, awarded, or aſſeſſed, and which ſhall not be paid as aforeſaid, together with Intereſt and Coſts for the ſame, by an Action at Law before the Judge Ordinary, or other competent Court, againſt the ſaid Company of Proprietors, with full Coſts of Suit; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, in caſe ſuch Damages, Intereſt, and Coſts, ſhall not be ſatisfied and paid within the Space of Four Calendar Months after ſuch Damages ſhall be ſo agreed upon, awarded, or aſſeſſed, as aforeſaid, on Complaint to them by or on the Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant under their Hands to the Sheriff Depute of the ſaid County of *Aberdeen* or his Subſtitutes, authorizing and requiring him or them to levy and raiſe ſuch Damages, Intereſt, and Coſts, as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable

able Charges as the ſaid Commiſſioners ſhall in ſuch their Warrant direct and appoint.

Annual Rents to be paid for Lands charged on the Tolls and Rates, with Power for recovering the ſame.

XXXIV. And be it further enacted, That all and every ſuch Annual Rent and Rents as ſhall be agreed on, or ſettled and aſcertained to be paid for any Lands, Grounds, or Hereditaments, which ſhall or may be taken for the Purpoſes, or purſuant to the Directions of this Act as aforeſaid, ſhall be charged on the Tolls, Rates, or Duties herein-after granted to the ſaid Company of Proprietors, and ſhall be paid by the ſaid Company of Proprietors as the ſame ſhall become due and payable; and in caſe any ſuch Annual Rent or Rents, or any Part thereof, ſhall be in Arrear and unpaid for the Space of Twenty-one Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Perſon or Perſons to collect and receive the ſaid Tolls, Rates, or Duties, and to pay the ſame to the Perſon or Perſons to whom ſuch Annual Rent or Rents ſo in Arrear ſhall be due, they the ſaid Commiſſioners taking ſuch Security from every ſuch Collector, for the due and faithful Execution of his Office, as they ſhall judge proper and ſufficient, and the Perſon or Perſons ſo to be appointed ſhall be deemed a Collector or Collectors of the ſaid Tolls, Rates, and Duties, and ſhall have ſuch and the ſame Powers for collecting the ſame, as if he or they had been appointed for the Purpoſe by the ſaid Company of Proprietors, and the Power and Authority of every ſuch Collector ſhall continue until ſuch Annual Rent or Rents ſo in Arrear, with the Coſts and Charges of recovering and receiving the ſaid Tolls, Rates, or Duties, ſhall be fully ſatisfied and paid, or the Perſon or Perſons to whom ſuch Annual Rent or Rents ſhall be due, ſhall and may ſue for and recover the ſame, with Coſts of Suit, by an Action at Law, before the Judge Ordinary, or other competent Court; or otherwiſe it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby empowered to ſeize and diſtrain any Boats, Barges, or Veſſels, or other Goods and Effects of the ſaid Company of Proprietors, which ſhall be found on the ſaid Canal, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works, belonging to the ſaid Company of Proprietors, and to detain the ſame until Payment of ſuch Rent or Rents, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the ſame ſhall be taken, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs, Quays, or Toll Houſes, belonging to the ſaid Company of Proprietors, then ſuch Boats, Barges, or Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be appraiſed and ſold in ſuch Manner as the Law directs.

The different Remedies for Recoveries may be uſed.

XXXV. Provided always, and be it further enacted, That the Perſon or Perſons to whom ſuch Annual Rent or Rents, or ſuch Sum or Sums of Money for Damages, ſhall be payable as aforeſaid, ſhall and may, for the Recovery thereof, uſe all or any One or more of the Remedies by this Act given or provided for Recovery of the ſame.

Towing Paths to be fenced off from adjoining Lands.

XXXVI. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on the

the Sides of the ſaid Canal, and the ſeveral Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or ſuch and ſo many, or ſuch Part or Parts of ſuch Trenches, Feeders, and Aqueducts, reſpectively, (in caſe of any Diſpute about the ſame), as ſhall by the ſaid Commiſſioners be thought neceſſary to be divided and ſeparated from the Lands or Grounds adjoining to ſuch Towing Paths, Feeders, and Aqueducts reſpectively, with good and ſufficient Poſts, Rails, Hedges, Ditches, or other Fences to be ſet out or made on the Lands or Grounds which ſhall be purchaſed by, or conveyed to or veſted in the ſaid Company of Proprietors as aforeſaid, and ſhall from Time to Time repair, maintain, and ſupport, the ſaid Towing Paths, Poſts, Rails, Hedges, Ditches, and Fences, ſo to be made or ſet up as aforeſaid; and the ſaid Company of Proprietors ſhall alſo at their own Coſts and Charges make, erect, and ſet up, and from Time to Time maintain, ſupport, and keep in good Repair, ſuch and ſo many convenient Gates and Stiles, upon or acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch and ſo many convenient Bridges, Arches, Culverts, Paſſages, and Roads, over, under, or by the Side of the ſaid Canal, and the Feeders, Trenches, and Aqueducts, communicating therewith reſpectively, at ſuch Places, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint (in caſe there ſhall be any Diſpute about the ſame) for the Uſe of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to ſuch Canal, Trenches, Feeders, Aqueducts, and Towing Paths reſpectively, and of all Perſons who now have or may hereafter have a Right of Way over or through the Lands or Grounds which ſhall be uſed for making the ſaid Canal, Trenches, Feeders, Aqueducts, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make or carry the ſaid Canal, or any Feeder, Trench, or Aqueduct, in or acroſs any common Highway, publick Bridle Way, or Foot Path, until ſuch Time as they ſhall at their own proper Charges have made and perfected ſuch Bridge or Bridges, Arch or Arches, or other convenient Paſſages over or under the Places where the ſaid Canal, Feeders, Trenches, or Aqueducts, reſpectively ſhall be intended to be made or carried, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall adjudge proper, in caſe of any Diſpute about the ſame; and in caſe it ſhall be found neceſſary, for the Purpoſes of the ſaid Navigation, to alter or widen any Arch or Arches already exiſting, the ſame ſhall be done at the Expence of the ſaid Company of Proprietors, but ſuch Arch or Arches ſhall always afterwards be repaired and ſupported at the joint and equal Expence of the ſaid Company of Proprietors, and of the Perſon or Perſons who would have been liable to repair the ſame, in caſe the ſame had not been ſo altered or widened.

Gates and Stiles to be erected on Towing Paths.

In caſe of Failure of fencing Towing Paths, &c. Owners of adjoining Lands may do it at the Company's Expence.

XXXVII. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to make, erect, and ſet up, ſuch good and ſufficient Poſts, Rails, Hedges, Ditches, or other Fences, for the Purpoſe of ſeparating the ſaid Towing Paths, Trenches, Feeders, and Aqueducts, from the Lands or Grounds adjoining as aforeſaid, or to make, erect, and ſet up, ſuch Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges

and Fences to be made on the Sides thereof, and of the ſaid Trenches, Feeders, and Aqueducts, as aforeſaid, or ſuch Bridges, Arches, Culverts, Paſſages, and Roads, over, under, or by the Side of the ſaid Canal, Feeders, Trenches, and Aqueducts, reſpectively as aforeſaid, for the Uſe and Convenience of ſuch Perſons as herein-before mentioned, and of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time direct and appoint, (in caſe there ſhall be any Diſpute about the ſame), or to repair, maintain, and ſupport, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, after the ſame ſhall be made, erected, and ſet up, as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes reſpectively by the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, and every other Perſon and Perſons who ſhall find himſelf, herſelf, or themſelves, aggrieved by any ſuch Refuſal or Neglect, to make, erect, and ſet up, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, as are herein-before directed or appointed to be made, erected, and ſet up by the ſaid Company of Proprietors as aforeſaid, or to repair, maintain, and ſupport, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, from Time to Time, as Occaſion ſhall require, ſo that in making, maintaining, or repairing the ſame reſpectively, the ſaid Canal, or the Banks thereof, or any Trenches, Feeders, or Aqueducts, belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time or in any other Manner than ſhall be neceſſary for the doing thereof; and all the reaſonable Coſts and Charges thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained the ſame, by the ſaid Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand thereof ſhall have been delivered and made to and from the Clerk to the ſaid Company for the Time being; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, by Warrant under their Hands, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors which ſhall be found in or upon the ſaid Canal, or the Wharfs, Quays, or Warehouſes belonging to the ſaid Company, to and for the Uſe of the Perſon or Perſons who ſhall have incurred or ſuſtained ſuch Coſts and Charges, rendering to the ſaid Company of Proprietors, or to ſome or One of their Collectors or Agents, the Overplus (if any) on Demand, after deducting the reaſonable Charges and Expences of making ſuch Diſtreſs and Sale, to be ſettled alſo by the ſaid Commiſſioners, or otherwiſe the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained, ſuch Coſts and Charges, ſhall and may ſue for and recover the ſame againſt the ſaid Company of Proprietors by an Action before the Judge Ordinary, or otherwiſe in due Form of Law.

XXXVIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, make, maintain, and ſupport, ſuch proper and convenient Watering Places for Cattle, wherever

The Company to make Watering Places for Cattle, &c. and in caſe of

Neglect, Land Owners to do so at their Expence.

wherever by Means of the ſaid Canal and other Works hereby authorized to be made, Cattle ſhall have been deprived of their ancient or former Watering Places, and ſhall at all Times ſupply the ſame with Water, in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time, in caſe of any Diſpute about the ſame, order and direct; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make or maintain, or ſupport any ſuch Watering Places as aforeſaid for the Space of Fourteen Days next after the Time to be appointed for that Purpoſe by the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons who ſhall be damaged or aggrieved by ſuch Refuſal or Neglect, to make, maintain, or ſupport, ſuch Watering Places, ſo that the ſaid Canal, or the Banks thereof, or any Trenches, Feeders, or Aqueducts, belonging thereto, ſhall not be thereby ſtopped or injured for any longer Space of Time, or in any other Manner, than ſhall be abſolutely neceſſary for the making or doing the ſame; and all the reaſonable Coſts and Charges attending the ſame (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained, ſuch Coſts and Charges, by the Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand thereof ſhall have been delivered and made to and from the principal Clerk to the ſaid Company; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſame ſhall and may be levied or recovered in ſuch and the ſame Manner as the Coſts and Charges laſt herein-before mentioned are directed to be levied or recovered.

Owners and Occupiers of Lands may erect Bridges, &c. at their own Expences if not ſatisfied.

XXXIX. And be it further enacted, That it ſhall be lawful for the Owners or Occupiers of any Lands or Grounds through which the ſaid Canal, or any Trenches, Feeders, or Aqueducts, ſhall be made as aforeſaid, or any other Perſon or Perſons having a Right of Way or Paſſage over ſuch Lands and Grounds, without the Conſent and Approbation of the Committee of Management of the ſaid Company for the Time being, upon Requeſt to them made for that Purpoſe, or in caſe of their Refuſal to conſent thereto, for the Space of Twenty Days next after ſuch Requeſt, then with the Conſent and Approbation of the Commiſſioners, to make, fix, and erect, at their own proper Coſts and Charges, ſuch Gates, Stiles, Bridges, Arches, Culverts, and Paſſages, Watering Places, Water Carriages, and Back Drains, or other Conveniencies, upon, in, over, or near to, the ſaid Canal, Trenches, Feeders, Aqueducts, and Towing Paths reſpectively, in ſuch Places and in ſuch Manner as the ſaid Owners or Occupiers ſhall judge moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, or Occupation, of the ſaid reſpective Lands or Grounds, over and beſides any ſuch Gates, Stiles, Bridges, Arches, and Paſſages, Watering Places, Water Carriages, Back Drains, or other Conveniencies, as ſhall have been made or erected by the ſaid Company, and to repair and ſupport the ſame reſpectively, at their own like Coſts and Charges, as Occaſion ſhall require, ſo that the Navigation or Paſſage of or upon the ſaid Canal, Trenches, Feeders, Aqueducts, or Towing Paths, reſpectively, be not thereby prevented or obſtructed for any longer Space of Time than as aforeſaid, or in any Manner than ſhall be abſolutely neceſſary, and ſo that no Damage or Injury (otherwiſe than by ſuch Obſtructions as aforeſaid) be thereby

thereby done to any of the Works belonging to the ſaid Company of Proprietors.

The Company to make Drains, &c. to convey Water from adjoining Lands; if they neglect, Land Owners may do it at the Expence of the Company.

XL. And be it further enacted, That the ſaid Company of Proprietors ſhall alſo, at their own proper Coſts and Charges, make, or cauſe to be made, ſuch Arches, Tunnels, Culverts, Drains, or other Paſſages, over, under, or by the Side of or into the ſaid Canal, and the Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Breadth, Depth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near the ſaid Canal, without obſtructing or impeding the ſame; and ſhall likewiſe make, or cauſe to be made, ſuch Back Drain or Drains as may be neceſſary, and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto; and that all ſuch Arches, Tunnels, Culverts, Drains, Back Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair, by the ſaid Company of Proprietors; and if at any Time or Times after One Calendar Month's Notice ſhall have been given, in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers, of the adjacent Lands or Grounds, who ſhall find himſelf, herſelf, or themſelves, aggrieved by the Obſtruction of any ſuch Watercourſes, to the Clerk to the ſaid Company of Proprietors for the Time being, the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, it ſhall be lawful for ſuch Owner or Occupier, or Owners or Occupiers, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time to make, cleanſe, ſcour, and repair, ſuch Arches, Tunnels, Culverts, Drains, Back Drains, and other Paſſages, in ſuch Manner as ſhall be found expedient, and the reaſonable Coſts and Charges thereof (to be aſcertained by the ſaid Commiſſioners) ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Refuſal or Neglect to defray the ſame for the Space of Twenty Days after Demand thereof made upon their Clerk for the Time being, ſuch Coſts and Charges ſhall and may be levied or recovered in ſuch and the ſame Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners and Occupiers of Lands, upon the Refuſal or Neglect of the ſaid Company of Proprietors to make and erect the ſame, are herein-before appointed and directed to be levied or recovered: Provided always, that ſuch Owner or Occupier, Owners or Occupiers, of the Lands adjoining or contiguous to the ſaid Canal, ſhall, at the Time of giving ſuch Notice to the Clerk to the ſaid Company as aforeſaid, have his, her, or their own Ditches, Drains, and Watercourſes, leading to or from the ſaid Canal, or to or from the Trenches, Drains, or Watercourſes belonging to the ſaid Company ſufficiently cleanſed and opened to convey the Water to and from the ſame: And provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from ſudden Floods or Land Floods into the ſaid Canal, which may injure the ſaid Navigation.

XLI. And

The Company may cleanſe adjoining Ditches and Drains, at the Expence of the Owners, if neglected by them.

XLI. And be it further enacted, That if at any Time hereafter the Ditches, Drains, or Watercourſes, belonging to the Owner or Occupier of any Lands adjoining or contiguous to the ſaid Canal ſhall not be ſufficiently opened for the free Paſſage of the Water from the Drains, Tunnels, Culverts, and Watercourſes, belonging to the ſaid Company of Proprietors, and the ſame ſhall not be remedied within One Calendar Month after Notice for that Purpoſe ſhall be given to ſuch Owner or Occupier, or left at his or her uſual Place of Abode, by ſome known Agent to the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe, from any Three of the ſaid Commiſſioners, though not aſſembled at a Meeting, from Time to Time, as often as there ſhall be Occaſion, to order, cauſe, and procure, ſuch Ditches, Drains, and Watercourſes, as aforeſaid, to be opened and cleanſed in ſuch Manner as may be neceſſary or expedient, and the reaſonable Expences thereof (to be aſcertained and allowed by the ſaid Commiſſioners) ſhall be repaid to the ſaid Company of Proprietors by ſuch Owner or Occupier as aforeſaid; and in caſe of Refuſal to pay the ſame for the Space of Twenty Days after Demand thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are by this Act directed to be recovered.

For repairing Damages occaſioned by Floods, and for preventing further Damage.

XLII. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the ſaid Canal, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works, belonging to the ſaid Company of Proprietors, may be damaged or deſtroyed, and the adjacent Lands may likewiſe thereby be endangered or damaged, and that it may be neceſſary the ſame ſhould be immediately repaired or rebuilt; to prevent further Damage, be it therefore further enacted, That when and ſo often as any ſuch Floods or Accidents ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the ſaid Commiſſioners, and without Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the ſaid Canal, Trenches, Aqueducts, or other Works, or any of them, not being the Ground whereon any Houſe or other Building ſtands, or a Park, Paddock, Garden, Orchard, Yard, or Ground, planted as a Nurſery for Trees, or a planted Walk or an Avenue to, or a Lawn or Pleaſure Ground adjoining to an Houſe, and to dig for, get, work, take, carry away, and uſe, all ſuch Stones, Gravel, and other Materials, as may be neceſſary or 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 thereby as little Damage as the Nature of the Works will admit, and making Recompence to the Perſon or Perſons ſuſtaining ſuch Damage, within the Space of Three Calendar Months next after the ſame ſhall be demanded, for all Damages which ſhall or may be done by Means of the digging for, getting, working, taking, carrying away, and uſing, ſuch Stones, Gravel, and Materials, or any of them, all which Damages, and the Satisfaction and Recompence to be made for the ſame, ſhall be adjuſted, aſſeſſed, aſcertained, ſettled, and determined, by the Ways and Means, and in the Manner herein-before preſcribed with reſpect to any other

Damages to be done in the Courſe of making and completing the ſaid Canal and other Works.

The Company empowered to raiſe 20,000 *l.* amongſt themſelves; Application thereof.

XLIII. And, to the End the ſaid Company of Proprietors may be enabled to carry on the ſaid Undertaking, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, ſuch Sum or Sums of Money as they ſhall think neceſſary for the making, carrying on, and completing, of the ſaid Canal, Aqueducts, Quays, Wharfs, and other Works and Conveniencies, hereby authorized to be made, not exceeding in the Whole the Sum of Twenty thouſand Pounds Sterling (except as herein-after is mentioned), and that the ſame ſhall be divided into ſuch Number of Parts or Shares as herein-after directed; and that no Perſon ſubſcribing to, or becoming a Proprietor in the ſaid Undertaking, ſhall become a Proprietor of leſs than One Share or more than Forty Shares, either in his own Name or in the Name of any other Perſon or Perſons in Truſt for him (except the ſame ſhall come to him by Will, Settlement, or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors, all ſuch Shares exceeding Forty Shares as aforeſaid; and that the Money ſo to be raiſed as aforeſaid, or a ſufficient Part thereof, ſhall be laid out and applied in the firſt Place in Payment, Satisfaction, and Diſcharge, of the Coſts, Charges, and Expences, attending the obtaining and paſſing of this Act, and the making of the proper Surveys, Plans, and Eſtimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and that all the Reſidue of ſuch Money ſhall be applied and diſpoſed of for or towards the making, carrying on, completing, and maintaining, of the ſaid Canal, and other Works reſpectively, and for other the Purpoſes of this Act.

The Money divided into Shares of 50 *l.* each, and to be deemed Perſonal Eſtate.

XLIV. And be it further enacted, That the ſaid Sum of Twenty thouſand Pounds Sterling, or ſuch Part thereof as ſhall be ſo raiſed and contributed as aforeſaid, ſhall be divided into Shares of Fifty Pounds Sterling each, and that ſuch Shares ſhall be numbered in regular Numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame, and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate, and that the ſaid Shares ſhall be, and they are hereby veſted in the ſeveral Bodies Politick and Corporate, and other Perſons ſubſcribing for and undertaking to raiſe and contribute the ſame, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective Uſe and Benefit, according and proportionably to the Number of Shares which they ſhall reſpectively ſubſcribe for and undertake to raiſe and contribute; and that all Bodies Politick and Corporate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſubſcribe for any Share or Shares in the ſaid Undertaking, and pay ſuch Sum or Sums of Money as ſhall be demanded on Account thereof (not exceeding in the Whole a proportionable Part of the ſaid Sum of Twenty thouſand Pounds Sterling, towards carrying on and completing of the ſaid Canal, and ſuch other Works as aforeſaid, ſhall be entitled to and receive (after the ſaid Navigation ſhall be completed) a due and juſt Proportion, according to the reſpective Number of Shares (not exceeding Forty Shares

as aforeſaid), of the clear Profits and Advantages which ſhall or may ariſe and accrue by or from the Rates, Tolls, or Duties, and other Monies, to be raiſed, recovered, and received, by virtue of this Act, and ſhall alſo, from Time to Time, bear and pay a like due and juſt Proportion of the Money wanted for carrying on the ſaid Undertaking, in the Manner herein-after directed.

Proprietors Names, and Number of their reſpective Shares, to be entered in a Book.

XLV. And, for the better ſecuring to the ſeveral Subſcribers towards the ſaid Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors, or their Committee of Management, ſhall, as ſoon as the ſame can or may be done, cauſe the Names and Additions of the ſeveral Perſons who ſhall be entitled to any Share or Shares in the ſaid Undertaking, and the Number of Shares to which they ſhall be 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 Clerk to the ſaid Company of Proprietors, and after ſuch Entry to cauſe the Common Seal of the ſaid Company of Proprietors to be affixed thereto; and ſhall alſo cauſe as many Tickets or Inſtruments to be prepared as there ſhall be whole Shares in the ſaid Undertaking, bearing reſpectively the ſame Number as in the ſaid Book, and the Common Seal of the ſaid Company of Proprietors to be affixed to each ſuch Ticket or Inſtrument, and thereupon cauſe to be delivered to every Subſcriber towards the ſaid Undertaking, upon Demand, a Ticket or Tickets ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, ſuch Subſcriber paying to the Clerk to the ſaid Company One Shilling Sterling and no more, for every ſuch Ticket or Inſtrument; and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatſoever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share therein ſpecified; but the Want of any ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any Share from ſelling or diſpoſing thereof, or from receiving annually his Share of the Profits of the ſaid Navigation in reſpect thereof.

Proprietors may raiſe an additional Sum of 10,000*l.* if neceſſary, among themſelves, or by Admiſſion of new Subſcribers;

XLVI. And be it further enacted, That in caſe the ſaid Sum of Twenty thouſand Pounds Sterling herein-before authorized to be raiſed, ſhall be found inſufficient for making, completing, and maintaining, the ſaid Canal, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Navigation, not exceeding the Sum of Ten thouſand Pounds Sterling; and every Subſcriber towards raiſing ſuch further or other Sum of Money ſhall be a Proprietor in the ſaid Undertaking, and have a like Vote by himſelf or herſelf, or his or her Proxy, in reſpect of every Share in the ſaid additional Sum ſo to be raiſed, not exceeding the Number allowed with reſpect to the ſaid Sum of Twenty thouſand Pounds Sterling as aforeſaid, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of the ſaid Navigation, in Proportion to the Sum he, ſhe, or they ſhall or may ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further

or

or other Sum hereby allowed to be ſubſcribed for and raiſed had originally been Part of the ſaid Sum of Twenty thouſand Pounds Sterling; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to charge or make liable any Perſon or Perſons, Bodies Politick or Corporate, who are or ſhall be Proprietors of the Stock of the ſaid Company, or Contributors thereto, or his, her, or their Real or Perſonal Eſtate with any Debt or Demand whatſoever due, or to become due from the ſaid Company beyond the Extent of his, her, or their Capital in the Stock of the ſaid Company; any Law, Cuſtom, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

but not to be liable for more than to the Extent of their Stock;

XLVII. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of Ten thouſand Pounds Sterling, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, and ſhall make an Order or enter into a Reſolution to that Effect at a Special Meeting of the ſaid Company of Proprietors, for that Purpoſe to be called by their Committee of Management for the Time being, and of which Meeting Twenty-one Days previous Notice ſhall be given by Two ſeveral Advertiſements, in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, purſuant to ſuch Order or Reſolution, to borrow and take up at Intereſt the ſaid Sum of Ten thouſand Pounds Sterling, or any Part thereof, upon the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors are hereby accordingly fully authorized and empowered to grant, aſſign, and make over, by Way of Mortgage, the ſeveral Tolls, Rates, and Duties, granted to them by this Act, or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of ſuch Tolls, Rates, and Duties), as a Security for the Sum or Sums of Money ſo to be borrowed, together with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, or unto his, her, or their Truſtee or Truſtees; all which Aſſignments or Mortgages ſhall be made by a Deed in Writing, to be ſigned by the Treaſurer of the ſaid Company of Proprietors for the Time being, and under the Common Seal of the ſaid Company, in the Form or to the Effect following; (that is to ſay),

or they may raiſe the ſaid Sum of 10,000 *l.* by Mortgage.

'BY virtue of an Act, made in the Thirty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled, [*Inſert the Title of the Act*], and purſuant to a Reſolution of the Company of Proprietors of the ſaid Navigation and Undertaking, incorporated by virtue of the ſaid Act, I *M. M.* Treaſurer of the ſaid Company, in Conſideration of the Sum of of lawful Money of *Great Britain*, to me paid by *A. B.* of do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Navigation and Undertaking, and all and ſingular the Tolls, Rates, and Duties granted, or ariſing and payable by virtue of the ſaid Act, and all the Eſtate, Right, Title, and Intereſt of the ſaid Company of Proprietors, of, in, to, or out of the ſame reſpectively, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame after the Rate of *per Centum*

Form of Mortgage;

'*Centum per Annum*, ſhall be fully paid and ſatisfied to him or them. 'Given under my Hand, and the Common Seal of the ſaid Company, 'this Day of

and no Preference among Mortgagees.

And that all Perſons to whom ſuch Aſſignments or Mortgages ſhall be made ſhall be equally entitled, one with the other, to the ſaid Tolls, Rates, Duties, and Premiſes, thereby aſſigned, according and in Proportion to the Sums by them reſpectively lent and advanced on the Credit thereof as aforeſaid, without any Preference by Reaſon of the Priority of Date of any ſuch Aſſignment or Mortgage, or upon any other Account whatſoever; and that the Money ſo to be borrowed as aforeſaid ſhall be applied and diſpoſed of for the carrying on, completing, and maintaining of the ſaid Navigation, and other Works hereby authorized to be made, and for carrying the ſeveral Powers and Authorities hereby given into Execution.

Memorial of Mortgages to be entered by the Company's Clerk, and to be transferable.

XLVIII. And be it further enacted, That an Entry or Memorial of every ſuch Aſſignment or Mortgage as aforeſaid, containing the Date thereof, the Name or Names, and Addition of the Party or Parties to whom the ſame ſhall be made, and the Sum thereby ſecured, with the Rate of Intereſt to be paid for the ſame, ſhall be made or entered in a Book kept for that Purpoſe by the Clerk to the ſaid Company of Proprietors for the Time being, and that ſuch Book ſhall and may be peruſed *gratis*, at all ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation and Undertaking; and that all and every Perſon or Perſons to whom any ſuch Aſſignment or Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, aſſign, transfer, and make over, his, her, or their Right, Title, and Intereſt, therein, unto any Perſon or Perſons whomſoever, either by Indorſement thereon or otherwiſe, which Transfer ſhall and may be made by a Deed in Writing, in the Form or to the Effect following; (*videlicet*),

Form of Transfer;

'I *A. B.* in Conſideration of the Sum of 'to me paid by *C. D.* of do hereby transfer the 'within Mortgage [*or*, a certain Mortgage made to me by the Company 'of Proprietors of the *Aberdeenſhire* Canal Navigation, bearing Date 'the Day of] and the Principal 'Sum of thereby ſecured, and the Intereſt 'now due and hereafter to grow due for the ſame, and all my Right and 'Property therein, unto the ſaid *C. D.* his Executors, Adminiſtrators, 'and Aſſigns. In Witneſs whereof I have hereunto ſet my Hand, this 'Day of

and Memorial whereof to be entered.

And that every ſuch Transfer ſhall, within Thirty Days after the Date thereof, be produced to the Clerk to the ſaid Company of Proprietors, who ſhall thereupon cauſe an Entry or Memorial thereof, to the ſame Purport and Effect as herein-before directed with reſpect to the original Aſſignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of ſuch original Aſſignments or Mortgages; and that after ſuch Entry ſhall be made, but not before, ſuch Transfer ſhall entitle the Aſſignee or Aſſignees therein named, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the original Mortgage; and it ſhall not from thenceforth be in the Power

of any Perſon or Perſons who ſhall have made any ſuch Aſſignment, to make void, releaſe, or diſcharge the original Mortgage, or any Money thereby ſecured, or any Part thereof, and the Intereſt of the Money which ſhall be borrowed or raiſed by Mortgage as aforeſaid ſhall be provided for and paid yearly to the ſeveral Perſons entitled thereto, before any Dividends to the ſaid Company of Proprietors, or any of them, ſhall be paid, made, or divided.

Proprietors to have a Vote for every Share, in Perſon or by Proxy.

XLIX. And be it further enacted, That every Body Politick and Corporate, and all and every other Perſon and Perſons who ſhall by virtue of this Act have ſubſcribed for, or ſhall become entitled to and be in the actual Poſſeſſion of One or more whole Share or Shares in the ſaid Navigation and Undertaking, ſhall be deemed a Proprietor for every whole Share, and ſhall have a Vote in reſpect of every ſuch whole Share at all Meetings of the ſaid Company of Proprietors to be held in purſuance of this Act for carrying on the ſaid Undertaking, or relating thereto; and ſuch Vote or Votes ſhall and may in all Caſes be given by ſuch Body Politick or Corporate in ſuch Manner as they ſhall direct, and by all and every other Perſon or Perſons, by themſelves or by the Proxy of ſuch Body Politick or Corporate, or of ſuch other Perſon or Perſons reſpectively, ſuch Proxy being a Proprietor of One or more Share or Shares in the ſaid Undertaking, and ſuch Proxies reſpectively being duly conſtituted by ſuch Body Politick or Corporate in ſuch Manner as they ſhall think proper, and by ſuch other Perſon or Perſons, under his, her, or their Hand or Hands; or in caſe of the Infancy of any ſuch other Perſon or Perſons, then under the Hand or Hands of his, her, or their Guardian or Guardians; and that every ſuch Vote by Proxy ſhall be as good and valid, to all Intents and Purpoſes, as if the Principal or Principals had voted in Perſon, and (being an Infant or Infants) had been of full Age; and the Appointment of every ſuch Proxy ſhall and may be made in the Form or to the Effect following; (that is to ſay),

Form of Proxy.

'I *A. B.* [*or*, we *A. B.* and *C. D.* Guardians of *E. F.*] a Proprietor of One Share [*or*, Shares] in the *Aberdeenſhire* Canal Navigation, do hereby nominate, conſtitute, and appoint *G. H.* to be my [*or*, his *or* her] Proxy in my [*or*, his *or* her] Name, and in my [*or*, his *or* her] Abſence, to vote and give my [*or*, his *or* her] Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation or Undertaking, which ſhall be mentioned or propoſed at any Meeting of the Proprietors of the ſaid Navigation, or any Adjournment thereof, in ſuch Manner as he the ſaid *G. H.* ſhall think proper, until I [*or*, we the Guardians of the ſaid *E. F.*] ſhall revoke this Appointment, by Notice in Writing to the Clerk of the ſaid Company of Proprietors. In Witneſs whereof I [*or*, we] have hereunto ſet my Hand [*or*, our Hands] the Day of

All Queſtions to be determined by a Majority of Votes, and Chairman to have the caſting Vote.

And that every Queſtion, Matter, and Thing whatſoever which ſhall be propoſed, diſcuſſed, or conſidered at any Meeting of Proprietors to be held by virtue or in purſuance of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share in the ſaid Undertaking as aforeſaid; and that at every ſuch Meeting One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have ſuch Vote or Votes, as a Proprietor

or as a Proxy for any other Perſon or Perſons as aforeſaid, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote; and if at any Time Two or more Perſons ſhall be propoſed as Preſident or Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſaid Office.

No Perſon to have more than 20 Votes in Perſon, and 20 by Proxy.

L. Provided always nevertheleſs, That no Proprietor, although he may hold, or hereafter, by Means of any Will or Settlement, or by Act of Law, may become entitled to, and be poſſeſſed of more than Twenty Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Twenty Votes in his own Right, and Twenty Votes by Proxy, at any Meeting of Proprietors to be held in purſuance of this Act.

The Buſineſs of the Company, except in certain Caſes, to be tranſacted by a Committee of Management.

LI. And be it further enacted, That for the better carrying the Purpoſes of this Act into Execution all the Affairs and Buſineſs of the ſaid Company of Proprietors (except with reſpect to ſuch Matters as are by this Act expreſsly directed to be done at a Meeting or Meetings of the Proprietors at large) ſhall be tranſacted and managed by a Committee of Fifteen of the ſaid Company of Proprietors, to be elected in the Manner herein-after mentioned, and to be called *The Committee of Management*; and that for the Purpoſe of electing ſuch Committee, there ſhall be a General Meeting of the Proprietors at *Aberdeen*, on the Firſt *Tueſday* in the Month of *May* One thouſand ſeven hundred and ninety-ſix, at Eleven of the Clock in the Forenoon, and a like Meeting of the Proprietors ſhall be held once in every Year, for the future, on the Firſt *Tueſday* in the Month of *May*, at Eleven of the Clock in the Forenoon, at *Aberdeen* aforeſaid, or at ſuch other Place as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; at which Firſt Meeting, and at every ſubſequent General Meeting to be held on the Firſt *Tueſday* in *May* yearly, the ſaid Proprietors, or ſuch of them as ſhall be preſent, together with ſuch Proxies as ſhall be preſent, ſhall elect and make Choice of Fifteen Perſons, who ſhall be reſpectively Proprietors of Three or more Shares in the ſaid Undertaking, to be Members of the ſaid Committee to manage the Affairs and Buſineſs of the ſaid Company, in Manner herein-after directed, for the Space of One Year then next enſuing, and until Fifteen other Perſons qualified in like Manner ſhall be elected in their Stead, purſuant to the Directions of this Act: Provided nevertheleſs, that every ſuch Committee of Management, ſhall, from Time to Time, be under and ſubject to the Direction and Controul of any General Meeting or Meetings of the ſaid Company of Proprietors; any Thing herein contained to the contrary notwithſtanding.

No Perſon holding any Office of Profit under the Company to be of ſuch Committee.

LII. Provided always, That nothing herein contained ſhall extend to prevent any Perſon from being re-elected a Member of the ſaid Committee: And provided alſo, that no Perſon holding any Office or Place of Profit under the ſaid Company of Proprietors ſhall be elected a Member of the ſaid Committee, during the Time of his continuing in ſuch Office or Place; and that if any Perſon who ſhall be elected a Member of the ſaid Committee ſhall afterwards accept any Office or Place of Profit under the ſaid Company of Proprietors, he ſhall be no longer capable of acting as a Member of ſuch Committee, but ſome other Perſon ſhall be appointed in his Stead, in the Manner herein-after mentioned.

LIII. And be it further enacted, That the ſaid Fifteen Perſons to be elected by the Proprietors ſhall be the ſaid Committee of Management, and ſhall continue in Office for the Space of One Year and until a new Committee of Management ſhall be appointed in their Stead, purſuant to the Directions of this Act; and a General Meeting of every ſuch Committee of Management ſhall be held for putting this Act into Execution, at *Aberdeen*, on the Third *Monday* next after the Day of Election, and a like General Meeting of the Committee of Management ſhall afterwards be held Four Times in every Year for the future, in the Months of *September*, *December*, *March*, and *June*, reſpectively, at Eleven of the Clock in the Forenoon, at *Aberdeen* aforeſaid, or at ſuch other Place and on ſuch Days as the ſaid Committtee of Management ſhall at their preceding General Meeting appoint; and it ſhall be lawful for the Committee of Management for the Time being, at any General Meeting to be held in purſuance of this Act, to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper and expedient. General Meeting of the Committee, when and where to be held.

LIV. And be it further enacted, That every Committee of Management ſhall at their Firſt General Meeting to be held in purſuance of this Act, elect a Chairman out of the Members of ſuch Committee then preſent, to preſide at ſuch Meeting, and at all other Meetings of the ſame Committee, whilſt he ſhall continue to be a Member thereof; and in caſe the Office of Chairman ſhall at any Time become vacant by Death, Reſignation, or otherwiſe, the Committee of Management ſhall, at their next Meeting after ſuch Vacancy, elect ſome other Perſon out of the Members of ſuch Committee then preſent to be their Chairman at ſuch Meeting, and at all other Meetings of the ſame Committee, to be held whilſt he ſhall continue a Member thereof; and that after a Chairman ſhall be elected, any Five or more Members of ſuch Committee (whereof the Chairman, or in his Abſence ſuch other Member of the ſaid Committee as he ſhall from Time to Time, by any Writing under his Hand, appoint to ſupply his Place, ſhall be One) but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting for the Purpoſe of doing all other Acts, Matters, and Things, and exerciſing all other Powers and Authorities hereby directed to be done by and veſted in ſuch Committee; and that all Queſtions, Matters, and Things, which ſhall be propoſed, diſcuſſed, and conſidered, by the ſaid Committee at their Meetings to be held in Manner aforeſaid, ſhall be decided and determined by the Majority of Members then preſent; but no Member ſhall have more than One Vote at any ſuch Meeting, ſave and except that in caſe of an equal Diviſion, the Chairman, or the Perſon appointed to ſupply his Place as aforeſaid, ſhall always have the caſting Vote; and if at any Meeting to be held for the Election of a Chairman as aforeſaid, Two or more Perſons ſhall be propoſed to fill that Office, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſame: Provided always, that if on the Day appointed for any ſuch Meeting of the Committee of Management as aforeſaid, there ſhall not attend ſo many Members of ſuch Committee as are hereby required to conſtitute a Meeting for exerciſing the Power hereby veſted in ſuch Committee, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, the Meeting ſhall be adjourned to that Day Fortnight by the Member or Members then preſent, or if no Member ſhall be preſent, by the Clerk to the

At their Firſt Meeting to elect a Chairman; Five to be competent to do Buſineſs.

All Queſtions decided by the Majority; the Chairman to have the caſting Vote.

the ſaid Company of Proprietors, or ſuch other Perſon as ſhall attend in his Place.

Committee of Management, at their Firſt Meeting, to appoint a General Meeting of the Proprietors at large, for electing a Treaſurer.

LV. And be it further enacted, That the ſaid Committee of Management ſhall, at their Firſt Meeting after the paſſing of this Act, and alſo at their Firſt Meetings which ſhall happen to be held after ſuch Vacancy ſhall happen, by Death, Reſignation, or otherwiſe, in the Office of Treaſurer to the ſaid Company of Proprietors, appoint a General Meeting of the Proprietors at large to be held at ſuch Time and Place as they ſhall think proper, within Twenty-one Days next after ſuch General Meeting of the ſaid Committee, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, and ſhall cauſe publick Notice of the Time and Place appointed for ſuch Meeting of the Proprietors at large, to be given by Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County of *Aberdeen*, Fifteen Days at leaſt before the Time appointed for ſuch Meeting, and the Proprietors who ſhall be aſſembled at ſuch Meeting are hereby accordingly authorized and required to elect and make Choice of ſome Perſon or Perſons to be a Treaſurer or Treaſurers to the ſaid Company; and in caſe ſo many of the ſaid Company of Proprietors as ſhall be poſſeſſed of One hundred Shares in the ſaid intended Navigation and Undertaking, ſhall at any Time be diſſatisfied with the Conduct of the Treaſurer or Treaſurers to the ſaid Company, and ſhall ſignify ſuch their Diſapprobation in Writing, ſigned by them, to the Committee of Management at any General Meeting to be held as aforeſaid, then ſuch Committee ſhall thereupon call and appoint a General Meeting of the Proprietors at large, to be held within Twenty-one Days from that Time, for the Purpoſe of taking into Conſideration the Cauſe of Complaint againſt ſuch Treaſurer or Treaſurers, and ſhall give publick Notice of ſuch Meeting in the Manner aforeſaid, Fifteen Days at leaſt before the Time appointed for holding the ſame, and the Proprietors to be aſſembled at ſuch Meeting ſhall and may, after taking the Matter into Conſideration, either continue ſuch Treaſurer or Treaſurers in his or their Office, or remove or diſmiſs him or them from the ſame, and elect and appoint ſome other Perſon or Perſons in his or their Stead, according as they ſhall judge proper and expedient.

Proprietors of 100 Shares diſſatisfied with the Treaſurer, a General Meeting to be called to conſider of his Conduct.

Security to be taken from the Treaſurer.

LVI. Provided always, and be it further enacted, That the ſaid Company of Proprietors from Time to Time electing any ſuch Treaſurer or Treaſurers as aforeſaid, ſhall direct ſuch Security to be taken from him or them for the faithful Execution of his or their Office, as they in their Diſcretion, ſhall deem ſufficient, and ſuch Security ſhall be required and taken accordingly before ſuch Treaſurer or Treaſurers ſhall be permitted to receive any Monies for or on Account of the ſaid Company.

Requiring the Committee of Management to call a General Meeting for any Purpoſe whatever.

LVII. And be it further enacted, That it ſhall at all Times be lawful for ſo many of the ſaid Company of Proprietors, as ſhall be poſſeſſed of One hundred Shares in the ſaid Navigation, to require the Committee of Management to call a General Meeting or Meetings for any Purpoſe or Purpoſes whatever, to be ſpecified in Writing as aforeſaid; and the ſaid Committee of Management ſhall thereupon call and appoint ſuch General Meeting of the Proprietors at large, to be held within Twenty-one

one Days from the Date of ſuch Requiſition, for the Purpoſe of taking the ſame into Conſideration.

Committee of Management may appoint Clerks, Engineers, &c. taking Security.

LVIII. And be it further enacted, That it ſhall and may be lawful for the Committee of Management at any Meeting as aforeſaid, and they are hereby authorized and required from Time to Time to nominate and appoint a principal Clerk, on whom the Service of all Writs, Notices, and other legal Proceedings againſt the ſaid Company of Proprietors ſhall be deemed good Service on the ſaid Company, and ſuch One or more other Clerk or Clerks, and ſuch Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties, herein-after granted, and other Officers (except the Treaſurer or Treaſurers) as the ſaid Committee of Management ſhall think proper and expedient, for the better carrying the Purpoſes of this Act into Execution, the ſaid Committee always taking good and ſufficient Security from all Collectors and other Officers who ſhall have the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the faithful Diſcharge of the Truſt repoſed in them, and alſo from Time to Time to diſcharge and diſmiſs any ſuch Clerks, Engineers, Surveyors, Collectors, and other Officers, and appoint others in their Stead, as there ſhall be Occaſion; and that all ſuch Treaſurers, Clerks, Engineers, Surveyors, Collectors, and other Officers of the ſaid Company of Proprietors, who ſhall at any Time quit or be diſmiſſed from the Service of the ſaid Company, and the reſpective Executors or Adminiſtrators of thoſe who may happen to die, ſhall immediately thereupon produce and deliver up to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall direct, all Books, Accounts, Papers, and Writings, whatſoever which ſhall be in the Cuſtody or Power of ſuch Treaſurers, Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors or Adminiſtrators reſpectively, in anywiſe relating to the ſaid intended Navigation; and the ſaid Committee of Management ſhall have alſo full Authority, and they are hereby empowered at any of their Meetings, from Time to Time, to call for, audit, and ſettle, all Accounts of Money received, paid, laid out, and diſburſed, up to that Time, for or on Account of the ſaid Company of Proprietors by their Treaſurer or Treaſurers, Collectors, and other Officers ſo to be appointed as aforeſaid, or by any other Perſon or Perſons to be employed on Behalf of the ſaid Company in or about the ſaid intended Navigation.

Committee of Management may make Calls for Money, and do all Acts the Company are required to do.

LIX. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority, from Time to Time, at any of their Meetings, to make ſuch Call or Calls for Money from the ſeveral Proprietors of the ſaid Navigation and Undertaking, in order to defray the Expences of carrying on the ſame, as they ſhall, from Time to Time, find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds Sterling for or in reſpect of each Share in the ſaid Navigation and Undertaking, and ſo that no ſuch Calls be made but at the Diſtance of Two Calendar Months at leaſt from each other, and ſo that Twenty-eight Days Notice at leaſt ſhall be given of every ſuch Call, by Advertiſement, in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County of *Aberdeen*, and alſo in ſome *Edinburgh* Newſpaper or Newſpapers, all which Money ſo to be called for as aforeſaid, ſhall be paid into the Hands of the Treaſurer

ſurer or Treaſurers of the ſaid Company of Proprietors, to be iſſued, paid, and applied, for carrying on the ſaid Navigation and Undertaking, in ſuch Manner as the ſaid Committee of Management, ſhall, from Time to Time, order and direct; and that the ſaid Committee of Management ſhall alſo have full Power and Authority, at every Meeting on Behalf of the ſaid Company of Proprietors, to contract for and purchaſe all ſuch Lands, Tenements, or Hereditaments, and all ſuch Materials and other Things as ſhall or may be wanted for the ſaid Navigation and other Works hereby authorized to be made, and to treat and agree with any Perſon or Perſons whomſoever touching the Compenſation to be made for any Damages to be done in the Execution of the Powers hereby given, and to enter into and make ſuch Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Perſons in and about, or for the carrying on of the ſaid Navigation and other Works, or any Part thereof, as ſhall be thought expedient, and to enter into and make all ſuch other Contracts, Bargains, and Agreements whatſoever, touching or in anywiſe concerning the ſaid Undertaking as they ſhall think proper, and to order and direct how the ſeveral Works ſhall, from Time to Time, be carried on, and generally to direct and manage all and ſingular the Affairs and Buſineſs of the ſaid Company of Proprietors, and to do, execute, and perform, all Acts, Matters, and Things, which the ſaid Company are by this Act authorized and empowered to do, ſave and except ſuch only as are hereby expreſsly directed to be done by the Proprietors at large, at any Meeting or Meetings of ſuch Proprietors to be held as herein mentioned.

Committee of Management may make Sub-committees, with Power to make Contracts, &c. Other Powers of the Sub-committee.

LX. And be it further enacted, That it ſhall be lawful for the Committee of Management, at any ſuch General Meeting as aforeſaid, to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees, (every ſuch Sub-committee to conſiſt of Three or more Perſons), who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Company of Proprietors as aforeſaid, and to hire and employ any Agents, Workmen, and Servants, in and about the ſaid Undertaking, and to do, execute, and perform, all other Matters and Things whatſoever in and about the ſaid Navigation and Undertaking, which the ſaid Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to entruſt to the Care or Management of any ſuch Sub-committee or Sub-committees; ſave and except nevertheleſs the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Undertaking all which ſhall be done by the ſaid Committee of Management only as herein-before is directed; and it ſhall alſo be lawful for the ſaid Committee of Management, by an Order or Reſolution for that Purpoſe, at any Meeting, to break up and diſſolve any ſuch Sub-committee or Sub-committees, and to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place or Stead, and when and as often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-committees ſhall have full Power and Au-

thority to meet from Time to Time, and to adjourn from Place to Place, as they ſhall think proper, and as Occaſion ſhall require, for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by the ſaid Committee of Management be veſted in any ſuch Sub-committee within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings, the whole Number of Members preſent not being leſs than Three; and at all Meetings of ſuch Sub-committees reſpectively One of the Members preſent ſhall be appointed Preſident or Chairman; and all Queſtions ſhall be decided by the Majority of Votes, and the Preſident or Chairman ſhall have the caſting Vote in caſe of an equal Diviſion, but no other Member ſhall have more than One Vote.

Commiſſioners to keep Accounts of Monies received and paid, Minutes of Contracts, and of all their Tranſactions.

LXI. And be it further enacted, That the Committee of Management, and alſo every ſuch Sub-committee as aforeſaid, ſhall enter or cauſe to be entered into Books, to be provided for that Purpoſe, at the Expence of the ſaid Company of Proprietors, a full and true Account of all Money diſburſed and Payments made by ſuch Committee and Sub-committees reſpectively, and by all and every Perſon or Perſons employed by or under them, and of all Monies which ſhall be paid to or received by them reſpectively, for or on Account of the ſaid Company of Proprietors, and alſo a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement, which ſhall be entered into by them reſpectively, for or on Behalf of the ſaid Company of Proprietors, and of all and ſingular their reſpective Orders, Tranſactions, and Proceedings whatſoever, in and about the Affairs and Buſineſs of the ſaid Company; and all reaſonable Expences to be incurred at or by the reſpective Meetings of the ſaid Committee of Management, and of Sub-committees reſpectively as aforeſaid, ſhall be paid and defrayed out of the Caſh or Stock of the ſaid Company of Proprietors, and ſuch Committee of Management and Sub-committees reſpectively, ſhall and may from Time to Time draw for the Amount of ſuch Expences reſpectively upon the Treaſurer or Treaſurers to the ſaid Company, but no other Money ſhall be iſſued or paid by the Treaſurer or Treaſurers for or on Account of the ſaid Company of Proprietors, without an Order being made for that Purpoſe by the Committee of Management; and every ſuch Book, and all other Books, Papers, and Writings, belonging to the ſaid Company of Proprietors, ſhall at all ſeaſonable Times be open to the Inſpection of any of the ſaid Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward.

Expences of Committees to be drawn for on the Treaſurer.

Sub-committees to make Reports to, and be under Controul of, Committee of Management.

LXII. And be it further enacted, That every ſuch Sub-committee ſo to be appointed as aforeſaid, ſhall from Time to Time make Reports of their Proceedings to the Committee of Management, and ſhall at all Times be ſubject to the Examination and Controul of ſuch Committee of Management, and ſhall pay due Obedience to their Orders and Directions in and about the Affairs and Buſineſs of the ſaid Company, ſo that ſuch Orders and Directions be not contrary to the expreſs Directions, Regulations, or Proviſions contained in this Act.

LXIII. And

Committee of Management may make Bye Laws.

LXIII. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority, from Time to Time, at any ſuch General Meeting as aforeſaid, to make ſuch Rules, Orders, and Bye Laws, as to them ſhall ſeem meet and proper for the good Government of the ſaid Company of Proprietors, and for regulating the Proceedings of the ſaid Committee of Management and Sub-committee reſpectively, and for regulating of all Officers, Workmen, and Servants, to be employed in or about the Affairs or Buſineſs of the ſaid Company of Proprietors, and for the well and orderly uſing of the ſaid intended Navigation, and the Locks and Aqueducts thereto belonging, and for regulating the paſſing and re-paſſing of all Veſſels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandizes which ſhall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who ſhall be employed in carrying or conveying any ſuch Goods, Wares, or Merchandizes, and for the Superintendance and Management of the ſaid Navigation and Undertaking in all other Reſpects whatſoever; and from Time to Time to alter or repeal ſuch Rules, Orders, and Bye Laws, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt ſuch Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds Sterling for any One Offence, as to the ſaid Committee of Management ſhall ſeem meet and expedient; and all Rules, Orders, and Bye Laws ſo to be made as aforeſaid, being reduced into Writing, and the Common Seal of the ſaid Company thereto affixed by the ſaid Committee of Management, ſhall be binding upon, and be obſerved by all Perſons uſing or in anywiſe concerned in the ſaid Navigation, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame; provided that ſuch Rules, Orders, and Bye Laws, be not repugnant to the Laws of this Realm, or any of the expreſs Directions or Proviſions of this Act; and provided, that Copies of ſuch Rules, Orders, and Bye Laws, or of ſuch of them as ſhall concern or relate to the uſing of the ſaid intended Navigation, and the Locks and Aqueducts belonging thereto, or to the Conduct and Behaviour of any Bargemen, Boatmen, Watermen, and others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Perſons employed in or about the ſaid Navigation, or of the Perſons reſorting to or making uſe thereof, ſhall be written or printed in large Characters, and be affixed and continued in ſome conſpicuous Place or Places upon all the Wharfs on the ſaid Navigation.

Committee of Management may call Special Meetings of the Proprietors at large.

LXIV. And be it further enacted, That if it ſhall at any Time appear to the Committee of Management to be neceſſary or expedient to call a Special Meeting of the Proprietors at large, for the more effectual putting this Act into Execution, or in order to take their Opinions reſpecting any Matter or Thing to be done in or about the ſaid Navigation and Undertaking, it ſhall be lawful for the ſaid Committee of Management, purſuant to an Order or Reſolution for that Purpoſe to be made at any Meeting of the ſame Committee, to call a Special Meeting of the Proprietors at large, by publick Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County of *Aberdeen*, and alſo in ſome *Edinburgh* Newſpaper or Newſpapers,

Newſpapers, ſpecifying in ſuch Advertiſement the Cauſe of calling ſuch Special Meeting, and the Time and Place when and where the ſame ſhall be held, the Time not being leſs than Fourteen Days after ſuch Notice ſhall be given, and the Place being ſomewhere in the County of *Aberdeen*, and within Ten Miles of the Line of the ſaid intended Navigation; and the ſaid Company of Proprietors are hereby authorized and required to meet purſuant to ſuch Notice, and to take into Conſideration the Matters to be ſubmitted to them by the ſaid Committee of Management, and ſpecified in ſuch Notice, and the Deciſion and Determination of the Proprietors preſent at ſuch Meeting, or the major Part of them, according to the Number of Votes they ſhall have a Right to give, either as Principals or Proxies, reſpecting ſuch Matters, ſhall be binding and concluſive upon the Reſt of the Proprietors, to all Intents and Purpoſes, and ſhall be obſerved and acted upon accordingly.

Members of Committee of Management, how diſqualified; and Vacancies, how to be filled up.

LXV. And be it further enacted, That if any Member of the Committee of Management ſhall at any Time accept any Office or Place of Profit under the ſaid Company of Proprietors, every ſuch Perſon ſhall thenceforth ceaſe to be a Member of ſuch Committee, and all his Power and Authority as ſuch ſhall be at an End; and when and ſo often as any Member of the ſaid Committee of Management ſhall become incapacitated in the Manner aforeſaid, or ſhall die or give in his Reſignation, ſuch of the remaining Members of ſuch Committee as ſhall be preſent at the Meeting at which ſuch Incapacity, Death, or Reſignation ſhall be declared or announced, ſhall thereupon elect ſome other Perſon, being a Proprietor of Three or more Shares in the ſaid Navigation, to be a Member of the ſaid Committee in his Stead and Place, until a new Committee of Management ſhall be choſen purſuant to the Directions of this Act; and every Perſon who ſhall be elected a Member of the ſaid Committee of Management, in any of the Caſes before mentioned, ſhall have full Power and Authority to act in all Matters and Things relating to the ſaid Navigation and Undertaking, in the ſame Manner as if he had been originally elected a Member thereof by the ſaid Company of Proprietors.

Proprietors to pay their Shares of Money called for on Penalty.

LXVI. And be it further enacted, That every Proprietor of any Share or Shares in the ſaid Navigation and Undertaking, ſhall from Time to Time pay his or her Proportion of the Money ſo to be called for as herein-before is mentioned, into the Hands of the Treaſurer or Treaſurers to the ſaid Company, at ſuch Time and Place as ſhall be appointed for that Purpoſe by the ſaid Committee of Management making ſuch Call, and of which ſuch Notice ſhall be given as herein-before is directed; and that if any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their proportionable Part of the Money ſo to be called for as aforeſaid, at the Time and Place which ſhall be appointed for that Purpoſe, in Manner aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, in caſe they ſhall think fit to ſue for and recover the ſame by ordinary Action of Debt, or the Perſon or Perſons ſo refuſing or neglecting to pay ſuch his, her, or their proportionable Part of ſuch Money as aforeſaid, ſhall forfeit to the ſaid Company of Proprietors the Sum of Five Pounds Sterling for every Share which he, ſhe, or they, ſhall have or poſſeſs in the ſaid Undertaking; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe

Forfeitures of Shares to be an Indemnity to Perſons forfeiting.

to pay his, her, or their proportionable Part of the Money ſo to be called for as aforeſaid, for the Space of One Calendar Month after the Time to be appointed for Payment thereof as aforeſaid, and the ſame ſhall not have been ſued for by the ſaid Company of Proprietors as aforeſaid, or if ſued for ſhall not have been recovered by them, then and in ſuch Caſe the Perſon or Perſons ſo neglecting or refuſing ſhall abſolutely forfeit all his, her, or their Share, Part, and Intereſt whatſoever in the ſaid Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on Account thereof, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking; and all Shares that ſhall or may be ſo forfeited, ſhall be ſold by the ſaid other Proprietors by publick Auction for the moſt Money that can be gotten for the ſame, and the Produce thereof ſhall be divided amongſt them, in Proportion to their reſpective Shares and Intereſts in the ſaid Navigation and Undertaking: Provided always, that no Forfeiture of any Share or Shares in the ſaid Navigation and Undertaking as aforeſaid ſhall be effectual, unleſs the ſame ſhall have been declared at ſome General Meeting of the Committee of Management, within Six Calendar Months next after ſuch Forfeiture ſhall have been incurred, nor until the Expiration of Three Calendar Months after Perſonal Notice ſhall be given by the Treaſurer or Clerk of the ſaid Company, to the Owner or Owners of ſuch Share declared forfeited as aforeſaid, or until the Expiration of Three Calendar Months after Notice in Writing, ſigned by ſuch Treaſurer or Clerk, ſhall be left at his, her, or their uſual or laſt Place or Places of Abode: Provided alſo, that every ſuch Forfeiture, after the ſame ſhall be ſo declared and notified by the Reſt of the ſaid Company of Proprietors as aforeſaid, ſhall be an abſolute Indemnification and Diſcharge to or for the Proprietor or Proprietors ſo forfeiting, againſt all Actions, Suits, and Proſecutions for any Breach of Contract or other Agreement between ſuch Proprietor or Proprietors ſo forfeiting, and the reſt of the ſaid Company, with regard to the future carrying on and Management of the ſaid intended Navigation and Undertaking.

In caſe of Death before completing Subſcriptions, Executors may complete the ſame; and in caſe of Refuſal or Want of Effects, the Company may admit others to ſuch Shares on Payment.

LXVII. And be it further enacted, That if the Proprietor of any Share or Shares in the ſaid Navigation and Undertaking, ſhall die before Payment ſhall have been made by him or her of the full Sum to be called for and advanced as aforeſaid, in reſpect of each Share which he or ſhe ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe how ſuch Share or Shares ſhall be diſpoſed of, and how the future Calls in reſpect thereof ſhall be anſwered, then and in ſuch Caſe the Executors or Adminiſtrators of ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians of any Infant or other Perſon entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant and all other Perſons whomſoever, for paying any Money when called for as aforeſaid to complete the Sum to be advanced in reſpect of every ſuch Share, and if ſuch deceaſed Proprietor ſhall not have left Effects ſufficient, or in caſe any ſuch Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authoriſed and required to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Proprietor, on Condition that ſuch Perſon or Perſons ſo to be admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Proprietor;

Proprietor, or to the Truſtee or Truſtees, Guardian or Guardians of any Infants or others entitled to his or her Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch deceaſed Proprietor in his or her Life-time, in conſequence of any Call or Calls, or otherwiſe upon or in reſpect of ſuch Share or Shares, or ſo much Money as the ſame can be ſold for.

Shares may be ſold, and how.

LXVIII. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Navigation and Undertaking, or any of them, to ſell, diſpoſe of, and tranſfer, any Share or Shares which he, ſhe, or they ſhall reſpectively be entitled to therein, unto any other Perſon or Perſons, in the Manner and ſubject to the Rules and Conditions herein-after mentioned, and that the Conveyance of all ſuch Shares reſpectively ſhall be effected by a Deed or Deeds in Writing, in the Form or to the Effect following; (that is to ſay),

Form of Conveyance and Memorial to be regiſtered.

'I *A. B.* in Conſideration of paid to me by *C. D.* of do hereby bargain, ſell, aſſign, and transfer, to the 'ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, One Share [*or*, 'Shares] in the *Aberdeenſhire* Canal Navigation, being Num'ber of the Shares in the ſaid Navigation, to hold to the 'ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſubject to the 'ſame Rules, Orders, and Reſtrictions, and on the ſame Conditions 'that I held the ſame immediately before the Execution hereof; and I 'the ſaid *C. D.* do hereby agree to accept the ſaid One Share [*or*, 'Shares] ſubject to the ſame Rules, Orders, Reſtrictions, and Con'ditions. Witneſs our Hands the Day of 'in the Year of our Lord

And on every ſuch Sale, the Deed of Conveyance being executed by the Vender or Venders, and Purchaſer or Purchaſers, ſhall be kept by the Purchaſer or Purchaſers, for his, her, or their Security, after having been firſt produced to the Clerk to the ſaid Company of Proprietors, in order that he may enter in the Book or Books to be kept for that Purpoſe, a Memorial of ſuch Sale and Conveyance, for the Uſe of the ſaid Company of Proprietors, and certify the Entry of ſuch Memorial by an Indorſement on ſuch Conveyance, for which Entry and Certificate no more than Two Shillings and Sixpence Sterling ſhall be paid; and the ſaid Principal Clerk is hereby required, without Delay, to make ſuch Entry and indorſe ſuch Certificate accordingly, and until ſuch Memorial ſhall have been entered as above directed, the Purchaſer or Purchaſers ſhall not have any Part or Share of the Profits of the ſaid Navigation, or any Intereſt paid to him, her, or them, for or in reſpect of ſuch Share or Shares ſo to be purchaſed, nor be entitled to any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

No Share to be ſold after a Call, till anſwered.

LXIX. Provided always, That after any ſuch Call for Money ſhall be made by the Committee of Management as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall then poſſeſs in the ſaid Navigation and Undertaking, until the Money ſo to be called for in reſpect of his, her, or their Share or Shares intended to be ſold ſhall be paid, and every Perſon making Default herein ſhall forfeit ſuch his or her Share or Shares in the ſaid Navigation, to and for the Benefit of the Reſt of the ſaid Proprietors, unleſs he or ſhe ſhall, at the Time of ſuch Sale or Tranſfer, pay to the Treaſurer of the ſaid Company

pany of Proprietors the full Sum of Money called for upon every Share ſo to be ſold or transferred, ſuch Forfeiture nevertheleſs to be firſt notified and declared in the Manner herein-before directed, with reſpect to the Forfeiture of Shares, for not anſwering the Calls to be made thereon as aforeſaid.

Regulations as to the Acquiſition of Shares by Marriage, Will, or Confirmation.

LXX. And whereas much Inconvenience may ariſe by the frequent Change 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 in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong; be it therefore further enacted, That before any Perſon or Perſons, who ſhall claim any Part or 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 Extract of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon before the Judge Ordinary of the Bounds, or any One of His Majeſty's Juſtices of the Peace, and the ſaid Judge or Juſtices of the Peace are hereby authorized and empowered to ſwear any ſuch Perſon to ſuch Affidavit, and ſuch Affidavit ſhall be tranſmitted (Poſt or Carriage free) to the Clerk of the ſaid Company of Proprietors 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 Clerk 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 as Executor or neareſt of Kin to any Proprietor deceaſed, ſhall be entitled to receive the ſame, the ſaid Will, or the confirmed Teſtament of the Proprietor deceaſed, ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit containing a Copy of ſo much of ſuch Will or confirmed Teſtament as ſhall relate to the Share or Shares of the Teſtator, or of ſuch confirmed Teſtament, in caſe the Proprietor ſhall have died Inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by the neareſt of Kin ſucceeding to the Proprietor deceaſed (as the Caſe may happen to be) before the Judge Ordinary, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted (Poſt or Carriage free) to the ſaid Clerk, who ſhall file and enter the ſame in Manner herein-before mentioned.

The Company empowered to take Rates or Tolls for Tonnage or Wharfage of Goods.

LXXI. And be it further enacted, That in Conſideration of the Charges and Expences which the ſaid Company of Proprietors will be at in making and maintaining the ſaid Canal and other Works hereby authorized to be made, erected, and maintained as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time and at all Times hereafter for ever, to aſk, demand, take, and receive to and for their own Uſe and Benefit for the Tonnage and Wharfage of all Goods, Wares, Merchandizes, and Commodities whatſoever, which ſhall be carried or conveyed upon the ſaid Canal, or any Part thereof, ſuch Rates, Tolls, and Duties as ſhall be ſettled and fixed by their Committee of Management at any General Meeting to be held in purſuance of this Act as aforeſaid, not exceeding the reſpective Rates, Tolls, and Duties herein-after mentioned; (that is to ſay),

For all Hay, Straw, Dung, Peat, and Peat Aſhes, and for all other Aſhes intended to be uſed for Manure, and for all Lime, Chalk, Marl, Clay,

Clay, Sand, and all other Articles intended to be uſed for Manure, and for all Materials for the Repair of Roads, any Sum not exceeding Fourpence Sterling *per* Ton *per* Mile, and ſo in Proportion for any greater or leſs Quantity than a Ton, or a greater or leſs Diſtance than a Mile:

For all Corn, Flour, Bark, Wood-hoops, Coals, Culm, Coke, Cinders, Charcoal, Iron, Lime, (except what ſhall be intended to be uſed for Manure), Stone, Bricks, Slates, Tiles, any Sum not exceeding Five-pence Sterling *per* Ton *per* Mile, and ſo in Proportion for any greater or leſs Quantity than a Ton, or a greater or leſs Diſtance than a Mile:

For all Timber and other Goods, Wares, or Merchandize, not herein-before ſpecified, any Sum not exceeding Sixpence Sterling *per* Ton *per* Mile, and ſo in Proportion for any greater or leſs Quantity than a Ton, or a greater or leſs Diſtance than a Mile; Forty Cubical Feet of Timber to be deemed, reckoned, and eſtimated as and for One Ton Weight.

Tolls to be paid for a full Half Mile, and for a full Quarter of a Ton, though the Diſtance or Quantity be leſs.

LXXII. Provided nevertheleſs, That in all Caſes where any Boat, Barge, or other Veſſel ſhall be navigated or paſs by any Poſt or Mark or the Place where ſuch Poſt or Mark had ſtood or been fixed on the Side of the ſaid Canal, deſcribing and regulating the Length of Half a Mile, and which Poſts or Marks the ſaid Company of Proprietors are required to cauſe to be affixed or ſet up as herein-after mentioned, the ſaid Rates, Tolls, and Duties ſhall be paid for a full Half Mile, although ſuch Boat, Barge, and other Veſſel, ſhall not have actually paſſed the full Half Mile; and that in all Caſes where the Weight of the Lading contained in any ſuch Boat, Barge, or other Veſſel, ſhall not make up an even Quarter of a Ton, yet the ſaid Rates, Tolls, or Duties, which would be payable for a full Quarter of a Ton, ſhall be paid to the ſaid Company of Proprietors for any leſs Quantity.

Further Allowance for Goods remaining upon Wharfs above 48 Hours.

LXXIII. And be it further enacted, That if any Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhall be ſo carried or conveyed upon the ſaid Canal as aforeſaid, ſhall remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors for above the Space of Forty-eight Hours, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable Tolls or Allowance for the Wharfage thereof, over and above the Rates, Tolls, and Duties herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, and the Owner or Owners of ſuch Goods, Wares, Merchandizes, or Commodities; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the ſaid Commiſſioners.

Rates, Tolls, and Duties, how to be recovered.

LXXIV. And be it further enacted, That the Rates, Tolls, and Duties, hereby authorized to be demanded and taken by the ſaid Company of Proprietors, ſhall be paid to ſuch Perſon or Perſons at ſuch Place or Places upon or near the ſaid Canal, and in ſuch Manner and under ſuch Regulations as the Committee of Management ſhall in that Behalf direct and appoint; and in caſe of Neglect or Refuſal to pay any ſuch Rates, Tolls, or Duties, or any Part thereof, unto the Perſon or Perſons who ſhall be ſo appointed to receive the ſame as aforeſaid, it ſhall be lawful

ful for the ſaid Company of Proprietors to ſue for the ſame by an ordinary Action of Debt, or upon the Caſe, in any competent Court in *Scotland*, or it ſhall be lawful for the Perſon or Perſons to whom ſuch Rates, Tolls, or Duties, ought to have been paid, and he and they is and are hereby fully authorized and empowered to ſeize and diſtrain the Goods, Wares, Merchandizes, or Commodities, for or in reſpect of which ſuch Rates, Tolls, or Duties, ought to have been paid as aforeſaid, or any Part thereof, and the Boat, Barge, or other Veſſel laden therewith, and to detain the ſame reſpectively, until full Payment ſhall be made of ſuch Rates, Tolls, or Duties, and of all Arrears of the ſame, which may be then due from the Owner of ſuch Boat, Barge, or Veſſel, to the ſaid Company of Proprietors, together with the reaſonable Coſts and Charges of ſuch Seizure and Diſtreſs; and in caſe ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall and may be appraiſed and ſold as the Law directs in caſes of Diſtreſs for Rent.

Power to fix the Rates for ſmall Parcels.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Committee of Management from Time to Time (with the Conſent of the major Part of the ſaid Commiſſioners preſent at any General Meeting of the ſaid Committee) 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, or upon any Part thereof, and the ſaid Committee ſhall, from Time to Time, cauſe to be printed and affixed upon every publick Wharf on the ſaid Canal, in ſome conſpicuous Place, a Liſt or Account, aſcertaining and particularizing the Price, or Sum or Sums of Money ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid upon the ſaid Canal; and in caſe any Owner or Maſter, or other Perſon having the Care of any Boat, Barge, or other Veſſel, navigating or paſſing upon the ſaid Canal, or upon any Part or Parts thereof, after ſuch Liſt or Account, ſo aſcertaining and particularizing the Price, or Sum or Sums of Money at which every ſuch Parcel ſhall be ſo carried and conveyed, ſhall be ſo fixed up as aforeſaid, ſhall demand or take for the Carriage of any ſuch Parcel as aforeſaid, more than the Price, or Sum or Sums of Money in ſuch Liſt or Account aſcertained and particularized for that Purpoſe, ſuch Owner, Maſter, or other Perſon ſhall, for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds Sterling, nor leſs than Forty Shillings Sterling, at the Diſcretion of the Magiſtrate before whom ſuch Perſon ſhall be convicted.

Maſters of Boats, &c. to give an Account in Writing of the Goods on board to the Collectors of Tolls, under a Penalty.

LXXVI. And, for the better aſcertaining and more eaſy collecting of the ſaid Tolls, Rates, or Duties, be it further enacted, That the Maſter, Owner or other Perſon having the Care of every Boat, Barge, or other Veſſel navigating upon the ſaid Canal or any Part thereof, ſhall from Time to Time give in a true and juſt Account in Writing, ſigned by him, to the Collector or Collectors of the ſaid Tolls, Rates, or Duties, at the Place or Places where they ſhall attend for that Purpoſe, of the ſeveral Quantities, Qualities, and Weight, of the Goods, Wares, Merchandizes, or Commodities contained in every ſuch Boat, Barge, or other Veſſel, and of the Place from whence brought, and where intended to be landed or carried, and alſo of the Quantities, Qualities, and Weight of ſuch Goods, Wares, Merchandizes, or Commodities as ſhall have been diſcharged

or taken out of ſuch Boat, Barge, or other Veſſel, within the Limits of the ſaid Navigation, before their Arrival at the Place where ſuch Account is to be given; and if the Goods, Wares, Merchandizes, or Commodities on board any ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or other Perſon ſhall ſpecify the Quantities liable to the Payment of each Rate; and in caſe any ſuch Maſter, Owner, or other Perſon, ſhall neglect or refuſe to give ſuch Account, or refuſe to produce his Invoice or Bill of Lading to ſuch Collector or Collectors, if demanded, or ſhall give a falſe Account thereof, or ſhall deliver any Part of his Lading or Goods at any other Place or Places than what ſhall be mentioned in ſuch Account, every Perſon ſo offending ſhall forfeit and pay to the ſaid Company of Proprietors the Sum of Forty Shillings Sterling for every ſuch Offence, over and above the Tolls, Rates, or Duties which ſhall be payable for ſuch Goods, Wares, Merchandizes, or Commodities.

In caſe of Diſpute about the Weights of Goods, Collectors may ſtop and weigh the ſame.

LXXVII. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Tolls, Rates, or Duties, and the Maſter or Perſon having Charge of any Boat, Barge, or other Veſſel, or the Owner of any Goods, Wares, Merchandizes, or other Commodities on board thereof, concerning the Weight or Quantity of any ſuch Goods, Wares, Merchandizes, or Commodities, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, and gauged, all ſuch Goods, Wares, and Merchandizes, as ſhall be therein contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, and gauging, appear to be of greater Weight or Quantity than ſuch Maſter, Owner, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel, affirmed or ſtated the ſame to be, then the ſaid Maſter, Owner, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and that ſuch Coſts and Charges in caſe of Refuſal of Payment thereof upon Demand, ſhall and may be levied and recovered in the ſame Manner as the ſaid Tolls, Rates, and Duties are hereby appointed to be levied and recovered, reaſonable Allowance being always made for the Increaſe of the Weight or Quantity of Lime Shells, occaſioned by Moiſture or otherwiſe; but if ſuch Goods, Wares, and Merchandizes ſhall appear to be of the ſame Weight or Quantity or of a leſs Weight or Quantity than the ſaid Maſter, Owner or Perſon declared the ſame to be, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging, and ſhall alſo pay to ſuch Maſter, or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandizes, or Commodities, ſuch Damages as ſhall appear to the ſaid Commiſſioners, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention; and in Default of immediate Payment thereof by ſuch Collector, the ſame ſhall be recovered from the ſaid Company of Proprietors, by Diſtreſs and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or otherwiſe by Action of Debt or on the Caſe, in any competent Court.

Navigation to be free, on Payment of the Tolls.

LXXVIII. And be it further enacted, That all and every Perſon and Perſons ſhall have free Liberty to uſe with Horſes, Cattle, and Carriages, the

the private Ways and Roads belonging to the ſaid Company of Proprietors (except the Towing Paths) for the conveying any Goods, Wares, Merchandizes, or other Things to and from the ſaid intended Canal, and the Wharfs, Quays, and Landing Places belonging thereto, and alſo with Boats, Barges, and other Veſſels to navigate, paſs upon, and uſe the ſaid Canal for the Purpoſe of conveying any Goods, Wares, Merchandizes, or Commodities whatſoever thereon reſpectively; and alſo to uſe the ſaid Wharfs, Quays, and Landing Places, for the loading or unloading of any Goods or other Things, and the ſaid Towing Paths for the hauling and drawing of ſuch Boats, Barges, and other Veſſels, upon Payment of ſuch Rates, Tolls, and Duties for the ſame, as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the ſeveral Rates, Tolls, and Duties herein-before mentioned, and ſubject always to the Rules, Orders, Bye-Laws, and Regulations, which ſhall from Time to Time be made by the Committee of Management, by virtue of the Power herein-before given in that Behalf.

The Company may vary the Tolls.

LXXIX. And be it further enacted, That it ſhall be lawful for the Committee of Management, from Time to Time, at any General Meeting of the ſaid Committee to be held purſuant to the Directions of this Act, to lower or reduce ſuch of the ſaid Rates, Tolls, and Duties, to be fixed as aforeſaid, as the ſaid Committee ſhall think proper; and afterwards, from Time to Time, at any ſuch General Meeting, again to advance and raiſe all or any of the ſaid Rates, Tolls, and Duties, which ſhall have been ſo lowered or reduced: Provided always, that the Rates, Tolls, and Duties ſo to be advanced and raiſed as aforeſaid, ſhall not in any Caſe exceed the reſpective Sums herein-before authorized to be taken.

The Company empowered to leaſe the Tolls.

LXXX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, at any of their General Meetings, by Writing under their Common Seal, at any Time or Times to let to farm the Rates, Tolls, or Duties, hereby made payable, 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 of Years 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, Tolls, or Duties, ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid Company of Proprietors; provided publick Notice of the Intention to let the ſaid Rates, Tolls, or Duties, or any Part thereof, be given by the Clerk to the ſaid Company, by Advertiſement publiſhed and continued in ſuch Newſpaper as aforeſaid, at leaſt Twenty-one Days prior to any ſuch General Meeting at which the ſaid Rates, or any Part thereof, are propoſed to be let as aforeſaid.

Canal to be meaſured, and Stones erected every Half Mile;

LXXXI. And be it further enacted, That as ſoon as conveniently may be, after the ſaid Canal ſhall be completed, the ſaid Company of Proprietors ſhall cauſe the ſame to be meaſured, and Stones or Poſts to be erected,

erected, and for ever afterwards maintained, on the Side or Sides thereof respectively, at the Distance of Half a Mile from each other, with proper and legible Marks thereon, denoting the Distance from such Places as shall be thought proper.

Names of the Boat Owners to be painted on the Outside.

LXXXII. And, for the better regulating of Masters or Owners of Boats, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Master, or Person, having the Charge or Command of any Boat, Barge, or other Vessel (not being a Pleasure Boat) navigating and passing upon the said Canal, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Vessel, to be entered with some or One of the Clerks to the said Company of Proprietors, and shall also cause the Name of such Owner or Owners, and the Name or Number of such Boat, Barge, or other Vessel, to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches high at least, and of a proportionable Breadth on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when such Boat, Barge, or other Vessel, shall be fully laden; and that every Owner, Master, or Person, having the Charge and Command of any such Boat, Barge, or other Vessel, shall, from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Company of Proprietors or their Committee of Management, so that no such Boat, Barge, or other Vessel, shall be gauged or measured more than Four Times in any One Year, and that the Person or Persons so to be appointed to gauge and measure any such Boat, Barge, or other Vessel, shall from Time to Time register or enter in a Book, to be provided and kept for that Purpose, a Memorandum of the Measurement thereof, and all Particulars relating thereto, and shall also thereupon deliver to the Owner, Master, or Person, having the Charge or Command of such Boat, Barge, or other Vessel, a Certificate in Writing specifying the Measure thereof, and what Quantity of Water the same will draw with different Burthens or Ladings, which Certificates shall always go with such Boat, Barge, or other Vessel, and shall from Time to Time be produced and shewn by the Owner, Master, or other Person, having the Charge or Command thereof to the several Collectors of the Tolls, Rates, and Duties, granted by this Act, who shall require or demand to see the same, in order that the true Weight of the Lading on board every such Boat, Barge, or other Vessel, may be the more easily known and ascertained by such Collectors; and that every Owner, Master, or other Person, having the Charge or Command of any Boat, Barge, or other Vessel, who shall navigate such Boat, Barge, or other Vessel, upon the said Canal without having such Names, Marks, and Figures thereon as herein-before directed, or shall alter, erase, deface, or destroy, the same, or any Part thereof, or shall put any false Names, Marks, or Figures, on such Boat, Barge, or other Vessel, or who shall refuse to permit such Boat, Barge, or other Vessel, to be gauged or measured as aforesaid, or who shall not produce such Certificate as aforesaid when thereunto required by any such Collector or Collectors as aforesaid, or who shall give a false Account of the Lading on board any

They shall suffer the Boats to be measured, and a Certificate of such Measure always to go therewith.

Penalty on Neglect or Refusal.

Boat, Barge, or other Veſſel, to the ſaid Collectors, or who ſhall cauſe or permit ſuch Boat, Barge, or other Veſſel, to be at any Time loaded or unloaded without a Stage being laid from the Side of ſuch Boat, Barge, or other Veſſel to the Bank of the ſaid Canal, in order to prevent Dirt or Rubbiſh falling into the ſame, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Company of Proprietors, the Sum of Forty Shillings Sterling.

Boat Owners accountable for Damage done by their Boats, Horſes, and Servants.

LXXXIII. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating or paſſing upon the ſaid Canal, ſhall be and he is hereby made anſwerable for all ſuch Damage, Spoil, or Miſchief, as ſhall be done by his Boat, Barge, or Veſſel, or the Horſes uſed in drawing the ſame, or by any of the Boatmen, Watermen, and others belonging to or employed in or about the ſame, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works, in, upon, or belonging to the ſaid Canal, either by loading or unloading any ſuch Boat, Barge, or other Veſſel, or by any Means whatſoever, and alſo for any Treſpaſs or Damage that ſhall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements, adjoining or lying near the ſaid Canal, by leaving open Gates or otherwiſe, or for any Treſpaſs whatſoever, contrary to the ſeveral Directions and Reſtrictions in this Act contained, or any of them, ſuch Treſpaſs or Damage to be aſcertained and recovered in like Manner as any Penalty can or may by virtue of this Act be aſcertained and recovered; and if the Owner or Owners of any Boat, Barge, or other Veſſel, navigating or paſſing on the ſaid Canal, ſhall be compelled to make Satisfaction for any Damages by reaſon of any wilful Act, Neglect, or Default, of his or their Servant or Servants, Boatmen or Watermen, then and in ſuch Caſe every ſuch Servant, Boatman, and Waterman, ſhall be liable to repay ſuch Satisfaction for Damages, with the Coſts attending the ſame, to ſuch Owner or Owners; and in caſe of Non-payment thereof upon Demand, the ſame ſhall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

May recover from Servants, for Damages done by them.

Places to be made for Boats to turn into, and paſs each other.

LXXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, in ſuch Parts of the ſaid Canal as ſhall not be of ſufficient Breadth for admitting a Boat, Barge, or other Veſſel, to turn about, or Two Boats, Barges, or other Veſſels to paſs each other, to open and cut proper Spaces or Places in the Lands adjoining to the ſaid Canal, at convenient Diſtances from each other, for the turning and paſſing of ſuch Boats, Barges, and other Veſſels, and that all Boats, Barges, and other Veſſels, paſſing upon the ſaid Canal, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at or go back to, and lie in the ſaid Spaces or Places to be made for that Purpoſe, in ſuch Manner as the Committee of Management ſhall from Time to Time direct and appoint.

Regulations for Boats in paſſing the Locks.

LXXXV. And be it further enacted, That no Boatman or other Perſon navigating or having the Care of any Boat, Barge, or other Veſſel, which ſhall paſs through any Lock to be made upon the ſaid Canal, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for his Boat, Barge, or other Veſſel, to paſs through the ſame, and that every ſuch Boatman or other Perſon as aforeſaid, in going down the ſaid Canal from the Head Level thereof, ſhall, previouſly to his bringing his Boat,

Boat, Barge, or other Veſſel, into any Lock, ſhut the Lower Gates of ſuch Lock, and the Sluices thereto belonging, before he ſhall draw the Sluices of the Upper Gates thereof; and after he ſhall have brought his Boat, Barge, or other Veſſel, into the ſaid Lock, he ſhall then ſhut the Upper Gates thereof, and the Sluices thereto belonging, before he ſhall draw the Sluices of the Lower Gates thereof; and in going up the ſaid Canal, towards the Head Level thereof, ſuch Boatman or other Perſon ſhall, as ſoon as he ſhall have paſſed with his Boat, Barge, or other Veſſel, out of the ſaid Lock, ſhut the Upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the Lower Gates thereof, unleſs there ſhall be then a Boat, Barge, or other Veſſel, in Sight of the ſaid Lock coming down the ſaid Canal, in which Caſe the Lower Gates of the ſaid Lock, and the Sluices thereof, ſhall be left ſhut, and the Upper Gates ſhall be left open, and at all Times the Veſſel going up the ſaid Canal, if within Sight of any Veſſel coming down, and at a Diſtance not exceeding Three hundred Yards below any Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then the Veſſel above ſuch Lock ſhall come down; and if there ſhall be more Veſſels than One below and One above any Lock at the ſame Time, within the Diſtance aforeſaid (at which Diſtance a Poſt or Mark ſhall be ſet up or made for aſcertaining the ſame) ſuch Veſſels ſhall go up and come down through ſuch Locks by Turns as aforeſaid, until all the Veſſels going up and coming down ſhall have paſſed the ſame, in order that One Lock full of Water may ſerve Two Veſſels, and that every Perſon who ſhall offend in any of theſe Particulars ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds Sterling.

To prevent Lock Keepers giving any Preference.

LXXXVI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any undue Preference, or ſhew any Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid Canal, or in loading or unloading any Goods, Wares, or Merchandizes, at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company of Proprietors, he ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Shillings Sterling.

Boats under Fifteen Tons not to paſs Locks, but on certain Conditions.

LXXXVII. Provided always, and be it further enacted, That no Boat, Barge, or other Veſſel liable to pay any Tonnage under this Act, of leſs Burthen than Fifteen Tons, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent in Writing of the Committee of Management, or the Clerk to the ſaid Company of Proprietors, unleſs the Owner, Maſter, or other Perſon, having the Care of ſuch Boat, Barge, or other Veſſel, ſhall pay the ſame Tonnage as for a Boat, Barge, or Veſſel of Fifteen Tons Burthen.

Veſſels repaſſing empty, or in Part laden, not to pay Toll, or only for the actual Lading.

LXXXVIII. Provided alſo nevertheleſs, and be it further enacted, That if any Boat, Barge, or other Veſſel, ſhall have paſſed along the ſaid Canal, or any Part thereof, and the Rates, Tolls, or Duties, hereby authorized to be taken, ſhall have been paid in reſpect thereof, or of the Lading thereof, to the Amount of Twenty Tons or upwards, no Rates, Tolls, or Duties, ſhall be demanded or taken for ſuch Boat, Barge, or other Veſſel, if the ſame ſhall return empty along the ſaid Canal, or any

Part

Part thereof, but the ſame ſhall be permitted to paſs Toll-free, and if ſuch Boat, Barge, or other Veſſel, ſhall in returning be in Part laden, then the Rates, Tolls, or Duties, ſhall be demanded and paid only for ſuch Lading as the ſame ſhall contain; any Thing herein contained to the contrary notwithſtanding.

Boats obſtructing the Navigation to be removed, and Boats ſunk to be weighed up.

LXXXIX. And be it further enacted, That if any Boat, Barge, or Veſſel, ſhall be placed in any Part of the ſaid Canal, or of the Trenches, Sluices, or Paſſages belonging thereto, ſo as to obſtruct the Navigation or Paſſage thereon, and the Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not immediately remove the ſame or alter the Poſition thereof, upon Requeſt made for that Purpoſe, he ſhall for every ſuch Offence forfeit a Sum not exceeding Ten Shillings Sterling, and ſhall moreover forfeit a Sum not exceeding Four Shillings Sterling, for every Hour during which ſuch Obſtruction ſhall continue after ſuch Requeſt for Removal thereof ſhall be made as aforeſaid, and that it ſhall be lawful for any of the Collectors, Agents, or Servants, of the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel to be unladen, if neceſſary, and to be removed in ſuch Manner as ſhall be requiſite for preventing any further Obſtruction therefrom, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Lading thereof, or any Part of ſuch Lading, until the ſaid Penalty or Penalties, and the Charges of ſuch Unloading and Removal ſhall be paid; and that if any Boat, Barge, or other Veſſel ſhall be ſunk in any Part of the ſaid Canal, and the Owner or Owners, or ſuch Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or Veſſel, to be weighed or drawn up; and in caſe the ſame ſhall not be redeemed, and all Expences paid within the Space of Seven Days, to ſell and diſtrain thereof, together with the Loading, if any, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent in Arrear, returning to the former Owner the Overplus, after all Expences and Charges ſhall be deducted.

Penalty on taking in or unloading Goods unleſs at a publick Wharf.

XC. And be it further enacted, That if any Perſon or Perſons navigating or having the Care of any Boat, Barge, or other Veſſel upon the ſaid Canal, or any Part thereof, ſhall, with Intent to avoid the Payment of any of the ſaid Tolls, Rates, or Duties, load, unload, or take into any ſuch Boat, Barge, or other Veſſel, any Goods, Wares, Merchandize, or Commodities whatſoever liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the publick Wharfs or Quays upon or belonging to the ſaid Canal, without having firſt obtained a Conſent in Writing for that Purpoſe from the Committee of Management, or ſome One of the Agents or Collectors of the Tolls to the ſaid Company of Proprietors, or if any Perſon ſhall do any Act with Intent to evade the Payment of any of the ſaid Tolls, Rates, or Duties, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling.

Penalties for not ſhutting Drawbridges, neceſſarily opened or otherwiſe.

XCI. And be it further enacted, That if any Swivel Bridge or Drawbridge ſhall be laid over or acroſs the ſaid Canal, or any Trenches or Paſſages for Water to be made by virtue of this Act, all and every Perſon

ſon or Perſons opening any ſuch Swivel Bridge or Drawbridge for the Paſſage of any Boat, Barge, or other Veſſel, ſhall from Time to Time as ſoon as ſuch Boat, Barge, or other Veſſel ſhall have paſſed ſuch Bridge, ſhut and faſten the ſame, and that every Perſon neglecting ſo to do ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds Sterling; and in caſe any ſuch Bridge ſhall be left open longer than neceſſary for the paſſage of any Boat, Barge, or other Veſſel as aforeſaid, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Boat, Barge, or Veſſel, then the Maſter or Owner of ſuch Boat, Barge, or Veſſel ſhall forfeit and pay for every Offence any Sum not exceeding Five Pounds Sterling; and if any Perſon ſhall wilfully open any ſuch Swivel Bridge or Drawbridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, all which ſaid Penalties and Forfeitures ſhall go and be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Townſhip or Pariſh where the Offence ſhall be committed.

Penalty for floating Timber on the Canal, or otherwiſe obſtructing the Navigation by throwing Ballaſt or Rubbiſh into it.

XCII. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal without the Conſent of the Committee of Management, or of ſome Collector or Agent to the ſaid Company of Proprietors, or ſhall navigate on the ſaid Canal any Boat or Veſſel laden with Timber, which ſhall be over the Sides of ſuch Boat or Veſſel, in ſuch a Way as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately upon Notice given of ſuch Obſtruction, haul or draw back ſuch Boat or Veſſel into ſuch Place or Places as ſhall be made or be proper for Boats or other Veſſels to paſs each other, or ſhall not otherwiſe remove the ſame, ſo as to make a free Paſſage for other Boats or Veſſels, or if any Perſon or Perſons ſhall wilfully throw any Ballaſt, Gravel, Stones, Rubbiſh, or other Matter or Thing into any Part of the ſaid Canal, or into any Trenches, Sluices, or Paſſages for Water to be made in purſuance of this Act; or if any Perſon or Perſons ſhall wantonly or unneceſſarily open or draw, or cauſe to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the ſaid intended Navigation, or ſhall wilfully fluſh or draw off, or cauſe to be fluſhed or drawn off, the Water from any Part of the ſaid Navigation, or ſhall leave any of the Gates or Sluices of any Lock open, after any Boat or other Veſſel ſhall have paſſed through the ſame (except in ſuch Caſes as herein-before otherwiſe ordered) or ſhall wilfully obſtruct, hinder, or prevent any Perſon in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds Sterling.

Penalty on deſtroying the Works.

XCIII. 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, 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,

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; or otherwiſe every Perſon ſo offending, and being thereof lawfully convicted, on the Oath of One or more credible Witneſs or Witneſſes before One or more of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, ſhall forfeit any Sum not leſs than double the Value or Amount of the Damage proved on Oath to have been done, at the Diſcretion of ſuch Juſtice or Juſtices, ſuch Penalty, together with reaſonable Coſts, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, rendering the Overplus (if any) to ſuch Offender, or ſuch Offender ſhall and may be committed to the Common Gaol of the County or Place where ſuch Offence ſhall happen, for any Time not exceeding Four Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall have been convicted.

Proprietors of Lands may erect Wharfs thereon.

XCIV. And be it further enacted, That it ſhall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds, through which the ſaid intended Canal ſhall be made, to make, erect, and ſet up, either for his, her, or their own private Uſe, or for the Uſe of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their, reſpective Waſte Lands or Grounds adjoining or near to the ſaid Canal, and to make and lay out proper Ways and Roads to the ſame acroſs any Lands belonging to the ſaid Company of Proprietors, and to land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal; and alſo to make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie and turn in and paſs each other, ſo that the making and uſing thereof reſpectively do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Paſſage on the Towing Paths on the Sides thereof, and that all Rates or Tolls which ſhall be demanded and paid for the Uſe of ſuch of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, as ſhall be erected for the Uſe of the Publick, ſhall be, and the ſame are hereby accordingly veſted in the Lord or Lords, or the Owner or Owners of ſuch Manors, Lands, or Grounds, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes, as aforeſaid, and his, her, or their reſpective Heirs and Aſſigns, ſo that the Rates, Tolls, and Duties, hereby granted to the ſaid Company of Proprietors for Tonnage, be not thereby reduced or altered.

If they refuſe to do ſo, the Company may erect Wharfs on their Lands.

XCV. And be it further enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Calendar Months next after Notice in Writing ſhall be given to him, her, or them, at his, her, or their uſual Place or Places of Abode, by or on Behalf of the ſaid Company of Proprietors, ſtating that any Part or Parts of his, her, or their Waſte Lands or Grounds is or are neceſſary and proper for erecting or making any public Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the ſaid Canal, make, erect, and lay out, and from Time to Time maintain

maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes, and Roads, for the Uſe of the Publick, as the Commiſſioners appointed by this Act ſhall judge neceſſary, on the reſpective Part or Parts of the Waſte Lands or Grounds to be deſcribed in ſuch Notice, then and in ſuch Caſe the ſaid Company of Proprietors ſhall have full Power and Authority to take and make uſe of ſuch Part or Parts of ſuch Waſte Lands or Grounds to the Extent of Sixty Yards Square, and no more, without the Conſent of the Proprietor ſpecified in Writing, for erecting and building proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes, and for making and laying out neceſſary and convenient Roads to and from the ſaid Canal, agreeably to ſuch Notice as aforeſaid, they the ſaid Company of Proprietors firſt making Satisfaction for the ſame in ſuch Manner as is herein-before directed with reſpect to any other Lands or Grounds which ſhall be taken or uſed by the ſaid Company of Proprietors for the Purpoſes of this Act.

Regulations reſpecting private Wharfs.

XCVI. Provided always, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, which ſhall be made, erected, or ſet up, by the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds, adjoining or near to the ſaid Canal, for his, her, or their own private Uſe only, or to ſet up any Cranes or Weighing Machines in or upon any ſuch private Wharfs, Quays, or Landing Places, without the Conſent of ſuch Lord or Lords, Owner or Owners.

Rate of Wharfage on private Wharfs.

XCVII. Provided alſo, and be it further enacted, That no more than the Sum of Three-pence Sterling *per* Ton ſhall be demanded or taken by any Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who ſhall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the ſaid intended Canal, in purſuance of the Notice to be given by or on Behalf of the ſaid Company of Proprietors to ſuch Lord or Lords, Lady or Ladies, Land Owner or Land Owners for that Purpoſe as aforeſaid, for the Wharfage of any Goods, Wares, or Merchandizes, where the ſame ſhall be reſpectively placed and remain upon any ſuch Wharfs or Quays, and ſhall not continue thereupon for a longer Space of Time than Six Days, but if the ſame ſhall remain and continue thereon for more than the Space of Six Days, then the further Sum of One Farthing Sterling a Day ſhall be paid for the Wharfage of every Ton of ſuch Goods, Wares, and Merchandizes.

Right of Fiſhery reſerved to Proprietors.

XCVIII. And be it further enacted, That the Lord and Lords, or Owner and Owners of all and every Lordſhip, Barony, and Eſtate, through which the ſaid intended Canal ſhall be made, ſhall have and be entitled to the ſole, ſeparate, and excluſive Right of Fiſhery, of and in ſo much of the ſaid Canal, Watercourſes, Trenches, and Sluices, as ſhall be made over or through the Common or Waſte Lands within his, her, or their Lordſhip, Barony, and Eſtate reſpectively, and alſo in, over, or through, any other Lands or Grounds lying within any ſuch Lordſhip, Barony, and Eſtate, wherein ſuch Lord or Lords, or Owner or Owners, now have or hath, or are or is entitled to the Right of Fiſhery

Fiſhery in the Pits, Ponds, and Waters, now being in ſuch laſt-mentioned Lands or Grounds reſpectively; and that the Owner or Owners of all other Lands or Grounds through which the ſaid Canal ſhall be made, ſhall alſo have and be entitled to the like ſole, ſeparate, and excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Watercourſes, and others aforeſaid, as ſhall be made in, over, and through his, her, or their Lands or Grounds reſpectively, and to ſtock and furniſh the ſame with Fiſh in ſuch Manner, and at ſuch Time or Times as they ſhall think proper, and to catch or kill the Fiſh therein with Nets or otherwiſe, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery the ſaid navigable Canal, Watercourſes, Trenches, and Sluices, or the Towing Paths, Banks, or other Works and Conveniencies, and the Navigation thereof hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſaid Canal, Watercourſes, or others herein-before mentioned, and ſo as the ſaid Company of Proprietors, 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 of any Fiſh in the ſaid Canal, Watercourſes, and others aforeſaid, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting off the Water out of the ſaid Canal, or Watercourſes thereof, for or upon Account of any Repairs or Works to be done in or about the ſame; any Thing herein contained to the contrary notwithſtanding.

Owners and Occupiers of Lands to uſe Pleaſure and Huſbandry Boats free of Rates.

XCIX. And be it further enacted, That it ſhall be lawful for the reſpective Owners and Occupiers of any Lands or Grounds adjoining the ſaid Canal, to uſe upon the ſame any Pleaſure Boat, or any Boat for the Purpoſe of Huſbandry only, or for the conveying of Cattle or Manure from any Farm or Land to any other Farm or Land of the ſame Owner or Occupier, without any Interruption from the ſaid Company of Proprietors, or any Perſons acting under them, and without paying any Rate, Toll, or Duty for the ſame, ſo as ſuch Boats be not above Four Feet in Breadth, and Twelve Feet in Length, and do not paſs through any Lock to be made on the ſaid Canal, and be not employed in carrying any Goods, Wares, or Merchandizes, to Market or for Sale, or any Perſon or Perſons for Hire, and ſo as the ſame do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Paſſage upon the Towing Paths on the Sides thereof, and ſo that the reſpective Owners of all ſuch Pleaſure Boats or Huſbandry Boats, ſhall, in their own Lands, make convenient Places for ſuch Boats to lie in, and ſhall not ſuffer the ſame to be moored or remain upon the ſaid Canal.

Power to Proprietors to make Railways.

C. And be it further enacted, That in caſe the Proprietors of Manufactories, or of any Lands or Eſtate, containing any Pits or Quarries of Limeſtone or Marl, or the Leſſees, Rentors, or Occupiers of ſuch Manufactories, Pits, or Quarries, ſhall find it expedient or neceſſary to make any Railways or Roads to convey his, her, or their Wares, Limeſtone, Marl, or other Articles, to or from the ſaid intended Canal, over the Lands or Grounds of any Perſon or Perſons, or to make any Bridges for that Purpoſe, over any River, Brook, or Watercourſe, then and in every ſuch Caſe it ſhall be lawful for ſuch Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Manufactories, Pits, or Quarries, to apply

to, treat, and agree with the Owner or Owners of, and Perſons intereſted in, ſuch Lands and Grounds as may be ſituate within the Diſtance of Two thouſand Yards from the ſaid Canal, through or over which ſuch Railway or Road is intended to be made, for the Damage the Owner or Owners of, and Perſons intereſted in, any ſuch Lands and Grounds ſhall or may ſuſtain by making any ſuch Railway or Road as aforeſaid; and in caſe the Owner or Owners of, and Perſons intereſted in, any ſuch Lands and Grounds, ſhall neglect or refuſe to treat and agree, for the Space of Twenty Days next after ſuch Application, or by Reaſon of Abſence or otherwiſe ſhall be prevented or incapacitated from treating and agreeing; or in caſe ſuch Owner or Owners of, and Perſons intereſted in, ſuch Lands and Grounds, and the Proprietor or Proprietors, Occupier or Occupiers of any ſuch Manufactories, Pits, or Quarries, cannot agree concerning the Recompence to be made for ſuch Damage as aforeſaid, that then it ſhall be lawful for the Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Manufactories, Pits, or Quarries, to apply to the ſaid Commiſſioners to aſcertain the Courſe and Direction, and alſo the Diſtance, not exceeding Two thouſand Yards, which any ſuch Railway or Road ſhall be made, and the ſaid Commiſſioners ſhall, upon ſuch Application, appoint a Meeting for aſcertaining and fixing the Courſe and Direction, and alſo the Diſtance, not exceeding Two thouſand Yards of ſuch Railway or Road, of which Meeting, and of the Purport and Intent thereof, Twenty Days previous Notice ſhall be given in Writing, by the Perſon or Perſons applying for ſuch Railway or Road, to the Owner or Owners of, and Perſons intereſted in ſuch Lands or Grounds; and the ſaid Commiſſioners ſhall view the Place in Queſtion, and examine Evidence upon Oath touching the ſame, (all which Oaths any One of the ſaid Commiſſioners is hereby empowered to adminiſter); and if it ſhall appear to the Commiſſioners aſſembled at ſuch Meeting, that a Railway or Road is proper and fitting to be made, then and in ſuch Caſe, but not otherwiſe, they the ſaid Commiſſioners ſhall ſet out and aſcertain the ſame over the Lands and Grounds of ſuch Perſon or Perſons as aforeſaid, (not being the Scite of a Dwelling Houſe or other Building, or a Garden, Yard, Park, Paddock, or Avenue to a Houſe, or Lawn incloſed or adjoining to a Manſion Houſe), and from thence afterwards it ſhall be lawful for the Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Manufactories, Pits, or Quarries, to make and open a Communication between any ſuch Manufactories, Pits, or Quarries, and the ſaid Canal, by making and opening ſuch Railway or Road according to the Direction of the ſaid Commiſſioners, and to uſe the ſame over and through the Lands or Grounds of ſuch Perſon or Perſons as aforeſaid, in ſuch Manner as to the Proprietor or Proprietors, Occupier or Occupiers of ſuch Manufactories, Pits, or Quarries reſpectively ſhall ſeem expedient, ſo that the ſame be done without doing any Injury or Damage to the ſaid Navigation, and ſo as the Proprietor or Proprietors, Occupier or Occupiers, of ſuch Manufactories, Pits, and Quarries, make full Satisfaction for all Damages to be ſuſtained by the Owner or Owners of, and Perſons intereſted in, ſuch Lands or Grounds, by Reaſon of the making ſuch Railway or Road; and in caſe the Proprietor or Proprietors, Occupiers of any ſuch Manufactories, Pits, or Quarries, and the Owner or Owners of, and Perſons intereſted in any ſuch Lands and Grounds cannot agree, or by reaſon of Abſence, or otherwiſe, ſhall be incapacitated from agreeing touching

the Satisfaction to be made, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners, in ſuch Manner, and ſubject to the Verdict of a Jury, if required, as the Value and Recompence for the Lands to be taken for making the ſaid Canal is in and by this Act directed to be ſettled and aſcertained; and in Default of Payment of ſuch Sum or Sums of Money as ſhall be agreed for, awarded, or adjudged, the ſame ſhall and may be recovered, with Coſts, in ſuch and the like Manner as ſuch Value and Recompence are by this Act directed to be recovered.

Perſons deſirous of a Railway or Waggon Way may agree for the ſame with the Company.

CI. And whereas it may be for the Intereſt and Advantage of ſome Perſon or Perſons who may hereafter be deſirous of having any ſuch Railway or Waggon Way, to have the ſame made by the ſaid Company of Proprietors, upon paying to the ſaid Company a fair Rate or Toll for the Conveyance of his or their Goods and other Things thereon, inſtead of making the ſame himſelf or themſelves; be it further enacted, That in caſe the ſaid Company of Proprietors ſhall approve of ſuch Railway or Waggon Way, it ſhall be lawful for them to make any ſuch Railway or Waggon Way, agreeable to the Requeſt of any ſuch Perſon or Perſons as aforeſaid, at their own Expence, and it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time and at all Times after the ſame ſhall be made, to demand and take, not only of and from the Perſon or Perſons who ſhall have made ſuch Requeſt, but alſo of and from all other Perſons, for the Conveyance of any Limeſtone or Marl, and all other Goods, Wares, Merchandize, and Things whatſoever, upon any ſuch Railway or Waggon Way, ſuch Rates and Tolls as ſhall be mutually fixed and agreed upon for that Purpoſe between the ſaid Company of Proprietors, and the Perſon or Perſons who ſhall have made ſuch Requeſt as aforeſaid, ſo as the ſame do not exceed the reſpective Rates, Tolls, or Duties, hereby authorized to be taken on the ſaid Canal; any Thing herein-before contained to the contrary notwithſtanding: Provided always, that ſuch laſt-mentioned Rates and Tolls ſhall and may be leaſed, altered, and varied, from Time to Time, by the ſaid Company of Proprietors, in ſuch and the like Manner as they are herein-before empowered to leaſe, alter, and vary the Rates and Tolls herein-before mentioned and authorized to be taken on the ſaid Canal: Provided alſo, that in caſe the ſaid Company of Proprietors or their Aſſigns ſhall undertake to make ſuch Railway or Waggon Way, they ſhall do the ſame under ſuch and the like Regulations and Reſtrictions as are herein-before preſcribed and laid down in and by the immediate preceding Clauſe of this preſent Act.

For recovering Lands in caſe the Canal ſhall not be completed, or ſhall be diſuſed.

CII. And be it further enacted, That if the ſaid Company of Proprietors 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 Canal through the ſame, or if the ſaid Canal ſhall be made and completed, and afterwards diſcontinued or diſuſed for the Space of Ten Years, then and in either of the ſaid Caſes, the ſaid Company of Proprietors ſhall convey all their Right, Property, and Intereſt, in or to ſuch Lands or Grounds reſpectively, unto the ſeveral Perſons or Bodies Politick, Corporate, or Collegiate, or their Heirs, Succeſſors, or Aſſigns, who were the Owners or Proprietors thereof, immediately before the ſaid Company of Proprietors became ſeiſed of the ſame, in caſe they or any of them ſhall think fit to become

become Purchaſers thereof, and to pay ſuch valuable Conſideration for the ſaid Lands or Grounds to the ſaid Company of Proprietors, as the ſaid Commiſſioners, or any Five or more of them ſhall judge reaſonable; and in caſe any Difference ſhall happen in aſcertaining thereof by the ſaid Commiſſioners, then as a Jury, impannelled in Manner herein-before directed, ſhall aſcertain or award to be paid for the ſame; but no ſuch Conſideration to be aſcertained by the ſaid Commiſſioners, or to be awarded by ſuch Jury as aforeſaid, ſhall exceed the Sum or Sums of Money firſt paid by the ſaid Company of Proprietors for the Purchaſe of ſuch Lands or Grounds; and in caſe the ſaid Company of Proprietors upon the Payment or Tender of ſuch Conſideration as aforeſaid, ſhall refuſe or neglect to convey the Lands or Grounds as aforeſaid, then and in ſuch Caſe ſuch Lands or Grounds ſhall revert to and be from thenceforth veſted in the ſaid ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, their Heirs, Succeſſors, or Aſſigns, and in caſe any Annual Rent ſhall have been made payable for the ſaid Lands or Grounds, then ſuch Rents ſhall ceaſe and determine; and ſuch Sum or Sums of Money ſhall be paid for the Damages done to the ſaid Lands or Grounds by the ſaid Company of Proprietors to the reſpective Perſons, Bodies Politick, Corporate or Collegiate, or their Heirs, Succeſſors, or Aſſigns, to whom ſuch Lands or Grounds ſhall be re-conveyed or revert as aforeſaid, as the ſaid Commiſſioners or Jury reſpectively ſhall aſcertain or award as aforeſaid, ſuch Sum or Sums of Money, in Default of Payment at the Time, to be fixed by ſuch Commiſſioners or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered from the ſaid Company of Proprietors by virtue of this Act.

To compel Payment of Subſcriptions.

CIII. And be it further enacted, That all and every Perſon and Perſons who hath or have already ſubſcribed, or who ſhall hereafter ſubſcribe to advance any Money for and towards the making and maintaining the ſaid Canal, and other Works hereby authorized to be made as aforeſaid, ſhall pay the Sum or Sums of Money by them reſpectively ſubſcribed or to be ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the Committee of Management of the ſaid Company of Proprietors, by virtue of the Powers and purſuant to the Directions of this Act, at ſuch Times and Places as ſhall be appointed for that Purpoſe by the ſaid Committee, in the Manner herein-before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the Sum or Sums ſo to be called for, from him, her, or them, at the Time and in the Manner to be appointed for that Purpoſe as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any competent Court.

Remedy for Damages not provided for.

CIV. And be it further enacted, That if at any Time or Times hereafter any Perſon or Perſons ſhall ſuſtain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reaſon of the Execution of any of the Powers hereby given, or by reaſon of the Non-performance of any of the Requiſitions herein contained, and for which a Compenſation is not herein-before provided, then and in every ſuch Caſe ſuch Damages ſhall from Time to Time be ſettled and aſcertained by the Commiſſioners appointed by this Act, or aſſeſſed by a Jury, and the Sum or Sums of Money to be paid for the ſame ſhall be levied, recovered, and applied

applied in ſuch and the ſame Manner as is herein-before directed with reſpect to ſuch Damages as are herein-before provided for, and the Money to be paid as a Recompence for the ſame.

Recovery of Penalties.

CV. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, or any Rule, Order, or Bye Law to be made in purſuance hereof (except in ſuch Caſes where the Manner of hearing and determining thereof is herein-before otherwiſe directed) ſhall and may be made before any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, and ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon or Perſons complained of to appear before him, and upon the appearing or not appearing of ſuch Perſon or Perſons purſuant to ſuch Summons, to hear the Matter of every ſuch Complaint and Information by Examination of any Witneſs upon Oath, and to make ſuch Determination therein as ſuch Juſtice ſhall think proper; and upon the Conviction of any ſuch Perſon, ſuch Juſtice ſhall and may iſſue a Warrant under his Hand for levying the Fine, Penalty, or Forfeiture, by virtue of this Act impoſed for ſuch Offence, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo convicted, and all ſuch Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of ſuch Goods and Chattels, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall (where the Application is not otherwiſe directed by this Act) be paid into the Hands of the Treaſurer of the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of towards defraying the Expences of the ſaid Navigation and Undertaking; and in caſe ſufficient Goods or Chattels of any Perſon liable to pay any ſuch Fine, Penalty, or Forfeiture ſhall not be found, or ſuch Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand, to commit ſuch Offender to the Common Gaol or Houſe of Correction, for any Time not exceeding Two Calendar Months, unleſs ſuch Penalty or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

CVI. And be it further enacted, That all and every Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect; (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed.*] Given under my Hand the Day and Year aforeſaid.'

Perſons taking Diſtreſs irregularly not to be deemed Treſpaſſers *ab initio.*

CVII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect, or for Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account

Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtrained, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damages in an Action upon the Caſe.

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

CVIII. 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 Advertiſement; 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 Arreſtors thereof, or any other Perſon or Perſons who ſhall be found to have the beſt Right thereto by the 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.

Proceedings not to be quaſhed for Want of Form.

CIX. And be it further enacted, That no Proceedings to be had and taken in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form, or be removed by Suſpenſion, Advocation, Appeal, or other Writ or Proceſs whatſoever, in any Court in that Part of *Great Britain* called *Scotland*, for Default as aforeſaid, any Laws or Practice to the contrary notwithſtanding.

Appeal given to the Quarter Seſſion.

CX. Provided always, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgment 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 *Aberdeen*, which Appeal ſhall be determined in a ſummary Way, and the Decree or Sentence of the ſaid Lords ſhall be final.

Limitation of Actions.

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

Treble Coſts.

All Sheriffs, &c. required to be aiding.

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

Publick Act.

CXIII. And be it further enacted, That this Act ſhall be deemed, taken, and allowed in all Courts of Laws 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.

FINIS.