Anno octavo

Georgii III. Regis.

An Act for making and maintaining a navigable Cut or Canal from the Firth or River of *Forth*, at or near the Mouth of the River of *Carron*, in the County of *Stirling*, to the Firth or River of *Clyde*, at or near a Place called *Dalmuir Burnfoot*, in the County of *Dumbarton*; and alſo a collateral Cut from the ſame to the City of *Glaſgow*; and for making a navigable Cut or Canal of Communication from the Port and Harbour of *Borrowſtounneſs*, to join the ſaid Canal at or near the Place where it will fall into the Firth of *Forth*,

Preamble.



WHEREAS the making a navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron, in the County of Stirling, to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot, in the County of Dumbarton, through the Counties of Stirling, Lanerk, Renfrew, and Dumbarton, with a collateral Cut or Canal [illegible] City of Glasgow, will open an easy Communication between the Firths of Forth and Clyde, and between the interior Parts of the Country, which will not only be a great Advantage to the Trade carried on between the said Two Firths, but will also tend to the Improvement of the adjacent Lands, the Relief of the Poor, and the Preservation of the public Roads, and moreover be of general Utility: And whereas the several Persons hereafter particularly named are desirous, at their own proper Costs and Charges, to begin, carry on, and compleat, the said navigable Cut or Canal, and collateral Cut, intended to be made by virtue of this Act; wherefore, for obtaining and perfecting the good Ends and Purposes aforesaid, May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourteenth Day from the passing of this Act, John Duke of Bedford, George Duke of Marlborough, Henry Duke of Buccleugh, Alexander Duke of Gordon, Charles Duke of Queensberry and Dover, John Duke of Roxburghe, William Marquis of Lothean, John Marquis of Lorne, James Earl of Errol, James Earl of Morton, James Earl of Abercorn, Thomas Earl of Kinnoul, Charles Earl of Elgin and Kilcardine, James Earl of Finlater and Seafield, George Earl of Aberdeen, William Earl of Ruglen and March, Hugh Earl of Marchmont, Niell Earl of Roseberry, John Earl of Glasgow, John Earl of Bute, John Earl of Hopetoun, Patrick Lord Elibank, William Earl Panmure of the Kingdom of Ireland, James Earl Fife of the Kingdom of Ireland, Robert Earl of Catherlough of the Kingdom of Ireland, the Right Honourable Frederick Campbell, commonly

Trustees Names.

commonly called Lord Frederick Campbell; the Right Honourable James Hope, commonly called Lord Hope; the Right Honourable James Stewart Mc Kenzie, Lord Privy Seal of Scotland; the Right Honourable George Grenville, the Right Honourable James Oswald, the Right Honourable James Montgomery, Lord Advocate of Scotland; the Right Honourable Gilbert Lawrie, Lord Provost of the City of Edinburgh; George Murdoch, Provost of the City of Glasgow; the Honourable James Weemys, the Honourable Colonel Alexander Mackay, the Honourable Alexander Murray, the Honourable Charles Elphinston, Sir John Anstruther, Sir Alexander Gilmour, Sir Alexander Ramsay, Sir James Dunbar, Sir Robert Dalzell, Sir George Suttie, Sir Alexander Grant, Sir William Murray, Sir James Clerk, Sir John Hall, Sir Lawrence Dundas, and Sir William Mayne, Baronets; Sir Fletcher Norton, Sir James Douglas, Sir John Lindsay, Knights; Admiral Francis Holbourne, Major General David Græme, Colonel John Scott, Colonel James Masterton, Colonel Hector Monro, Pryse Campbell, Archibald Edmonstone, Thomas Dundas of Fingash, James Grant, William Pulteney, Thomas Dundas the younger, of Kerse; Adam Drummond, James Abercromby, James Coutts, Alexander Forrester, John Ross Mackye, Normand Macleod, James Veitch of Ellioch, Robert Bruce of Kennett, John Drummond, Richard Oswald, John Mill, James Murray, Alexander Wedderburn, Luke Scrafton, John Purling, Hugh Ross, Joseph Salvadore, John Stuart, Robert Udney, John Johnstone, George Farquhar Kinloch, John Calcraft, Patrick Miller, George Cockburn, William Hall, Andrew Moffatt, Alexander Spires, William Manson, Henry Isaacs, James Baird, George Glasgow, Andrew Clerk, Hugh Seton, Samuel Garbett, David Barclay junior, William Elliott, George Inglis, Alexander Garden, George Campbell, Alexander Kincaid, John Mackenzie, Henry Dundas, James Stuart, John Inglis, John Pringle, Archibald Stirling, Thomas Coutts, George Clerk, George Chalmers, Andrew Millar, Thomas Halsey, James Hamilton, Thomas Zachary, Gibbs Craufurd, Alexander Geddes, George Ross, Alexander Hunter, Esquires; Major Chalmers, Doctor James Hutton, John Fordyce, the Lord Provost of Edinburgh for the time being, on Behalf of the said City; and the Provost of Glasgow for the time being, on Behalf of the City of Glasgow; their several and respective Successors, Executors, Administrators, and Assigns, are and shall be united into a Company for the better carrying on, making, compleating, and main-

maintaining, the ſaid navigable Cut or Canal, and collateral Cut, according to the Rules, Orders, and Directions herein after expreſſed and laid down; and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Forth* and *Clyde* Navigation, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal; and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe Lands to them, and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall be, and are hereby authorized and impowered from and after the Fourteenth Day from the paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and compleat a Cut or Canal of Seven Feet Depth of Water, navigable and paſſable for Boats, Barges, and other Veſſels, from the Firth or River of Forth, at or near the Mouth of the River of Carron, paſſing on the North Side of the Houſe and Offices of Kerſe, through or near Bainsford, to or near Bonny Mill, to or near Bankier Mill in the County of Stirling, to and through Dollator Bogg, to or near Inchbelly Bridge, to or near Calder Bridge, paſſing betwixt Killmardinny Hill and Beauclair, to or near Saint Germain's Loch, and betwixt Clobey Hill and the Hill of Bladardy, to or near Three Part Mill Dam, and to the Firth or River of Clyde, at or near a Place called Dalmuir Burnfoot: And the ſaid collateral Cut of Seven Feet Depth of Water from the ſaid Main Canal, at or near a Place called Bladardy, through or near Partick, acroſs the River Kelvin, to the City of Glaſgow aforeſaid; and to ſupply the ſaid Cut or Canal, and collateral Cut, whilſt the ſame ſhall be making, and when made, with Water; and alſo to make Proviſion for replacing the Water which ſhall be taken by them from the Rivers of Carron and Kelvin, for the Uſe of the ſaid intended Navigation, from ſuch Springs as ſhall be found in making the ſaid Cut or Canal, and collateral Cut; and from any Part of the River Enrich, and the Sources thereof; and from all Rivers, Streams, Lakes, or Lochs, within the Diſtance of Ten Miles from any Part of the ſaid Main Cut or Canal, as well as for making Proviſion for replacing the Water which ſhall be taken by them from the Rivers of Carron and Kelvin, as aforeſaid; and alſo to make ſuch Reſervoirs with-

Their Power to make the Canal.

Courſe of the Canal.

in the Distance last mentioned, as shall be necessary for the Purposes of the said intended Navigation, for the more conveniently supplying the same with Water: And for the Purposes aforesaid, as also for making, using, compleating, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said intended Cut or Canal, and collateral Cut, according to the Tenor and Purport of this Act, the said Company of Proprietors, their Successors and Assigns, and their Agents, Servants, and Workmen, are hereby authorised and impowered, in, upon, or through, the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay, Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in the making of the said navigable Cut or Canal, and collateral Cut, or out of the Lands and Grounds of any Person or Persons adjoining or contiguous thereto, and which may be proper, requisite, or convenient, for carrying on and continuing the same respectively, or which may hinder, prevent, or obstruct, the making, using, compleating, extending, and maintaining the same respectively; And also to make, build, erect, and set up, in or upon the said intended Cut or Canal, and collateral Cut, or upon the Lands adjoining, or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Dams, Wears, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing Places, Weighbeams, Cranes, and other Works, Ways, and Conveniencies, as and where they the said Proprietors, their Successors, and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also, from time to time, to alter, repair, and amend, the same: And to make, widen, or enlarge, any Bridges, Dams, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, Warehouses, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut or Canal, and collateral Cut, as for the carrying and conveying of all Manner of Materials necessary for making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture,

facture, the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done: And also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, and collateral Cut, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; And also to make, set up, and appoint, such Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, and collateral Cut, as they the said Proprietors, their Successors, and Assigns, shall think convenient; such Towing Paths to be made on the North Side of the Canal, within the Distance of Three hundred Yards of the House of Kerse; and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks for the making, using, maintaining, and repairing, the said Cut or Canal, and collateral Cut, and Towing Paths on the Side thereof: And also to make, erect, or do all other Matters and Things which they shall think necessary and convenient for the making, effecting, extending, improving, preserving, compleating, and using, the said Navigation, in pursuance, and within the true Meaning, of this Act, they the said Proprietors, their Successors, and Assigns, doing as little Damage as may be in the Premisses, and making Satisfaction in Manner herein after directed to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Lakes, or Lochs, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act: And this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors, or Assigns, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Proviso. Provided always, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required and directed to, replace such Quantity or Quantities of Water whereby the Rivers Carron or Kelvin shall by means of making and compleating the said intended Navigation be diminished, to the Detriment of the Mills which are situated upon the River

ver Carron, from Larbot Mill downwards, and upon the River Kelvin, at and below Garscub Bridge.

No Milns to be built on the Canal, or Towing Paths, or Warehouses in any Garden, &c.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors, or Assigns, to erect or build any House, or other Building, other than for the necessary Purposes of the said intended Navigation; and also such Warehouses to be built as herein directed for the Use of the said Navigation, or any Mill or Mills upon the said intended Cut or Canal, or collateral Cut, hereby authorized to be made, or upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof; or to plant any Trees on such Lands or Grounds, or to make, erect, or build, any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weighbeams, within the Distance of One hundred and fifty Yards of any Capital or Mansion-house, or in or upon any Garden, Deer Park, or planted Walk, or Avenue to a House, or Lawn inclosed adjoining to any Mansion-house, that are used as such at this Time, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber Wood, Brush Wood, or Under Wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, or collateral Cut, Trenches, Sluices, Roads, Passages, or Conveniencies, on any Part thereof respectively, shall be made or carried, except such Timber Wood, Brush Wood, or Under Wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used, for the making of the said navigable Cut or Canal, and collateral Cut, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid: And that the Proprietors of the respective Lands or Grounds on which such Timber Wood, Brush Wood, or Under Wood, shall grow at the Time of passing this Act, their Heirs or Assigns shall have it in their Option to take such Timber Wood, Under Wood, and Brush Wood respectively, when fallen or cut down by the said Company of Proprietors, their Successors, and Assigns, at such Price or Value as the same respectively shall have been estimated or purchased by the said Company of Proprietors, their Successors, or Assigns; which Timber Wood, Brush Wood, or Under Wood, so fallen or cut down by, or for the Use of, the said Company of Proprietors, shall and may be carried to and from any Part of the said Cut or Canal, or collateral Cut, free from all Tolls and Duties to be

Houses not to be damaged, or Timber cut.

raiſed and levied by virtue of this Act: But in caſe the ſame ſhall not have been eſtimated at, or purchaſed by them upon, a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame reſpectively ſhall grow; then, at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Land, and the ſaid Company, their Succeſſors, and Aſſigns, or their Agent; or in caſe of any Difference of ſettling or aſcertaining the ſame, then at ſuch Price or Value as the Commiſſioners after named, or any Five or more of them, ſhall direct and appoint: And if any Houſe or other Building, except as aforeſaid, ſhall be erected, or any Trees ſhall be planted, upon any ſuch Lands or Grounds without ſuch Conſent as aforeſaid; it ſhall and may be lawful to and for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds at the Time of the ſetting out the ſame as aforeſaid, his, her, or their Heirs or Aſſigns, to take, pull down, and remove, ſuch Houſes and other Buildings, and to cut and carry away ſuch Trees, without being guilty of a Treſpaſs, or being liable to any Action or Proſecution for ſo doing.

Lands may be entered for making Surveys.

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

Lands ſet out for the Navigation, exempt from Taxes.

And be it further enacted by the Authority aforeſaid, That the ſaid Company of Proprietors ſhall not be chargeable with any Part or Portion of the Land Tax, Miniſters Stipend, Poors Rates, or of any other publick Burdens or Taxations whatſoever, for the Lands which ſhall be ſo ſet out, aſcertained, and purchaſed, to and by them, for the Uſe of the ſaid Navigation, by virtue of the Powers given them by this Act as aforeſaid; but that all ſuch Taxations and publick Burdens ſhall be chargeable upon the Lands remaining with the

Vendor or 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 Alienations had never been made: And the said Vendor or Vendors, and all other Person or Persons interested in the Lands so sold to the 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.

Breadth of the Canal and Towing Paths.

Provided always, and be it enacted, That the Land or Ground to be taken or used for such Cut or Canal, and collateral Cut, and Towing Paths, and the Ditches, Drains, and Fences, for separating such Towing Paths from the adjoining Lands, shall not exceed One hundred Yards in Breadth, except in such Places where the said Cut or Canal, and collateral Cut, shall respectively be raised higher, or cut above Eight Feet deeper, than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats or other Vessels to turn, lie, or pass each other, in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold, for the Purposes of making any navigable Cut, Trench, or Sluice, to convey Goods, Commodities, or other Things, to or from the said Cut or Canal, or collateral Cut, without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands in Writing first had and obtained.

Bodies Politick, &c. empowered to sell and convey.

And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Cut or Canal, and collateral Cut, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Heirs of Intail, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their several and respective Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons; and to and for all Femes-covert who are or shall be seised, possessed of, or interested in, their own Right; and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed, or interested, in any Lands

or

or Grounds, which shall be so set out and ascertained as aforesaid, or any Part thereof, whether by Titles held in Fee-simple or entailed, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, 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 Cut or Canal, or collateral Cut, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politick, Corporate, and Collegiate, and other such Land Owners, or other Persons interested as aforesaid, to sell, or to convey in Exchange or Excambion for other Lands, in a Situation more convenient to be occupied by them and their Tenants, all or any Part of such Lands or Grounds through which the said intended Cut or Canal, or collateral Cut, shall be made, and which shall be so separated into small Parcels, and the Occupation thereof rendered inconvenient as aforesaid, not exceeding Ten Acres in each Parcel, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as shall be agreed upon between the Parties interested; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whatsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what they, or any of them, shall respectively do by virtue of, or in pursuance of, this Act: And that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be recorded in the Sheriff Court Books of Stirling, Lanerk, Renfrew, and Dumbarton, respectively, by the Sheriff Clerks of the said several Counties within which such Lands are situated; and true Copies or Extracts thereof, under the Hands of such Clerks, shall be allowed to be good Evidence in all Courts whatsoever: And the said Sheriff Clerks are hereby required to record the same accordingly, for which they shall have and receive

receive the Sum of Six Pence Sterling Money for every Two hundred Words, and so in Proportion for any greater or lesser Number of Words, and no more.

And whereas Differences may arise between the said Company of Proprietors, and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made, to them respectively; be it therefore enacted, That the Commissioners of the Land Tax for the time being, within the several Counties of Stirling, Lanerk, Renfrew, and Dumbarton, who are or shall be infeft in the Property, or possessed as Proprietors in Life-rent, of Lands valued in the Cess Rolls or Valuation Books of the said Counties, or any of them, to the Extent of Two hundred Pounds Scots of yearly valued Rent; and the eldest Sons and Heirs Apparent of Persons who are or shall be infeft in the Property of Lands of the Extent and Valuation aforesaid; and also the Representatives in Parliament for the Counties of Stirling, Lanerk, Renfrew, and Dumbarton; and for the District of the Burghs of Glasgow, Dumbarton, Renfrew, and Rutherglen; and the Deputy Sheriffs of the Counties of Stirling, Lanerk, Renfrew, and Dumbarton; and also the Provost, Dean of Guild, and Deacon Conveener of the Trades of Glasgow for the time being; the Provost of Stirling for the time being, the Provost of Dumbarton for the time being, the Provost of Lanerk for the time being, the Provost of Renfrew for the time being, and the Provost of Rutherglen for the time being, shall be, and they are hereby appointed Commissioners for the settling, determining, and adjusting, all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, their Successors, and Assigns, or any of them, and the several Proprietors of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Five or more of them, qualified as aforesaid in the said Counties, or any of them, are hereby impowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust, from time to time, what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, and Assigns, or any of them, to such Bodies Politick, Corpo-

Commissioners.

Commissioners to determine Differences.

rate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Cut or Canal, and collateral Cut, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be, at any Time or Times whatsoever, sustained by such Bodies Politic, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of, or interested in, any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining, the said Cut or Canal, and collateral Cut, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid; or by the Flowing, Leaking, or Oozing, of the Water over or through the Banks of the said Cut or Canal, or collateral Cut, Trenches or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers given hereby, for conveying and communicating Water to or from the said Cut or Canal, and collateral Cut, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, their Successors, and Assigns, or any of them, and such Proprietors of, and Persons interested in, the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors, and Assigns, for and on the Part and Behalf of themselves, or any such Body Politic, Corporate, or Collegiate, or other Person or Persons, so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, and if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, interested or intitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given

and settle Recompences.

If Parties refuse to submit to, or are dissatisfied with, the Determination of Commissioners,

or refuse to accept the Purchase-monies,

given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, and Assigns, or, by reason of Absence, shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediments, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premisses which they are or shall be in Possession of, or to the Interest which they may claim therein; then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby impowered and required, from time to time, to certify the Case by a Writing under their Hands to be produced to the Sheriff Depute of Stirling, or to the Sheriff Depute of Lanerk, or to the Sheriff Depute of Renfrew, or to the Sheriff Depute of Dumbarton, for the time being, or to the Sheriff Substitutes of the said Counties respectively, in which the Matter or Matters shall arise; and upon such Production, such Sheriff Depute or Substitute is hereby authorized and required to summon and return a competent Number of substantial disinterested Persons, not less than Fifteen nor more than Twenty; and out of such Persons so to be summoned and returned, a Jury of Twelve Persons shall be chosen by the said Commissioners, or any Five or more of them; which Persons to be summoned and returned, are hereby required to come and appear before the said Commissioners, or any Five or more of them, at such Times or Places as in such Certificate or Certificates shall be appointed, not being less than Ten nor more than Twenty Days after such Certificate shall be produced to the said Sheriff Depute or Substitutes respectively: And in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff Depute or Substitutes shall return other honest and indifferent Men that can speedily be procured to attend that Service, to make up the said Jurymen to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Five or more of them, are hereby impowered to

or to treat, or shall not agree;

Juries shall be impanelled to assess the Purchase-monies, &c.

Commissioners to summon, swear, and examine Witnesses.

ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion: And the ſaid Commiſſioners, or any Five or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in Controverſy; which Jury (upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more of them, and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands or Grounds, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence, ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Five or more of them, ſhall be binding, concluſive, and final, to all Intents and Purpoſes whatſoever, againſt the King's Majeſty, his Heirs, and Succeſſors, and againſt all and every Perſon or Perſons, Bodies Politic and Corporate, having or claiming any Right, Title, Truſt, or Intereſt, in, to, or out of, the ſaid Lands, Grounds, and Premiſſes, to be affected by this Act, either in Fee or Life-rent, or Expectancy, as well Infants, Minors, Ideots, or furious Perſons, Proprietors by Intail, Life-renters, Leſſees, or Tenants, his, her, and their Succeſſors, Executors, and Adminiſtrators, without further Appeal: And the ſaid Verdicts, Judgements, Orders, Sentences, and Decrees, and the other Proceedings of the ſaid Commiſſioners, ſo to be made, given, and pronounced, as aforeſaid, ſhall be fairly written on a Paper or Parchment by the Commiſſionrs Clerks, and ſigned by any Five or more of the Commiſſioners preſent at the making and pronouncing the ſame, and ſhall be recorded in the Sheriff Court Books of Stirling, Lanerk, Renfrew, or Dumbarton reſpectively, by the Sheriff Clerks of the ſaid ſeveral Counties within which ſuch Lands are ſituated; and true Copies and Extracts thereof, under the Hands of ſuch Sheriff Clerks, ſhall be allowed to be good Evidence in all Courts whatſoever; and the ſaid Sheriff Clerks are hereby required to record the ſame accordingly; for which Copies or Extracts the ſaid Clerks ſhall receive the ſame Fees as herein before expreſſed. And the ſaid

Verdict of the Jury to be final.

said Lands, Grounds, and Premisses shall, from and after the recording of the Verdicts aforesaid respectively, be deemed and held to belong to the said Company of Proprietors, and from thencefoorth they shall be intitled to remove all Persons from the Possession of the said Lands and Premisses, and to enter upon the Possession thereof themselves, in the said Manner as if the said Lands and Premisses had been conveyed by Disposition to the said Company of Proprietors, their Successors, and Assigns.

Penalties on Sheriff, &c. who shall make Default.

Provided always, and be it enacted, That if any such Sheriff Depute or Substitute shall make Default in the Premisses, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds Sterling Money: And if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Five or more of them, shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling Money; to be levied by virtue of any Warrant or Warrants under the Hands of the said acting Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, rendering the Overplus to the Owners thereof after such Penalty, and the Charges of such Distress and Sale, shall be deducted: And if any Person or Persons, who shall have incurred such Forfeiture and Forfeitures for not appearing, or for refusing to give Evidence as aforesaid, shall again be summoned, and not appearing, or appearing refuse to give Evidence; the said Commissioners, or any Five or more of them, being Justices of the Peace in the County where such Person or Persons reside, may, and are hereby impowered to, grant Warrant or Warrants for imprisoning the said Person or Persons until he, she, or they, shall severally give sufficient Security, under the Penalty of Fifty Pounds Sterling, to appear and give Evidence as aforesaid; and that in case the Person or Persons so summoned to give Evidence and not appearing, or appearing shall refuse to give Evidence, do not reside within any of the aforesaid Counties of Stirling, Lanerk, Renfrew, and Dumbarton, Letters Supplement shall issue from the Court of Session for summoning and compelling

ling the said Person or Persons to appear and give Evidence, by every Method known and practised in the Courts of Justice of that Part of Great Britain called Scotland.

Expences of the Jury how to be borne.

Provided also, and be it enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, or Hereditaments, or Property of any Person or Persons whatsoever, than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors, their Successors, or Assigns: But if any Verdict or Assessment shall be given or made for no more, or for a less Sum than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury and taking such Inquest shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors, and Assigns, shall have such Controversy or Dispute.

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

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

any Lands, Grounds, or Hereditaments, of Damages, as aforesaid.

Notice of Injuries to Proprietors before Complaint to Commissioners.

Provided moreover, and be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whatsoever for any Injury or Damages by him, her, or them sustained by virtue of this Act, unless Application hath been, or shall be made, in relation thereto, by or on Behalf of such Person or Persons to the said Company of Proprietors, their Successors, and Assigns, or their known Agent or Agents, or to some Collector or Collectors of the Tolls arising from the said Navigation, in the County where the Cause of Complaint shall arise, 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.

Penalty on giving false Evidence.

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

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries, in Manner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid to the Proprietors thereof, or other Persons intitled to receive such Money, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or if he, she, or they cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, shall, by a Writing under their Hands, appoint, for the Use of, and to be paid on Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, as them, and in such Case, such Lands and Grounds respectively, and the Fee Simple and Inheritance

tance thereof, shall from thenceforth be vested in, and become for ever the sole Property of, the said Company of Proprietors, their Successors, and Assigns, to and for the Use of the said Navigation, but to or for no other Use or Purpose whatsoever; and then, and not before, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, fough, and remove, Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing, the said Cut or Canal, and collateral Cut, and Towing Paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid; and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the same to and for their own Use and Benefit for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

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

And be it further enacted, That all the Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to, and acquiesced in, by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Five or more of the Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by, the respective Sheriff Clerks, amongst the Records of the said Counties of Stirling, Lanerk, Renfrew, and Dumbarton respectively, as the Case shall require, and shall be deemed to be the Records of the said Counties, to all Intents and Purposes; and the same, or true Copies or Extracts thereof, under the Hands of the Sheriff Clerks respectively, shall be allowed to be good Evidence in all Courts whatsoever: And all Persons shall have Liberty to inspect the same, as also the Records and Inrollments of such Contracts, Agreements, Sales, and Conveyances, as herein before-mentioned, paying for each Inspection the Sum of One

Shilling Sterling Money; and to take Copies or Extracts thereof, without Stamps, paying for every Copy or Extract, not exceeding Two hundred Words, the Sum of Six Pence Sterling Money, and so in Proportion for any Number of Words: And immediately on such Payment, and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the first Person or Persons, for whose Use such Money shall be paid, in and out of the said Lands, Tenements, Hereditaments, and Premisses, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premisses, had actually conveyed the same to them by Disposition, Charter, or any other legal Conveyance, and that the said Company of Proprietors had been infeft thereupon according to the Laws and Practice of that Part of Great Britain called Scotland; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, in Reversion or Remainder, and in general shall be construed to bar the Rights of all and every other Person or Persons whomsoever, having or claiming any Right, Title, or Estate, in the Premisses.

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

And be it enacted, That all Sums of Money which are to be paid to any Bodies 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, Ideots, Femes Covert, or other Trusts, or to any Person or Persons whose Lands are limited in Strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of One hundred Pounds Sterling Money, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons seised of Lands or Grounds so limited in Strict Settlement, be laid out as soon as conveniently

niently may be in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, for such Estates, and to, for, and upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds for or in respect whereof such Purchase-monies, or Monies received in Exchange, shall be paid as aforesaid, were limited, settled, and assured, at the Time such Purchase-monies were so agreed for, ascertained, or assessed respectively, as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors, and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, upon sufficient Real or Personal Security, in the Names of Two or more Persons, the one to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Five or more of them; and the Interest arising, or to be produced from such Securities, shall be paid to such Person or Persons respectively as would have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, in case the same had not been purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle the Proportion of the Money to be paid.

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

In Default of Payment, how the Monies are to be recovered.

And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner, as shall be assessed and awarded

awarded for Damages of any Kind by virtue of this present Act, by the said Commissioners, or any Five or more of them, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act imposed; and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment, in Order and Course respectively, as such Determinations shall be in Priority of Time: And after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money, so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Five or more of them as aforesaid, by Action at Law, in the Court of Session in Scotland, against the said Company of Proprietors, their Successors, and Assigns, to recover the same with full Costs of Suit.

Destroying the Works, Felony.

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

Coal, &c. dug out of the Lands, to be taken by the Owners.

Provided always, and be it enacted, That all Coals, Salt Rock, and other Minerals, which shall be found and dug up in making, carrying on, and compleating, the said Cut or Canal, and collateral Cut, or any other of the Works hereby authorized to be made, carried on, and compleated, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, their Successors, and Assigns; and it shall and may be lawful

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

Owners of Mines Liberty to make Soughs into the Navigation.

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

Owners of Mines to work the same.

Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the Owner or Owners of any Mines, Minerals, Salt Rock, or Brine Springs, to work, carry on, and drain the same in such Manner, as they shall think proper, so that no Injury or damage be done thereby to the said Canal or collateral Cut.

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

And be it further enacted, That no Owner or Proprietor, Owners or Proprietors, of any Mines or Minerals, their Workmen or Servants, or other Person whatsoever, shall, on any Account whatever, open, dig, sink, or carry on any Work for the getting of Coal, Limestone, Ironstone, or Mineral, within the Distance of One hundred Yards from the said intended Canal or collateral Cut, as aforesaid; nor shall any Coals, or other Mineral, be got under the said Canal or collateral Cut, or the Towing Paths thereof, or under any Part or Parts thereof, or within or under any Land or Ground lying within the Distance of One hundred Yards of either Side of the said Canal or collateral Cut, on any Account whatsoever, without the Consent of the said Proprietors, their Successors, and Assigns, in Writing, under their Common Seal for such Purpose first had and obtained.

Method of proceeding when Mines, &c. extend under the Canal.

Provided always nevertheless, That when and so often as any Coal Mine shall be got up to or within the Distance aforesaid of the said Canal or collateral Cut, or of the Outside Boundary of the Towing Paths, or of any Part thereof; and such Coal Mine or Vein of Coal shall continue to extend itself, and run under the said Canal or collateral Cut, or any Part thereof, it shall and may be lawful for the Owner or Owners of such Mine, from time to time, to dig, cut, drive, and make, Head-ways or Tunnels under the said Canal and collateral Cut, and the Towing Paths thereof, for the further and better getting such Coal, Iron-stone, or other Minerals, so as such Head-ways or Tunnels do not exceed Six Feet in Height, nor Four Feet in Breadth; any thing herein contained to the contrary thereof in any wise notwithstanding.

And, for the better discovering of, and bringing to Justice, all and every Person and Persons who shall or may open, dig, sink, or carry on, any Work for the getting of Coal or other Mineral, under the said intended Cut or Canal, or collateral Cut, or the Towing Paths thereof, or within the Distance aforesaid from the Sides thereof; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, by themselves, their Agents, and Servants, from time to time, and at all Times after the passing of this Act, to enter upon the Lands or Grounds of the several Persons, Bodies Politick, Corporate, or Collegiate, through or near which the said intended Cut or Canal, and the said collateral Cut, and other Works hereby authorized, are intended to be made, shall pass, wherein any Coal Mine or other Mines shall or may be, from time to time, dug or opened, and likewise into such Coal or other Mines, to enter, and there to view, search, measure, latch, and use, all other Means, for the discovering the Distance of the said intended Cut or Canal, collateral Cut, and Towing Paths, from such Part and Parts of the said Mine or Mines, as shall or may be from time to time at Work got or getting, so that the Distance of the nearest Approach of such Coal or other Mine, working or getting to the said intended Cut or Canal, collateral Cut, and Towing Paths, may be thereby fully-ascertained and determined; and in case it shall appear that any Mine or Mines have been worked or got within the Distance aforesaid from the said intended Cut or Canal, collateral Cut, and Towing Paths, or any other Works hereby authorized, whereby the said Cut or Canal, or collateral Cut, or Towing Paths, or other Works, shall or may be endangered; it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges, of the Owner or Owners, Proprietor or Proprietors, of such Mine or Mines, to enter into and upon such Mine or Mines, and from time to time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Cut, Towing Paths, and other Works; and such Expences, Costs, and Charges, shall be recovered by the said Company of Proprietors, their Successors, and Assigns, in such and the same Manner, and, when recovered, paid into the Hands of the Treasurer or Receiver

Method of discovering when Mines are making under the Canal.

Receiver for the time being of the Monies to be raised by virtue of this Act, for such and the same Uses, as all Fines and Forfeitures herein after inflicted by this Act, (the recovering and levying of which are not herein particularly directed) are herein after by virtue of this Act directed to be applied and disposed of.

Notice to be given to the Clerk of Intention to work Mines, &c.

Provided always nevertheless, and it is hereby further enacted and declared, That when and so often as any Coal Mine shall be hereafter worked and got within the Distance aforesaid of the said Canal or collateral Cut, and the Person or Persons who hath or have worked or got the same within the Distance aforesaid, shall be desirous to get that Part of the said Mine lying under the said Canal, collateral Cut, or Towing Paths, Aqueducts, and Reservoirs, whether natural or artificial, or other Works of the said Company of Proprietors, or within the Distance aforesaid; then, and in such Case, the Worker or Workers of such Mine shall give Notice in Writing, under his, her, or their Hands, of such his or their Minds or Intentions, to the Clerk for the time being of the said Company of Proprietors, at least Two Calendar Months before he or they shall begin to work or get any Part of such Mines, so lying within the Distance aforesaid of the said Canal, collateral Cut, or Towing Paths, or other Works; and upon the Receipt of such Notice; it shall and may be lawful for the said Company of Proprietors, their Successors, and Assigns, to inspect, or cause such Mine to be inspected, in order to determine what Coal may be come at, and actually gotten; and if the said Company of Proprietors, their Successors, or Assigns, shall fail or neglect to inspect, or cause such Mine to be inspected, within Thirty Days after the Receipt of such Notice, then it shall and may be lawful for the Worker or Workers of such Mine, and he, she, and they, are hereby authorized to work and get such Part of the said Mine, lying under the said Canal or collateral Cut or Towing Paths, Aqueducts, and Reservoirs, or other Works of the said Company of Proprietors, or within the Distance aforesaid; and if, upon such Inspection as aforesaid, the said Company of Proprietors, their Successors, or Assigns, shall refuse to permit the Worker or Workers of the said Mine to work and get such Part of the said Mine, lying under the said Canal, or collateral Cut, or Towing Paths, or other Works of the said Proprietors, within the Distance aforesaid, or any Part thereof, as they might,

Proprietors to inspect the Mines.

On Failure, the Workers may proceed.

If, upon Inspection, Proprietors shall refuse to permit working,

from time to time, have come at, and actually gotten, or in any Manner obstruct or prevent them from getting the same; that then the said Company of Proprietors, their Successors, and Assigns, shall, within Two Calendar Months after such Refusal or Obstruction as aforesaid, pay, or cause to be paid, to the Worker or Workers of the said Mine, or to his or their Executors or Administrators, a fair and reasonable Price and Value for such Part of the said Mine lying under the said Canal or Cut, or Towing Paths, or within the Distance aforesaid, as they might have come at, and actually have gotten, had they not been so obstructed or prevented as aforesaid: And if the said Company of Proprietors, their Successors, or Assigns, cannot agree with the Workers of the said Mines, their Executors or Administrators, touching such Price or Value to be paid as aforesaid; then the same shall be settled and ascertained by the said Commissioners, or any Five or more of them, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands for the making of the said Canal and Cut, and Towing Paths, is by this Act directed to be settled and ascertained; and in Default of Payment, the said Commissioners, or any Five or more of them, are hereby impowered and required, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, or Assigns, in or upon the said Canal or Cut, or the Wharfs, Quays, or Warehouses, adjoining or near to the same, to and for the Use of the Worker or Workers of the said Mine, their Executors, or Administrators.

to make Satisfaction to the Workers, &c.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, and Servants, to dig, cut, quarry, remove, and carry off, Stone, Limestone, Clay, Gravel, Sand, and all other Materials whatsoever (Trees and standing Timber excepted) necessary to be used by them in the making, maintaining, and repairing, of the said Canal, and collateral Cut; and of the Reservoirs, Aqueducts, Tunnels, Trenches, and other Works, belonging to the said intended Navigation; and which shall or may be found upon any Lands or Grounds lying within the Distance of Three Miles from any Part of the Course of the said Canal and collateral Cut (not being Ground within the Distance of One hundred and fifty

Proprietors may remove Lime, &c. and make Roads

fifty Yards of any Capital or Mansion-house, or where a House stands, Garden, planted Walk or Avenue to a House, Lawn inclosed, or adjoining to a Mansion-house) and to make, maintain, and use, good and sufficient Roads for conveying the said Stone, Limestone, Clay, Gravel, Sand, and other Materials, from the Place and Places where the same shall be respectively so cut and dug, or quarried to the said Canal or collateral Cut; and also Roads to and from all Lakes, Lochs, Reservoirs, and Aqueducts, which shall be appropriated, or made and used to and for the Use of the said intended Navigation by virtue of the Powers given by this Act; the said Company of Proprietors, their Successors, and Assigns, making reasonable Satisfaction to the Owner or Owners, Possessors, and Occupiers, of the said Lands through which the said Roads shall be made, and out of which the Stone, Limestone, Clay, Gravel, Sand, and other Materials aforesaid, shall be dug for and in respect of the said Roads, and of digging and carrying away of the Materials aforesaid; and that all Disputes or Differences which may arise between the said Company of Proprietors and the Land Owners, Possessors, and Occupiers aforesaid, shall be adjudged and finally determined in the same Manner, and by the like Proceedings, as are herein before provided for in the Case of Purchases of Lands, to be made by the said Company of Proprietors, to and for the Use of the said intended Navigation.

Obstructions to the Navigation of Rivers *Forth* and *Clyde*, may be removed.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, at all Times, upon their own proper Costs and Charges, to remove and carry off all Rocks, Sand Banks, and all other Obstructions whatsoever to the free Navigation of the said Firths, or Rivers of Forth and Clyde, at any Place or Places between the respective Entries of the said Canal into the said Firths or Rivers, and the Sea.

Proprietors may raise Money amongst themselves to carry on their Work.

And, to the End that the said Company of Proprietors may be further enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute among themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal, and collateral Cut; provided that the Sum do not exceed One hundred and fifty thou-

sand Pounds Sterling Money in the Whole, except as herein after-mentioned; and that the same be divided into such Number of Shares as hereafter directed at a Price not exceeding One hundred Pounds Sterling Money per Share: And the Money to be raised is hereby enacted and appointed to be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money, for and towards making, compleating, and maintaining, the said navigable Cut or Canal, and collateral Cut, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Money raised to be divided into 1,500 Shares of 100*l.*

And be it further enacted, That the said Sum, or such Part thereof as shall be raised by the several Persons herein before named Proprietors of the said Company, shall be divided and distinguished into One thousand five hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds Sterling Money per Share; and that the said One thousand five hundred Shares shall be, and are hereby, vested in the several Proprietors before-named, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum or Sums they and each of them have severally subscribed, or to which they have been assumed by original Subscribers or their Executors, and shall contribute and shall pay thereunto; and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed, or have been assumed as aforesaid, and shall pay in the Sum of One hundred Pounds Sterling Money, or such Part thereof as shall be demanded, towards carrying on and compleating the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be compleated, the entire and neat Distribution of One fifteen hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act; and so in Proportion for any greater Number of Shares: And every Body Corporate or Politick, Person or Persons, having such Property

Property of One fifteen hundredth Part or Share in the said Undertaking, and so in Proportion, shall bear and pay a proportional Sum of Money towards carrying on the said Undertaking in Manner herein after enacted, directed, and appointed.

If 150,000 *l.* *Sterling* Money is not sufficient, a farther Sum may be raised.

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

Subscribers to have a Vote for every Five Shares,

And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and compleating the said Navigation, may be managed and conducted in the most beneficial Manner; be it further enacted, That the said several Proprietors who have subscribed or have been assumed and undertaken for Five Shares of One hundred Pounds each of the said Navigation, and their Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for so much, and shall have a Vote in every Publick Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand or Hands; such Proxy or Proxies being intitled to vote in his or their own Right as Proprietor or Proprietors in the said Undertaking; and such Vote or Votes by Proxies shall be as good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors: And any Body or Bodies Corporate or Politick, Person

by themselves or Proxies.

son or Persons, who shall have more than Five such Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxies, regularly constituted as aforesaid, to give One Vote for every Five Shares of One hundred Pounds each Sterling Money, for which he, she, or they, shall be a Proprietor as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things, which shall be proposed, discussed, or considered, in any Publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Five Sares.

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

General Assemblies for chooſing a Committee. And to the End that all Matters and Things to be done and carried on by Virtue and Authority of this Act, may be the more regularly and methodically carried into Execution; be it enacted, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution shall be held at the Saint Alban's Tavern, in Saint Alban's Street, in the Parish of Saint James, Westminster, upon the First Monday after passing of the present Act; and that a General Annual Meeting shall be held upon the Third Wednesday of February, at such Place or Places in London or Westminster, as the said Proprietors, their Successors, and Assigns, shall direct and appoint, with Power to them to adjourn such First and every other subsequent Annual Meeting, from time to time, as they shall think necessary for the Purposes of this Act; and the Second General Meeting in the Parliament House of the City of Edinburgh, upon the First Tuesday of May, in the Year of our Lord One thousand seven hundred and sixty eight; and the Third General Meeting upon the First Tuesday of June thereafter, at the same Place, or at such other Place as the said Proprietors, or the major Part of them then present at their said Meeting, shall appoint; and the like General Assemblies or Meetings shall be held on the First Tuesday of August, the First Tuesday of November, the First Tuesday of February, and the First Tuesday of May, in every Year for the future, at the Hour of Eleven of the Clock in the Forenoon, at and within the said Parliament House, or such other Place or Places as the said Proprietors, in a General Meeting assembled, shall fix and appoint from time to time: At which said First Meeting the Proprietors

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

Committee subject to Controul.

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

Books to be kept.

And be it further enacted, That the Book and Books, in which all the Accounts relative to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of

Proprietors, their Successors, and Assigns, shall from time to time direct: And the Key or Keys thereof the Committee for the time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Request, shall have free Access to such Book or Books, for his, her, or their Inspection.

General Assemblies to consist of 300 Shares.

Provided always, That if at any such General Assembly there shall not be Persons present, at least to the Number of Nine, who have Three hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case, there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the Committee, shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the said Day herein before appointed: And that in case of Failure of the Meeting of Nine such Persons having Three hundred Shares, as Principals or Proxies, at such First Meeting, the Whole Number of Principals, who shall not be present at such Second Meeting, by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they, shall then have in the said Navigation and Undertaking, the Sum of Five Shillings Sterling Money for each Share in the said Undertaking; to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Proprietors not meeting, shall forfeit for every Share 5 s.

Powers of General Assemblies.

And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed on Account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under, them in and about the said Navigation; and to that Purpose, shall have Power to adjourn themselves over from Time to Time, and from Place or Places, as shall be thought convenient by the said General Assembly: And every General Assembly, or such Committee met together by the Authority

thority of this Act, shall have Power from time to time to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from time to time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds Sterling Money for every One hundred Pounds Sterling Money, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Monies, so called for, shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall from time to time appoint and direct, for the Use of the said Undertaking: And such Committee shall, until the next General Assembly to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing, the Work and Workmen, and in placing and displacing Under-Officers, Clerks, Servants, and Agents; and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Five; and every Owner or Owners of One or more Part or Parts, Share or Shares, of the said Undertaking, shall pay his, her, or their Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Edinburgh and Glasgow News Papers, or in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Assembly direct or appoint: And if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds Sterling Money for every One hundred Pounds Sterling Money of his, her, and their respective Share or Shares, Parts and Interests, in the said Navigation, Undertaking, and Premisses: And in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called

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

Subscriber forfeiting his Share shall have personal Notice, and the Forfeiture must be declared at a General Assembly.

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

General Assemblies to make By-laws.

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

On Death of Subscribers, before Share be compleated,

Provided also, and be it enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall

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

And be it further enacted, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell or dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale, or Conveyance, made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the time being, to be kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose; for which no Shares may be disposed of.

more than One Shilling Sterling Money shall be paid; and the said Clerk is hereby required to make such Entry accordingly: And until such Duplicate of such Deed shall be so delivered unto the said Committee, and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

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

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

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

Form of the Sale.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer, to the said *C. D.* his Heirs and Assigns, *(or more Share or Shares, as the Case is)* of the Undertaking of the *Forth* and *Clyde* Canal Navigation, to hold to him the said *C. D.* his Heirs or Assigns; subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof. And I the said *C. D.* do hereby agree to accept of the said (Share *or* Shares) of the said Undertaking, subject to the same Rules, Orders, and Conditions: Consenting to the Registration hereof in the Books of Council and Session, Sheriff Court Books of *Stirling*, *Lanerk*, *Renfrew*, or *Dumbarton* respectively, or any others competent therein, to remain for Preservation; and for that End constitute Procurators, *&c.*

In Witness whereof these Presents, wrote by are subscribed by the said Parties, at the Day of One thousand seven hundred and before these Witnesses

And

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

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

may, and are hereby required, at a Meeting to be held by them at the Council Chamber or Town Hall of Stirling, on the Second Tuesday of May in the Year One thousand seven hundred and sixty eight, to appoint out of Three Persons to be nominated by the said Company of Proprietors, their Successors, and Assigns, such One of the said Three Persons as they the said Commissioners shall think proper to be their Clerk; and, from time to time, to remove such Clerk, and appoint another in his Stead out of the Three Persons to be nominated as aforesaid; which Clerk shall be paid, for his Care and Trouble in the Execution of such Office, by the said Company of Proprietors, their Successors, and Assigns.

Tolls allowed to be taken.

And be it further enacted, That in Consideration of the great Charges and Expences which the said Company of Proprietors, their Successors, and Assigns, will be at in making, maintaining, and supplying, with Water, the said Cut or Canal, and collateral Cut, and in making and maintaining all the other Works hereby authorized to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Iron, Coals, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, and conveyed, upon or through the said Cut or Canal, or collateral Cut, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the Sum of Two Pence Sterling Money per Mile for every Ton of Iron, Coal, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried, and conveyed, upon and through the said Cut and Canal, or collateral Cut, and so in Proportion for any greater or less Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, or collateral Cut, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors, and Assigns, shall direct or appoint: And in case of Denial or Neglect of Payment of any such Rate or Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company

pany of Proprietors, their Successors, or Assigns, may sue for the same in any Court competent within that Part of Great Britain called Scotland; or the Persons to whom the said Tolls ought to have been paid may, and he and they is and are hereby empowered to seise and distrain any such Boat or Vessel, or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with the reasonable Charges for such Seizure and Distress: And if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and publickly sold, returning the Overplus, if any be, to the Owner.

Tonnage of light Boats.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for the Tonnage of all light Boats and other Vessels, without a Lading, or in Ballast only, which shall be navigated upon or through the said Cut or Canal, or collateral Cut, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding One Penny per Mile for every Ton Burthen of such Boats or Vessels respectively.

Ascertaining the Tonnage of empty Vessels.

Provided always, That if such Boats or Vessels shall return loaded upon the said Canal, or collateral Cut, at any Time within the Space of Fourteen Days immediately after their passing as aforesaid, that then Allowance and Deduction shall be made by the said Company of Proprietors, their Successors, and Assigns, to the Owners, Masters, or Navigators of such Boats or Vessels, out of the said Tolls and Rates of their said Ladings respectively, for the Tolls and Duties first taken for the empty Tonnage of such Boats or Vessels as aforesaid; but that only rateably and in Proportion to the Distance for which such new Ladings shall have borne and paid the Tolls first before mentioned; provided that all Vessels, having less than Fifteen Tons on board, and all Vessels of the Burthen of Thirty Tons and upwards, which shall not have Two Thirds of their Lading on board, shall be deemed and taken to be empty Vessels within the Intent and Meaning of this Act.

Further Allowance for Goods remaining upon a Wharf above a certain Time.

Provided always, and be it further enacted, That if any Iron, Coals, Lime, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors, and Assigns, for above the Space of Twenty four Hours; then, and in such Case, the said Company of Proprietors, their Successors, and Assigns, shall be intitled to and receive such an Allowance, over and above the Tonnage Rates herein before limited, as shall be agreed between the said Company of Proprietors, their Successors, and Assigns, or their Agent or Agents, and the Owner or Owners of such Iron, Coals, or other Goods; or, in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five or more of them.

Lime to pay but One fourth of the Rates.

Exemptions from Tolls.

Provided also, and be it enacted, That Lime and Limestone shall not pay more than One Fourth, and Ironstone more than One Half, of the Rates, Tolls, or Duties, before mentioned; and that Paving Stones, Gravel, and all other Materials for making and repairing of Roads (Limestone excepted) and also Dung, Soil, Marle, and all Sorts of Manure for the Improvement of Lands and Grounds, shall not, nor shall any of them, be charged with or liable to pay any of the Rates, Duties, or Tolls, authorized to be taken by this Act, for being carried upon the said Cut or Canal, or collateral Cut, or any Part thereof, but shall be free and exempted from the same; so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over the Place made for discharging the Overplus Water of such Canal; but with an Option to the Owners of such Dung, Soil, Marle, and other Sorts of Manure, to pass the same at all Times (that Boats and Vessels can pass) through the said Locks, on paying the said Rates as are herein before imposed upon Lime and Limestone; and also that such Person or Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials, for the Repair of Roads, or Dung, Soil, Marle, or other Manure (except Lime and Limestone) for Land, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors, and Assigns, such Person or Persons

Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marle, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or collateral Cut, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

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

And be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, shall, at their first Meeting to be held by the Direction of this Act, fix the Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties, shall be equal throughout the whole Length of the said Canal (the said collateral Cut excepted) in respect whereof the said Company of Proprietors, their Successors, and Assigns, shall have Power, and are hereby impowered in their General Assembly, to fix Rates, Tolls, and Duties, at their Pleasure, not exceeding the highest Rate herein before granted: And that it shall and may be lawful for the said Company of Proprietors, their Successors, or Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in the Manner herein after mentioned, to lessen or reduce all or any of the said Rates, Tolls, and Duties, hereby granted, or so fixed at such first General Assembly, as they shall think proper; and may afterwards, from time to time, at any General Assembly, of which such Notice shall be given as aforesaid, advance all or any of the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money not exceeding the respective Rates, Tolls, and Duties, herein before mentioned; and that no Reduction of the Rates, Tolls, and Duties, hereby granted, shall be confined to any particular Part of the said Cut or Canal, but shall extend to, and take Place upon, the Whole and every Part thereof (excepting as aforesaid) and shall be made with Rates to be fixed by Proprietors, and to be equal throughout the whole Navigation.

with the Consent of the Proprietors of at least Two Thirds of the Shares in the said Navigation.

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

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

on Penalty of 10 *s. Sterling per* Ton.

What shall be deemed a Ton Weight.

And, for the better ascertaining the Tonnage of Timber and Wood to be charged with the Payment of such Tolls, Rates, and Duties, as aforesaid, it is hereby enacted and declared, That Fifty Feet of round, or Forty Feet of square, Oak, Ash, or Elm Timber, or Fifty Feet

Feet of Fir or Deal, Balk, Poplar, and other Wood, shall be deemed, reckoned, and estimated, as and for One Ton Weight.

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

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having the Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Tonnage of such Boat or Vessel, or the Weight and Quantity of the Goods, Wares, or Merchandize aforesaid, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Boats or Vessels, Goods, Wares, and Merchandizes, as shall be therein contained: And in case the same shall, upon weighing, measuring, or gauging, appear to be of greater Tonnage, Weight, or Quantity, than such Master, Owner, or Person, having the Care of the said Boat or Vessel, affirmed the same to be, the Master, Owner, or Person, so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates and Duties are hereby appointed to be recovered and levied; but if such Boat or Vessel, Goods, Wares, and Merchandize, shall appear to be of less Tonnage, Weight, or Quantity, than the Master, Owner, or Person, so declared the same to be, then the said Collectors shall pay the Costs and Charges of such weighing, measuring, and gauging; and in Default of immediate Payment thereof, the same may be demanded of the said Company of Proprietors, at any general or adjourned Meeting or Meeting of the Committee; and if Payment shall not be made within Eight Days after, the said Costs and Charges shall be recovered from the Company of Proprietors of the said Navigation, their Successors, or Assigns, by Action to be brought in the Court of Session, in which the Defendants shall be decreed to pay the Full Costs of Suit.

Navigation to be free upon Payment of Tolls.

Provided always, and be it further enacted, That all Persons whatsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways (excepting the Towing Paths) and with Boats or other Vessels, the navigable Cuts, Canals, or Sluices, to be made by virtue of this Act, for the Purpose of conveying Iron, Iron-stone, Coals, Stone, Timber, and other Goods, Wares, Merchandizes, and Commodities whatsoever,

whatsoever, to or from the said Cut or Canal, or collateral Cut, Trenches, or Passages; and also to navigate upon the said Cut or Canal, or collateral Cut, Trenches, Sluices, or Passages, with any Boats or Vessels, and to use the said Wharfs and Quays for loading and unloading Iron, Iron-stone, Coals, and other Goods and Commodities, and the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, their Successors, and Assigns, not exceeding the Rates herein before-mentioned.

Vessels under 15 Tons not to pass Locks without Consent of Company.

Provided also, and be it enacted, That no Boat or other Vessel of less Burthen than Fifteen Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors, or Assigns, or their principal Agent for the time being, in Writing first had and obtained.

Dividens limited to 10 *l. per Cent.*

Provided always, and be it enacted by the Authority aforesaid, That if it shall at any Time happen that the Distribution made among the said Proprietors within the Space of One Year, out of the Profits of the said Undertaking, shall exceed the Rate of Ten Pounds per Centum upon the principal Sum or Sums of Money which shall have been raised and contributed for the Purposes of this Act; then, and in every such Case, the several Rates, Tolls, and Duties, to be taken during the Course of One entire Year, to be computed from the First Day of January next following such Distribution as aforesaid, shall be lower than the highest Rates, Tolls, and Duties, herein before allowed to be taken in each Case respectively, in the Proportion of One Eighth Part for every Twenty Shillings Sterling, by which such Distribution shall have exceeded the Rate of Ten Pounds per Centum upon the principal Sum or Sums before-mentioned; and it shall not be lawful for the said Company of Proprietors, their Successors, and Assigns, during the Course of such entire Year as aforesaid, to demand or take any higher or greater Rates, Tolls, or Duties, than in the Proportion aforesaid; any thing herein before contained to the contrary notwithstanding.

Pleasure Boats may be allowed.

And it is hereby provided and further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, or collateral Cut, to use any Pleasure Boat or Boats upon the said Canal, or collateral Cut, not passing through any Lock, without the Consent of the said Company of Proprietors,

prietors, their Successors, or Assigns, or their principal Agent for the time being, without any Interruption from the said Company of Proprietors, their Successors, or Assigns, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandize, and so as the same shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or collateral Cut, or the Towing Paths on the Sides thereof.

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

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

Succeſſors, and Aſſigns: And in caſe of Neglect or Refuſal to ſatisfy the ſame for the Space of One Calendar Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the ſaid Navigation, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

Where Cattle deprived of Watering Places, others to be provided.

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

Towing Paths to be fenced from the adjoining Lands.

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

and set up, such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges, Ditches, and Fences, to be by them so made, on the Sides of such Towing Paths as aforesaid; and also such Bridges, Arches, and Passages, over or under, or through, the said Cut or Canal, and collateral Cut, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands, Grounds, Tenements, or Hereditaments, adjoining to such Cut or Canal, or collateral Cut, Trenches, Streams, Watercourses, and Towing Paths, or any of them respectively: And the said Company of Proprietors, their Successors, and Assigns, shall not make the said Cut or Canal, or collateral Cut, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, public Bridle-way, or Foot-path, until such Time as they shall, at their own proper Charges, have made a sufficient temporary Road, or make passable and convenient such Bridge and Bridges over, or convenient Passages through, or Arch or Arches under, the said Places where the said Cut or Canal, or collateral Cut, Trench or Watercourse respectively, shall be intended to be made, for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper; and all such Gates, Stiles, Bridges, Arches, and other Conveniencies, so to be made, shall, from time to time, be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors, their Successors, and Assigns: And in case any such Roads shall interfere with any Lock or other Work of the said intended Navigation, that the said Company of Proprietors, their Successors, and Assigns, shall have Power to remove and divert such Roads at such Distances (not exceeding Two hundred Yards at any One Place) and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper.

Bridges to be made.

And be it further enacted, That in case the said Company of Proprietors, their Successors, and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in and over the Fences on the Sides of such Towing Paths, or such Bridges, Arches, and Passages, over, under, or through, the said Cut or Canal, and collateral Cut,

In case of Failure, the Commissioners to do it.

and the said Trenches, Streams, and Watercourses, as aforesaid; or to make such Watering Places for Cattle as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them; then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniencies as aforesaid, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their Successors, and Assigns, as aforesaid; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Commissioners, or any Five or more of them, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniencies as aforesaid, by the said Company of Proprietors, their Successors, and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Five or more of them, shall, and are hereby required, by Warrant under their Hands, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, in or upon the said Cut or Canal, and collateral Cut, or the Wharfs, Quays, or Warehouses, adjoining or near to the same, to and for the Use of such Person or Persons who shall have so laid out or expended the same as aforesaid; rendering to the said Company of Proprietors, their Successors, and Assigns, or to some of their Agents, the Overplus, if any such there be, after deducting the reasonable Charges of making such Distress,

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

In caſe of Failure of Proprietors to repair, the Land Owners to do it.

And be it further enacted, That in caſe the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences aforeſaid, or the ſaid Gates, Stiles, Bridges, Arches, Paſſages, Watering-places, or other Conveniencies, ſhall, by Time or any Accident, be damaged or out of Repair; it ſhall be lawful for the ſaid reſpective Owners and Occupiers of Lands and Grounds on both or either of the Sides of the ſaid navigable Cut or Canal, Trenches, or Paſſages, to apply to the ſaid Commiſſioners, or any Five or more of them, giving at leaſt Fourteen Days previous Notice of ſuch intended Application to the ſaid Proprietors, and of the Time and Place of making ſuch Application, by inſerting the ſame in the Edinburgh and Glaſgow News Papers, or in ſuch other Manner as the ſaid Proprietors, their Succeſſors, or Aſſigns, ſhall at any General Meeting direct or appoint; and the ſaid Commiſſioners, or any Five or more of them, are hereby authorized, by their Warrant in Writing, under their reſpective Hands, to authorize and impower ſuch Owner or Owners, Occupier or Occupiers, of Lands reſpectively, to do ſuch Repairs as to them ſhall ſeem juſt, in caſe the ſaid Proprietors ſhall not do the ſame within Twenty one Days from the making of ſuch Order; and the ſaid Owner or Owners, Occupier or Occupiers reſpectively, ſhall have and recover the Coſts and Charges thereof, by ſuch Ways and Means as are herein before provided for having and recovering the Coſts and Charges of making, erecting, and ſetting up the ſame originally, by the ſaid Owner or Owners, Occupier or Occupiers reſpectively, in the Caſe of the ſaid Proprietors failing or neglecting to make or erect the ſame.

And

Owners of Lands impowered to make Bridges at their own Expence.

Provided always, and be it enacted, That if the Owners or Occupiers of any Lands, through which the said intended Cut or Canal, and collateral Cut, shall be made, do or shall, at any Time or Times thereafter, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies, which the said Commissioners, or any Five or more of them, shall have limited or directed to be made by the said Company of Proprietors, their Successors, and Assigns, in, upon, over, under, or through, the said Cut or Canal, and collateral Cut, or the Towing Paths thereof, are insufficient either in the Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side of the said Cut or Canal, or collateral Cut; that then, and so often, or in any such Case, it shall and may be lawful to and for every or any of such Owners or Occupiers of the said Lands for the time being, with the Consent and Approbation of the said Committee for the time being, or of the major Part thereof, upon Request made to them for that Purpose; or, in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Five or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniencies, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors, and Assigns, on, in, over, or near, the said Cut or Canal, or collateral Cut, or Towing Paths thereof, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, and Improvement, or Occupation thereof, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the Navigation of, in, or upon, the said Cut or Canal, and collateral Cut, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the same Cut or Canal, and collateral Cut, by the said Company of Proprietors, their Successors, and Assigns, as aforesaid.

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

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Owner or Owners of any Lands,

Lands or Grounds through which the said intended Cut or Canal, or collateral Cut, shall be made, under or by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing-places, Cranes, Weighbeams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal, or collateral Cut, hereby authorized to be made; or from landing any Goods or Merchandize, or other Things thereupon, or upon the Banks lying between the same and the said intended new Cut or Canal, or collateral Cut; or from making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or collateral Cut, or the Towing Paths on the Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weighbeams, and Warehouses respectively, shall be, and the same are hereby vested in the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weighbeams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties, granted to the said Company of Proprietors, their Successors, and Assigns, for the Tonnage and Wharfage, shall not be thereby reduced or altered.

but if not done within 12 Months after Notice, Proprietors may build.

Provided also, and be it enacted, That if any such Owner or Owners shall not, within the Space of Twelve Calendar Months after Notice given in Writing, by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them, for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, and keep in substantial Repair, in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient Warehouses and Buildings, agreeable to a Plan or Plans thereof which is and are hereby required and directed to be delivered to such Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprized or described in

such Notice; then, and in every such Case, the said Company of Proprietors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes (except such as are herein particularly specified and excepted) for erecting and building sufficient Warehouses and Buildings agreeable to such Plan or Plans so delivered to the Owner or Owners as aforesaid; and by, after, or according to, no other Plan or Plans whatsoever; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the like Purposes.

Owners of Lands to grant Feu-Rights for building Towns, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for all Owners of Lands, Bodies Politick, or Corporate, Heirs of Entail, Trustees, Tutors and Curators of Minors, and of Ideots and furious Persons, through whose Lands the said main Canal or collateral Cut shall pass, and they are hereby impowered to erect, or to grant Feu-Rights, for erecting Towns, Houses, and Buildings, upon their Lands immediately adjoining to the said main Canal or collateral Cut, but so as the same shall not prejudice the said intended Navigation, or the Towing Paths thereof; and that in such Cases where the said Lands are now possessed under Lease or Leases, the Owner or Owners, of the original Lessor or Lessors thereof, shall have Power, and they are hereby impowered and authorised to purchase from the Lessees, and other Persons interested therein, the Remainder of their Term or Terms in such Part and Portions of the said leased Lands as shall lie within Five hundred Yards (but at no greater Distance) of the said main Canal, or collateral Cut; and in case of Difference between them in respect of the Price or Prices to be paid, that the same shall be ascertained and settled in Manner as herein before directed, with respect to other Lands or Grounds to be taken and used by the Company of Proprietors for the Purpose of the said intended Navigation.

Proviso.

Provided always, That all Bodies Politick or Corporate, Heirs of Entail, Trustees, Tutors, and Curators of Minors, and of Ideots and furious Persons, granting Feu-Rights as aforesaid, shall be bound and obliged to make the same, and with Reservation of a Feu-duty or Feu-duties, at least equal to the present full Rent of the Lands.

Provided

Provided always, and be it enacted, That it shall and may be lawful for the Owners of Lands through which the said intended Cut or Canal, or collateral Cut, shall pass, and they are hereby impowered, at their own proper Costs and Charges, to make a navigable Cut through their own Lands to communicate with the said intended Cut or Canal, or collateral Cut, and to pass through the Towing Paths of the same. Owners of Lands impowered to make Cuts through their own Lands.

Provided always, That the said Land Owners shall be obliged to make and maintain sufficient Bridges, that no Damage shall thereby be done to the Towing Paths, or to the said Canal or collateral Cut; and that neither the said Canal, nor the said collateral Cut, shall thereby be deprived of any Water, except once to fill the Land Owners Cut, and that only at such Time when the Water in the main Canal runs over the Weir or Waster of the said Canal; and if any Brook shall enter the Land Owners Cut, the respective Owners thereof shall make Settling Places at proper Distances as shall be approved of by the Company of Proprietors of the main Canal and collateral Cut, their Successors and Assigns, or their Agents and Servants, for the time being; and shall also make a sufficient Pair of Floodgates, occasionally to cut off the Communication with the main Canal, or collateral Cut, when it may be found necessary; and that it shall be in the Power of the said Company of Proprietors, their Successors, and Assigns, or Agents and Servants, to shut, or cause to be shut, the said Floodgates, at such Time and Times as shall appear to them to be necessary for preventing any Hurt or Prejudice to the main Canal, or collateral Cut, by the Introduction of muddy Water, or of too great a Quantity of Water, or by the Leakage of such Land Owners Cut or Cuts. And in case the said Floodgates shall at any Time or Times be leaky or in Dis-repair, that the said Company of Proprietors shall have Power of putting Dams across the Mouths of the said Land Owners said Cuts until the said Floodgates shall be made sufficiently Water-tight; and that such Dams shall be placed and removed at the Expences of the said Land Owners respectively. Land Owners to make Bridges, &c.

Provided likewise, That the said Owners of Lands through which the main Canal or collateral Cut shall pass, and who shall have made a navigable Cut as aforesaid, shall have Power, and they are hereby required to permit other Owners, who have Lands immediately adjoining to the Lands of the said first mentioned Owners, through How the Cut may be continued.

through which the said Canal or collateral Cut shall pass, to continue, at their own Costs and Charges; the said navigable Cut made by such Land Owners as aforesaid through their (the said other Owners) Lands, to be impowered and required to permit every other adjoining Land Owner to continue through his Lands, at his own Expence and Charges, the said navigable Cut made by the Land Owners as aforesaid: And all the said Land Owners to have and enjoy the free Navigation thereof to and from the said main Canal or collateral Cut to be made by the Proprietors as aforesaid: And in case of any Difference or Dispute between the said Land Owners in respect thereof, or of the necessary Expences in preserving, repairing, and cleansing, from time to time, the said navigable Cut (so long as the same shall be used respectively) or between the said Land Owners and Company of Proprietors, such Difference or Dispute shall be determined by the said Commissioners, or any Five or more of them.

Not to diminish the Lock-dues.

And provided always, That nothing herein contained shall be understood to authorize or empower any Person or Persons to make any Cut or Cuts, in the same Line of Direction with the main Canal, or with the said collateral Cut, to be made by the Proprietors as aforesaid, which may tend to diminish the Lock-dues of either of them respectively; but that such Cut or Cuts, to be made by such Land Owners, shall be joined to the main Canal, or collateral Cut, at the nearest practicable Part to the Place or Places from whence such Land Owners Cut or Cuts shall be brought; and in case of any Dispute in respect thereof, that the same shall be determined by the said Commissioners, or any Five or more of them.

For ascertaining the Rate to be paid for Wharfage.

And be it further enacted, That no more than the Sum of Three Pence Sterling Money per Ton shall be demanded or taken for Wharfage by any Person or Persons, Proprietor or Proprietors, Land Owner or Land Owners, who shall or may, at any Time hereafter, make, erect, or build, any Wharfs or Quays on any Part of the said intended Cut or Canal, or collateral Cut, by virtue of this Act, unless the Goods, Wares, or Merchandize, which shall be laid thereon, shall remain or continue in such Wharf or Quay for a longer Space of Time than Six Days.

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

And, for the better regulating of Masters of Boats, Bargemen, and others, employed by or under them respectively, and for the more easy Detection of any thing by them, or any of them, respectively done contrary to

the

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

Boats, &c. to be measured.

And be it further enacted, That the Master or Owner of every Boat or other Vessel, navigating within the Limits of the said Navigation, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Mariners, Boatmen, or Watermen, belonging to, or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near, the said intended Cut or Canal, or collateral Cut, Trenches, Sluices, and Passages, or by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements, adjoining to the same, or any of them, other than is authorized by this Act: And that no Boat or Vessel shall be permitted to load or unload upon the said Canal, or collateral Cut, without a Stage to be laid across from the Gunnell of such Boat or Vessel to the Bank of the said Canal, or collateral Cut, so as to prevent any Dirt or Rubbish from falling in between the Vessel and the Bank; and the said Master or Owner of such Boat or Vessel shall and may

Boatmaster, &c. answerable for Damage done by the Crew.

be ſued and proſecuted for the ſame in any Court of Law in that Part of Great Britain called Scotland; and if found guilty, and Judgement given againſt him, the Plaintiff, in any ſuch Caſe, ſhall recover his Damages thereby ſuſtained, with Full Coſts of Suit.

Proper Places to be made for Boats to turn and lie in for other Boats to paſs.

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

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

And be it further enacted, That if any Boat or Veſſel ſhall be wilfully placed in any Part of the ſaid Cut or Canal, or collateral Cut, or of any Trench, Sluice, or Paſſage aforeſaid, ſo as to obſtruct the Navigation, and the Perſon having the Care of ſuch Boat or Veſſel, ſhall not immediately, upon Requeſt made, remove the ſame, he ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings Sterling Money, nor leſs than Five Shillings Sterling Money, for every Hour ſuch Obſtruction ſhall continue; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or any of them, to cauſe any ſuch Boat or Veſſel to be unloaded, if neceſſary, and to be removed, in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction in the Navigation; and to ſeize and detain ſuch Boat or Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid: And if any Boat or Veſſel ſhall be ſunk in the ſaid Cut or Canal, or collateral Cut, or any Trench aforeſaid, and the Owner or Owners, Perſon or Perſons, having the Uſe of ſuch Boat or Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame; it ſhall be lawful for the Agents

or Servants of the said Company of Proprietors, their Successors and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Persons overloading and obstructing the Passage of the Canal, to forfeit 5*l.*

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

Penalty on Persons throwing Ballast into the Canal.

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

Regulations for Vessels passing the Locks.

Provided always, and be it enacted, That no Boatman, or his Agents or Servants, navigating any Boat or other Vessel upon the said Cut or Canal, or collateral Cut, and passing with any Boat or other Vessel through any Lock to be made upon the said Cut or Canal, or collateral Cut, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also that every such Boatman, or other Person as aforesaid, in going

down the said Cut or Canal, or collateral Cut, shall shut the Lower Gates of such Lock, before he or they shall draw the Cloughs of the Upper Gates thereof; and after he or they shall have brought his or their Boat or other Vessel into the said Lock, shall shut the Upper Gates before he or they shall draw the Clows of the Lower Gates thereof; and in going up the said Cut or Canal, or collateral Cut, shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the Upper Gates of the said Lock, and afterwards draw the Clows of the Lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Cut or Canal, or collateral Cut; in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open: And in all dry Seasons, when there shall be a Scarcity of Water in the said Cut or Canal, or collateral Cut, the Vessel going up the same, if within Sight of, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Locks before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose) such Vessels shall go up and come down at such Lock by Turns aforesaid, till all the said Vessels going up and coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before the Sheriff Depute, or any Justice of Peace in the respective County, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person, having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings Sterling Money.

Preserving Rights of Lords of Manors.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, prejudice, or affect, the Right of any Over Lord or Superior of any Lordship, Barony, or Estate, Common or Waste Grounds, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which, the said Cut or Canal, or collateral Cut, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any

any of them, shall be made, to the Mines, Minerals, or Quarries, or to the Salt Springs, Brine or Rock Salt, lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, or collateral Cut, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, Quarries, Salt Springs, Brine and Rock Salt, are hereby reserved to such Over Lord or Superior of any Lordship, Barony, or Estate, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Over Lord or Superior of any Lordship, Barony, or Estate, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to take and carry away, to his or their own Use, such Mines, Minerals, or Quarries, and such Salt Springs, Brine and Rock Salt, not thereby injuring, prejudicing, or obstructing, the said Cut or Canal, or collateral Cut, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Their Rights to Fisheries preserved.

Provided always, and it is hereby enacted and declared, That the Lord and Lords, or Owner and Owners, of all and every Lordship, Barony, and Estate, through which the said intended Cut or Canal, and collateral Cut, shall be made, shall have and be intitled to the sole, several, and exclusive, Right of Fishery of and in so much of the said Cut or Canal, or collateral Cut, 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 intitled to, the Right of 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 Cut or Canal, or collateral Cut, shall be made, shall also have and be intitled to the like sole, several, and exclusive, Right of Fishery of and in so much of the

said Cut or Canal, or collateral Cut, Trenches, and Sluices, as shall be made in, over, or through his, her, or their Lands or Grounds respectively; so as in the Use and Exercise of the said Right of Fishery the said navigable Cut or Canal, or collateral Cut, 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 Cut or Canal, or collateral Cut, Trenches, or Sluices; 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 Cut or Canal, or collateral Cut, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by means of the letting of the Water out of the said Cut or Canal, or collateral Cut, Trenches, or Sluices, for or upon account of any Repairs or Works to be done in or about the same: And also that it shall and may be lawful for such Over Lord or Superior of any Lordship, Barony, or Estate, and the Owner or Owners of such Lands or Grounds, being qualified by Law so to do, to take and kill Game upon so much of the said Cut or Canal, or collateral Cut, Trenches, Sluices, Towing Paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

Persons on board having Nets, and not being qualified, forfeit 5*l.*

And be it further enacted, That if any Person or Persons, navigating or working, or being on board, any Boat or other Vessel, within the Limits of the said intended Navigation (not being qualified by the several Laws and Statutes relating to Game) shall carry on board any Boat or other Vessel, and shall use any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game; such Person or Persons, 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 said County of Stirling, Lanerk, Renfrew, or Dumbarton, respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling Money; and in case any Master or other Person, having the

Command

Command of any Boat or other Vessel, shall suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on board, or make use of, any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace of any of the said Counties respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling Money.

Qualification of Commissioners.

Provided always, and be it enacted, That no Person shall act as a Commissioner in pursuance of this Act, in any Case where he shall be any Ways interested or concerned in the Matter in Question, nor unless he shall be infeoft in Property, or possest as Proprietor in Life-rent, of Lands valued in the Tax Roll of the said Counties of Stirling, Lanerk, Renfrew, or Dumbarton, or One or other of them, to the Extent of Two hundred Pounds Scots of yearly valued Rent, or be the eldest Sons and Heirs Apparent of Persons who are infeoft in the Property of Lands of the Extent and Valuation aforesaid: And if any Person interested, or not qualified as aforesaid, shall presume to act as a Commissioner under this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds Sterling Money to any Person who shall sue for the same; to be recovered with full Costs of Suit, by Action at Law, in any Court competent; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds Sterling Money, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Commissioner in the Execution of this Act.

The same not to extend to certain Sheriffs, &c.

Declaring always, That notwithstanding the above Qualification respecting the Commissioners, yet that the Representatives in Parliament for the Counties of Stirling, Lanerk, Renfrew, and Dumbarton, and the District of Boroughs aforesaid; and the Deputy Sheriffs of the Counties of Stirling, Lanerk, Renfrew, and Dumbarton; and the Provost, Dean of Guild, and Deacon-Convener of the Trades of Glasgow for the time being; and the Provosts of the Boroughs of Stirling, Lanerk, Renfrew, Dumbarton, and Rutherglen, for the time being, shall be no way disqualified from acting as Commissioners under this Act, or subjected to the Penalties above enacted, although they are not,

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at the Time, poſſeſſed of the Valuation above written in all or any of the Counties aforeſaid.

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

Oath.

I *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities eſtabliſhed by an Act made in the Eighth Year of the Reign of His Majeſty King *George* the Third, for making and maintaining a navigable Cut or Canal from the Firth or River of *Forth*, at or near the Mouth of the River of *Carron*, in the County of *Stirling*, to the Firth or River of *Clyde*, at or near a Place called *Dalmuir Burnfoot*, in the County of *Dumbarton*; and alſo a collateral Cut from the ſame to the City of *Glaſgow*; and for making a navigable Cut or Canal of Communication from the Port and Harbour of *Borrowſtounneſs*, to join the ſaid Canal at or near the Place where it will fall into the Firth of *Forth*.

Commiſſioners to give Notice of their Meetings.

And be it further enacted, That upon Application to be made by the ſaid Proprietors, their Succeſſors, and Aſſigns, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the ſaid intended navigable Cut or Canal, or collateral Cut, or any of the Works neceſſary or relating thereto, or any of them, unto the Commiſſioners appointed by and for the Purpoſes of this Act, or any Five or more of them, acting for ſuch of the ſaid Counties where the Matter in Queſtion ſhall ariſe, requeſting them or deſiring them to appoint a General Meeting of the Commiſſioners; the Commiſſioners ſo requeſted or applied to, or any Five or more of them, may, and ſhall, and they are hereby reſpectively authorized and required, within Seven Days after ſuch Requeſt or Application made, to give Notice in Manner aforeſaid of a General Meeting to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice; ſuch Time not being leſs than Fourteen nor more than Twenty one Days from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid;

said; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to, and vested in, them in Execution; and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners respectively, shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners respectively was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Commissioners may act as Justices.

And be it further enacted, That such of the said Commissioners who shall be in the Commission of the Peace for the said Counties of Stirling, Lanerk, Renfrew, and Dumbarton, or any of them, shall and may, and are hereby impowered, to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner: And, in like Manner, such of the said Commissioners as are, or at the Time shall be, Sheriffs Depute of the said Counties of Stirling, Lanerk, Renfrew, and Dumbarton respectively, shall and may act as such, notwithstanding his or their being Commissioners under this Act.

No Commissioner to act as such while he possesses any Place of Profit.

And be it further enacted, That if any Person appointed, or to be appointed, a Commissioner by virtue of this Act, shall have or accept any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act, such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Notice of Meeting of Commissioners.

And be it further enacted, That upon Application to be made by the said Proprietors, their Successors, and Assigns, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements,

or

or Hereditaments, to be affected by the said intended navigable Cut or Canal, or collateral Cut, or any of the Works necessary or relating thereto, or any of them, unto the Commissiones appointed by and for the Purposes of this Act, or any Five or more of them, requesting them to appoint a General Meeting of the Commissioners, the Commissioners so requested or applied to, or any Five or more of them, may and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice, in the Edinburgh and Glasgow News Papers, of a General Meeting to be held at such Time and Place as shall be specified in such Notice; such Time not being less than Fourteen Days, nor more than Twenty one Days from the Day on which such Request shall be made to them as aforesaid; and which Notice shall also specify the Matters and Things proposed to be done at such Meeting; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in Order to put this present Act, and the Powers and Authorities hereby given to, and vested in them, in Execution, and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners shall and may, by Publick Notice, to be given in Manner aforesaid, appoint the said Commissioners to meet, at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Meetings to be removed at any Time.

Provided always, and be it further enacted, That it shall and may be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from time to time, and at all Times, upon such Request made as aforesaid, by Notice in Writing, signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages

Wages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

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

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

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

Provided always, and be it further enacted, That if the said Company of Proprietors, their Successors, or Assigns, shall be in Possession of any Lands or Grounds, by virtue of this Act, for the Space of Ten Years, without making the said intended Navigation through the If Lands not used within a certain Time, to be reconveyed.

same

same respectively; or if the said Navigation shall be made and compleated, and afterwards discontinued or disused, for the Space of Five Years; then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or Five Years after disusing the said Navigation as aforesaid, the said Company of Proprietors, their Successors, or Assigns, shall convey all their Right, Property, and Interest, in or to such Lands or Grounds respectively, unto the several and respective 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, their Successors, or Assigns, became seised of the same, in case they, or any of them, shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands or Grounds, to the said Company of Proprietors, their Successors, or Assigns, as the said Commissioners, or any Five or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof, by the said Commissioners, then, as any Jury to be impanelled in Manner herein before directed, shall ascertain or award to be paid for the same.

For ascertaining the Consideration-money.

Provided, That in case the said Company of Proprietors, their Successors, or Assigns, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid; then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company of Proprietors, their Successors, or Assigns, shall revert to, and be thenceforth vested in, the said several and respective Person or Persons, Bodies Politick, Corporate or Collegiate, their Heirs, Successors, or Assigns: And in case an Annual Rent shall have been paid for the said Lands or Grounds to be taken in Manner aforesaid for the Use of the said Navigation; then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors, or Assigns, to the Person or Persons, Bodies Politick, Corporate or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award; such Sum or Sums of Money,

ney, 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 by virtue of this Act.

For erecting Mile-stones.

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

Writings to be without Stamps.

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

Penalties and Forfeitures how to be recovered and applied.

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

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

Parties making Distresses, not deemed Trespassers for want of Form.

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

Persons aggrieved may appeal to the Quarter Sessions.

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

Summons left with the Cashier, &c. deemed sufficient Notice to the Proprietors.

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

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

Provided always, That the reasonable Charges attending such Sale or Sales, and whole Proceedings therein, be paid down to the Clerk of the said Company by the Purchaser or Purchasers aforesaid, to be retained by them from the first and readiest of the Purchase-monies. Proviso.

And

Proviſo. And provided alſo, That if at any Time before the Day of Auction and Sale of the ſaid Share or Shares ſo arreſted, ſuch Arreſtment or Arreſtments ſhall be effectually looſed or removed, and the ſame be inſtructed to the Satisfaction of the ſaid Committee, and the reaſonable Charges of Advertiſements, and other Proceedings toward ſuch Sale, ſhall be paid down to the ſaid Company's Clerk; that then, and in ſuch Caſe, the ſaid Auction and Sale ſhall be ſtopped, and no further proceeded in at the Time.

A Canal to be made from *Borrowſtounneſs* to join the main Canal. And whereas the joining and communicating the ſaid Canal to the Port and Harbour of Borrowſtounneſs, upon the Firth of Forth, in the County of Linlithgow, will make the ſaid Canal greatly more uſeful and beneficial, by opening a ſhorter and more certain Acceſs thereto from the ſaid Port, and will likewiſe tend to the Improvement of the adjacent Land, and other good Purpoſes aforeſaid: And whereas the ſeveral Perſons herein-after particularly named, are deſirous, at their own proper Coſts and Charges, to begin, carry on, and compleat, the ſaid navigable Cut or Canal of Communication; wherefore, for obtaining and perfecting theſe good Ends and Purpoſes, be it enacted by the Authority aforeſaid, That from and after the ſaid Fourteenth Day from the paſſing this Act, the Moſt Noble George James Duke of Hamilton and Brandon, the Right Honourable John Earl of Hopetoun, the Honourable Charles Hope Weir of Craigie Hall, Eſquire; Sir Robert Dalyell of Binns, Baronet; Sir Lawrence Dundas Baronet, James Buchanan of Calter, Eſquire; John Gartſhore of Gartſhore, Eſquire; James Glen of Longcrofts, Eſquire; William Maxwell of Carriden, Eſquire; Doctor John Roebuck, the Provoſt, Magiſtrates, and Councel, of the City of Glaſgow, for the time being, on the Behalf of the ſaid City and Community; Simpſon Baird, James Campbell, James Connell, Arthur Connell, William Lawrie, Archibald Mc Brair, John Pagan, John Shortridge, and Hugh Willie, Merchants in Glaſgow; John Addiſon, James Addiſon ſenior, Charles Addiſon ſenior, John Bain Vintner in Borrowſtounneſs, John Burrell Gentleman, Adam Boyle Shipmaſter, John Cowan Merchant in Borrowſtounneſs, Andrew Cowan Merchant in Kirkaldie, James Dalgleiſh Merchant in Borrowſtounneſs, James Drummond, and James Grindley, Shipmaſters in Borrowſtounneſs; John Hardie Surgeon in Glaſgow, Robert Hart, James Main, John Pearſon, James Scrimgeour junior, and William Shead, Merchants in

Proprietors Names.

in Borrowſtounneſs; John Short Surgeon in Borrowſtounneſs, James Smart Ship-builder in Borrowſtounneſs, and James Tod Merchant in Borrowſtounneſs, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, are and ſhall be united into a Company for the better carrying on, making, compleating, and maintaining, the ſaid navigable Cut or Canal of Communication, according to the Rules, Orders, and Directions, herein before and after expreſſed and laid down; and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Borrowſtounneſs* Canal Navigation, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe Lands to them, and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the ſaid Company of Proprietors of the Borrowſtounneſs Canal, their Succeſſors, and Aſſigns, ſhall be, and are hereby authorized and impowered, from and after the ſaid Fourteenth Day from the paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and compleat a Cut or Canal, not more than Seven Feet deep, navigable and paſſable for Boats, Barges, and other Veſſels, from the Harbour of Borrowſtounneſs, in the County of Linlithgow, through the Lands or Kerſe of Kinneil, in the ſaid County, to and acroſs the Water of Aven, and through the Lands of Bearcrofts, in the Eaſt Kerſe, and continued to the ſaid navigable Cut or Canal from the Forth to the Clyde, at or near the Place where the ſame is intended to join the River Forth, in the County of Stirling, and to ſupply the ſaid Cut or Canal of Communication, whilſt the ſame ſhall be making, and when made, with Water, from ſuch Springs as ſhall be found in making the ſaid Cut or Canal, and from ſuch Lakes or Lochs, Brooks, Streams, and Watercourſes, as are or ſhall be found within the Diſtance of Five hundred Yards from any Part of the ſaid intended Cut or Canal, and from any Part of the Brook or Water of Aven, below Jinkabout Mill, from the Brook or Burn of Millhall, below the Mill, as well as from any other River, Stream, Brook, Lake, or Lough, within the Diſtance of Four Miles from the ſaid Cut or Canal, ſo as not to hurt or prejudice the main Canal from Forth to Clyde, or to uſe

Their Power to make the Canal.

Courſe of the Canal.

or carry off any of the Waters appropriated to the Use thereof; and also to make such Reservoirs as shall be necessary for the Purposes of the said Cut or Canal of Communication, within the Distance last mentioned, for the more conveniently supplying the same with Water: And for the Purposes aforesaid, the said Company of Proprietors of the Borrowstounness Canal, their Successors, and Assigns, and their Agents, Servants, and Workmen, are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay, Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials and Things, (except as herein is excepted) which may be dug or got in the making of the said navigable Cut or Canal of Communication, or which may hinder, prevent, or obstruct, the making, using, compleating, extending, and maintaining the same; and for making, using, compleating, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cut or Canal of Communication, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Dams, Wears, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing Places, Weighbeams, Cranes, and other Works, Ways, and Conveniencies, as and where they the said Proprietors, their Successors, and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also, from time to time, to alter, repair, and amend, the same; and to make, widen, or enlarge, any Bridges, Dams, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, Warehouses, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut or Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture, the said Materials on the

Grounds

Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint, such Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, as they the said Proprietors, their Successors, and Assigns, shall think convenient; and also, with Power to the said Proprietors, to dig, take, and carry away, Soil, Clay, Gravel, or Stone, proper, requisite, and convenient, for carrying on and continuing the said Works and Undertaking, in or from any Grounds of any Person or Persons adjoining or lying contiguous thereto (not being, at this Time, Ground whereon a House now stands, planted Walk, or Avenue to a House, or Lawn inclosed and adjoining to a Mansion-house) and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Cut or Canal, and Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think necessary and convenient, for the making, effecting, extending, preserving, improving, compleating, and using, the Navigation on the said Canal, in pursuance and within the true Meaning of this Act; they the said Proprietors, their Successors, and Assigns, doing as little Damage as may be in the Premisses, and making Satisfaction in Manner herein before-mentioned to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Lakes, or Lochs, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act for making the said Canal of Communication.

Powers of the Proprietors of the main Canal extended to the Proprietors of the *Borrowstounness* Canal.

"And be it further enacted by the Authority aforesaid, That for the more easy and effectual making, compleating, repairing, maintaining, and using, the said Cut or Canal, Tunnels, Soughs, Trenches, Sluices, and the several other Works, Matters, and Things aforesaid,

said, the said Proprietors of the Borrowstounness Canal Navigation, and their Agents, Servants, Workmen, and Labourers, and all and every other Person and Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, shall have and be seized and possessed of, and is and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be, and is and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Controul, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, as are herein before mentioned, directed, given, granted, prescribed, established, and inflicted, for and in respect of the Forth and Clyde Navigation, to every Intent and Purpose whatsoever; and that all the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things, herein before contained, in respect to the said last mentioned Navigation (except such Parts thereof as are hereby varied or altered; and also except the several Clauses, Provisoes, and Regulations, relating to the working of Mines) shall extend, and are hereby extended to, and shall take Effect, operate, and be put in Execution, in, for, and in respect of, the continuing, making, compleating, and repairing, maintaining, and using, the said Borrowstounness Navigation, and the several Works, Matters, and Things, herein before or herein after by this Act authorized to be made, done, and performed, and for the Punishment of Offenders in relation thereto; and for the selling and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof, and for the determining and assessing of Damages, and for recording of Agreements, Conveyances, and Verdicts (except as to the Place of recording the same, which for the Borrowstounness Navigation shall be in the Counties of Linlithgow or Stirling, as the Case shall require;) and all other Matters and Things which shall relate to, or happen or arise by or in consequence of, the Execution of all or any of the Powers of this Act, in respect to the Borrowstounness Navigation, in such and the same Manner, and as fully and effectually, to all Intents and Purposes whatsoever, as the same can or may operate and be executed to, upon, for, or in respect of, the Forth and Clyde Navigation, and the several

several Works, Matters, and Things, herein before mentioned or authorized to be made, done, and performed; and as if all the said Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things, were herein repeated, re-enacted, and applied to the said Borrowstounness Navigation, Tunnels, Soughs, Trenches, Sluices, Piers, Arches, Bridges, and the several other Matters and Things hereby authorized to be made, done, and performed.

Differences to be determined by Commissioners.

And whereas Differences may arise between the said Company of Proprietors of the Borrowstounness Canal, and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Mills, Waters, or other Hereditaments, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid, That the Commissioners of the Land Tax for the time being, within either of the said Counties of Linlithgow and Stirling, who shall be infeoft in Property or Possession as Proprietors in Life-rent, of Lands valued in the Cess Rolls or Valuation Books of the said Counties of Linlithgow and Stirling, or either of them, to the Extent of Two hundred Pounds Scots of yearly valued Rent, and the eldest Sons and Heirs Apparent of Persons who are or shall be infeoft in the Property of Lands of the Extent and Valuation aforesaid; and also the Representatives in Parliament for the Counties of Linlithgow and Stirling, and for the District of Boroughs of Linlithgow, Selkirk, Peebles, and Lanerk, and the District of Boroughs of Stirling, Innerkeithen, Queensferry, Dumfermling, and Culross; and the Deputy Sheriffs for the Counties of Linlithgow and Stirling; the Provost of Linlithgow for the time being; and the Provost of Stirling for the time being; shall be, and they are hereby appointed Commissioners for the settling, determining, and adjusting, all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, their Successors, or Assigns, or any of them, and the several Proprietors of, and Persons interested in, any Lands, Grounds, Tenements, Mills, Waters, or Hereditaments, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted,

Commissioners.

granted, and they the said Commissioners, or any Five or more of them, qualified as aforesaid in the said Counties, or in either of them, are hereby impowered by a Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust, from time to time, what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, and Assigns, or any of them, to such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid for making the said Canal of Communication, or any Part thereof, and other the Purposes herein mentioned; and the said Commissioners, or any Five or more of them, qualified as aforesaid, shall have the same Powers for determining and adjusting Recompences, and for calling and summoning of Juries, and all other the like Powers and Authorities in relation to the said Canal of Communication, as by this Act are granted and given to the other Commissioners herein before appointed for and in relation to the said other Canal from Forth to Clyde, in the several Cases and Events herein before mentioned; and the whole Rules, Regulations, Provisoes, Clauses, herein before enacted in relation to the Manner of calling the said Juries, their Procedure, and the Effects of their Verdicts, and in relation to every Matter or Thing concerning them, shall extend and take place for carrying on, making, and compleating, the said Canal of Communication, and shall extend to the said Counties of Linlithgow and Stirling, and to the Sheriffs Depute and Substitute of the said Counties, according to the true Intent and Meaning of this Act; and all the Rights, Powers, and Privileges, herein before given, granted, or reserved, to the Owners of Lands, Waters, or other Hereditaments, through, over, under, or near, which the said navigable Canal from Forth to Clyde may or shall pass, shall, in like Manner, be given, granted, and reserved, to such Owners of Lands, Waters, and other Hereditaments, through, over, under, or near, which the said navigable Canal of Communication shall or may pass, or be made, in pursuance of this Act.

And, to the End that the said Company of Proprietors of the Borrowstounness Canal may be further enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company

pany of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal of Communication; provided that the said Sum do not exceed Five thousand Pounds Sterling Money in the Whole, except as herein after-mentioned; and that the same be divided into such Number of Shares as herein after directed at a Price not exceeding Fifty Pounds Sterling Money per Share; and that no Person subscribing thereunto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or more than Ten Shares, either in his own Name, or in the Names of any other Person or Persons in Trust for him, except the same shall come to such Person by Will, Succession, or Act in Law, upon Pain of forfeiting to the said Company of Proprietors, their Successors, and Assigns, all such Shares exceeding Ten Shares aforesaid: And the Monies so to be raised is hereby enacted and appointed to be laid out and applied, in the first Place, for or towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money, for and towards making, compleating, and maintaining, the said navigable Cut or Canal of Communication, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Proprietors may raise Money amongst themselves to carry on their Work.

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

Money raised to be divided into 100 Shares of 50*l.*

veral and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed, or have been assumed as aforesaid, and shall pay in the Sum of Fifty Pounds Sterling Money, or such Parts thereof as shall be demanded, towards carrying on and compleating the said intended Canal of Communication, shall be intitled to and receive, after the said Canal shall be compleated, the intire and neat Distribution of One hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act; and so in Proportion for any greater Number of Shares: And every Body Corporate or Politick, Person or Persons, having such Property of One hundredth Part or Share of the said Undertaking, and so in Proportion, shall bear and pay a proportionable Sum of Money towards carrying on the said Undertaking in Manner herein directed, enacted, and appointed.

If 5000*l.* *Sterling* Money is not sufficient, a farther Sum may be raised.

Provided always, and be it enacted by the Authority aforesaid, That in case the said Sum of Five thousand Pounds Sterling Money herein before authorized to be raised, shall be found insufficient for the making, compleating, and maintaining the said navigable Canal of Communication, and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other Sums of Money for making, compleating, and maintaining, the said Navigation, not exceeding the Sum of Three thousand Pounds Sterling Money.

Subscribers to have a Vote for every Five Shares,

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

by themselves or Proxies.

ber his, her, or their Hand or Hands; and such Vote or Votes by Proxies shall be as good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors: And any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Ten Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxies, regularly constituted as aforesaid, to give One Vote for each such Share of Fifty Pounds Sterling Money, for which he, she, or they, shall be a Proprietor as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things, which shall be proposed, discussed, or considered, in any Publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share.

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

And, to the End that all Matters and Things to be done and carried on by Virtue and Authority of this Act, may be the more regularly and methodically carried into Execution, be it enacted by the Authority aforesaid, That the First General Assembly or Meeting of the Proprietors for putting this Act in Execution, shall be held at the Duke of Hamilton's Arms in Borrowstounness, upon the Third Tuesday of June, in the Year of our Lord One thousand seven hundred and sixty eight; and the Second General Meeting upon the Third Tuesday of July thereafter, at the same Place, or at such other Place as the said Proprietors, or the major Part of them, at their said First Meeting, shall appoint; and the like General Assemblies or Meetings shall be held upon the Third Tuesday of August, Third Tuesday of November, Third Tuesday of February, and the Third Tuesday of May, in every Year for the future, at the Hour of Eleven of the Clock in the Forenoon, at the Duke of Hamilton's Arms aforesaid, or such other Place or Places as the said Proprietors, in a General Meeting assembled, shall fix and appoint from time to time: At which said First Meeting the Proprietors assembled, with such Proxies as shall be then present, shall choose Five Persons, each of whom General Assemblies for choosing a Committee.

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

Proviso. Provided always, That if at any such General Assembly there shall not be Persons present who have Fifteen such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present.

Powers relating to the main Canal extended in certain Case to this Canal. And it is hereby further enacted and declared, That the whole Powers, Regulations, Rules, Orders, Directions, and Clauses, herein before enacted, in relation to General Assemblies, Committees, and Meetings; and in relation to the Calls, Payments, Forfeitures, or Disposals of Shares of the Proprietors of the Company of the Forth and Clyde Navigation; and in relation to the Election and choosing of Clerks, Cashiers,

or Treasurers, and other Officers, and to the removing of them, shall extend and take Place, for the carrying on, making, compleating, and maintaining, the said Canal of Communication, according to the true Intent and Meaning of this Act.

Tolls allowed to be taken.

And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences of the said Company of Proprietors of the Borrowstounness Canal, their Successors and Assigns, will be at in making, maintaining, and supplying with Water, the said Cut or Canal, and in making and maintaining all the other Works hereby authorized to be made and erected; it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Iron, Coals, Stones, Timber, and all other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, and conveyed, upon or through the said Cut or Canal, such Rates and Duties as the said Company of Proprietors, their Successors and Assigns, shall think fit, not exceeding the Sum of One Penny Half-penny per Mile for every Ton of Iron, Coal, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities, which shall be navigated, carried, and conveyed, upon and through the said Cut or Canal, and so in Proportion for any greater or less Quantity than a Ton.

Lime to pay but One fourth of the Rates.

Exemptions from Tolls.

Provided also, and be it enacted, That Lime, Limestone, and Ironstone, shall not pay more than One Third of the Rates, Tolls, or Duties, before mentioned; and that Paving Stones, Gravel, and all other Materials for making and repairing of Roads (Limestone excepted) and also Dung, Marle, and all Sorts of Manure for the Improvement of Lands and Grounds, shall not, nor shall any of them, be charged with or liable to pay any of the Rates, Duties, or Tolls, authorized to be taken by this Act, for being carried upon the said Cut or Canal of Communication, or any Part thereof; but shall be free and exempted from the same; so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over the Place made for discharging the Overplus Water of such Canal;

but

but with an Option to the Owners of such Dung, Soil, Marle, and other Sorts of Manure, to pass the same at all Times (that Boats and Vessels can pass) through the said Locks, on paying the same Rates as are herein before imposed upon Lime and Limestone; and also that such Person or Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials, for the Repair of Roads, or Dung, Soil, Marle, or other Manure (except Lime and Limestone) for Land, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors, and Assigns, such Person or Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marle, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal of Communication, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

Qualification of Commissioners.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall act as a Commissioner upon the Borrowstounness Canal, in any Case where he shall be any Way interested or concerned in the Matter in Question, nor unless he shall be infeoft in Property, or possessed as Proprietor in Life-rent, of Lands valued in the Tax Rolls of the said Counties of Linlithgow and Stirling, or One or more of them, to the Extent of Two hundred Pounds Scots of yearly valued Rent, or be the eldest Son and Heir Apparent of a Person who is infeoft in the Property of Lands of the Extent and Valuation aforesaid: And if any Person interested, or not qualified as aforesaid, shall presume to act as a Commissioner under this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds Sterling Money to any Person who shall sue for the same; to be recovered with full Costs of Suit, by Action at Law, in any Court competent; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of

of Fifty Pounds Sterling Money, without any other Proof or Evidence on the Part of the Profecutor, than that fuch Perfon has acted as a Commiffioner in the Execution of this Act.

Provided always, That the Reprefentatives in Parliament for the Counties of Linlithgow and Stirling, and for the Diftricts of Boroughs aforefaid; and the Deputy Sheriffs of the Counties of Linlithgow and Stirling; and the Provofts of the Boroughs of Linlithgow and Stirling for the time being, fhall be in no way difqualified from acting as Commiffioners under this Act, or fubjected to the Penalties above enacted, although they are not, at the Time, poffeffed of the Valuation above written in either of the faid Counties of Linlithgow or Stirling; and the Commiffioners fhall take the like Oath, and be fubject to the like Rules; and their Meeting fhall be called by Notice in the Edinburgh News-papers, and held or removed according to the Regulations herein before enacted and provided. The fame not to extend to certain Sheriffs, &c.

And be it further enacted by the Authority aforefaid, That all Rates, Tolls, Duties, Penalties, Forfeitures, and other Sums due, arifing or incurred in relation to the making, carrying on, compleating, and maintaining, the faid Canal of Communication, in purfuance of this Act, fhall be raifed, levied, and recovered, in the Counties of Linlithgow or Stirling refpectively, and fhall be applied in like Manner as herein before directed, and not otherwife; and all Perfons aggrieved by any thing done in purfuance of this Act fhall have like Redreffs, and like Liberty of Appeal refpectively; and Summons fhall be given to and ferved upon the faid Company of the Borrowftounneſs Canal of Communication, in like Way and Manner as herein before directed and prefcribed with refpect to the other Company of the Forth and Clyde Navigation. For Recovery of the Rates, &c.

And be it further enacted, That if any Action, Suit, or Information, fhall be brought or commenced againſt any Perfon or Perfons for any thing done, or to be done, in purfuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, herein before given or granted, every fuch Suit or Information fhall be brought or commenced within Six Calendar Months next after the Fact committed; or in cafe there fhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing fuch Damages fhall ceafe, and not afterwards; and the Defendant or Defendants in fuch Limitation of Actions.

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 so to be done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same; that then the Defendants shall be absolved from every such Suit, Action or Actions, and shall have Treble Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same.

Magistrates, &c. to assist in the Execution of this Act.

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.

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

FINIS.