



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 75.

An Act for making and maintaining a Navigable Canal from the Harbour of *Ardrossan* in the County of *Ayr*, to *Tradestown* near *Glasgow*, in the County of *Lanark*; and a Collateral Cut from the said Canal to the Coal Works at *Hurlet*, in the County of *Renfrew*.
[20th June 1806.]

WHEREAS an Act was passed in the last Session of Parliament ^{45 Geo. 3: c. 30.} for erecting and maintaining a Harbour, Docks, and other Works, at *Ardrossan*, in the County of *Ayr*: And whereas the making and maintaining of a Canal for the Navigation of Boats and other Vessels from and out of the said Harbour to be formed at *Ardrossan* aforesaid, to the Town of *Paisley*, in the County of *Renfrew*; and from thence to the Village of *Tradestown*, near to the City of *Glasgow*, in the County of *Lanark*; and Three Feeders to supply the said Canal with Water from the Rivers *Garnock* and *Calf*; and *Ashgrove Loch*, in the said County of *Ayr*, fit for the Navigation of Boats and other Vessels, the one of which Feeders to be carried from the said Canal at or near *Monkcastle*, in the said County of *Ayr*, to the said River *Calf*; another to be carried from the said Canal, at or near the
[Loc. & Per.] 17. 2 West

West End of *Kilbirnie Loch*, in the said County of *Ayr*, to the said River *Garnock*; and the other of the said Feeders to be carried from *Ashgrove Loch* to the said Canal near to *Grange* in the said County of *Ayr*; and also a Collateral Cut for the Navigation of Boats and other Vessels from the said Canal, to certain Coal Works at *Hurlet* in the said County of *Renfrew*, will enable the Inhabitants of *Ireland* to be supplied with Coal from the Mines of Coal with which the District of Country through which the said Canal is proposed to be carried, abounds, and to send from *Ireland* Grain for the Consumption of the Inhabitants of *Glasgow* and *Paisley*; and the said Navigable Canal, Feeders and Collateral Cut will farther facilitate, and render less expensive, the Carriage and Conveyance of Commodities between *Glasgow* and *Paisley*; and also of Coals, Timber, Stone, Iron Stone, Lime Stone, Slate, Lead, Sand, Lime, Manure, and of all Goods, Wares, and other Articles, and will materially assist the Commerce and Agriculture of the circumjacent Country, and will otherwise be of great public Advantage: but the same cannot be effected without the Aid and Authority of Parliament: may it therefore please your Majesty, That it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Hugh Earl of Eglinton*; *Archibald Montgomerie* Esquire, commonly called Lord *Montgomerie*; *Jane Montgomerie* Spinster, commonly called Lady *Jane Montgomerie*; *Archibald Speirs*; *George Houstoun*; *Day Hort M'Dowall*; *Robert Fulton*; *George Mackintosh* for himself and the other Partners of *Mackintosh, Knox, and Company*; *Alexander Mundell*; *Joseph Outram*; *George Cadell*; *James Monteith*; *John Wilson*; *William Lindsay*; *James Crichton*; *George Reid*; *Daniel Dow*; *John Brown*; *William Brown*; *George Erskine*; *George Service*; *James M'Donald*; *John Boyle*; *John Jack*; *Robert Campbell*; *William Blair*; *John Smith*; *John Caldwell*; *John Fulton*; *James Alexander*; *Alexander Miller*; *Francis Russell*; *William Boyle*; *Thomas Telford*; *John Simson*; *William Parker*; *Ludovic Houstoun*; *John King*; *Gavin Maxwell*; *James Kibble*; *John Mackerrell*; *William Fulton*; *John Orr*, *Matthew Brown*, for himself and the other Partners of *Brown, Gourlay, and Company*; *William King*; *Andrew Moody*; *William Mackerrell*; *James Steven*; *John Howell*; *Walter Carswell*; *Robert Carswell*, Junior; *James Chip*, for himself and the other Partners of *James Chip and Company*; *William Dickson*, for himself and the other Partners of the *Govan Coal Company*; *William Dixon*; *Henry Ritchie*; *Andrew Miller*; *John Spier*; *John Love*; *Robert Jamieson*; *Hugh Thomson*; *Alexander M'Alister*; *John Davidson*; *William Campbell*; *Alexander Graham Stirling*; *Robert Patrick*; *William Patrick*; *Thomas Workman*; *John Wilson*; *Robert Speir*; *James Adam*; *James Faulds*, for himself and the other Partners of *James Faulds and Company*; *Alexander Hamilton*; *William Anderson*, for himself and the other Partners of *William Anderson and Company*; *Robert Hodgart*, for himself and the other Partners of *Robert Hodgart and Company*; *Robert Barclay*; *John Cowan*; *Robert Drew*; *James Brown*; *William Burns*; *Andrew Brown*; *William Sharp*; *Robert Burns*; *John Burns*, *Matthew Burns*; *Robert M'Lean*; *James Henry*; *John Howe*; *Robert Lockhart*; *Matthew Speirs*; *John Mann*; *William Pullar*; *William Gilmour*; *Matthew Lockhead*; *John Smith*; *Robert Peacock*; *James Kerr*; *Jonathan*

Jonathan Rankine; Henry Bowie; Adam Smith; Robert Menzies; James Buchanan, Junior; Andrew Vannan; Thomas Leishman; Allan Pinkerton; James Murphy; Andrew Wilson; John Orr; William Love; Alexander Campbell; John Wyllie; Archibald Hastie; John Thompson; William Pinkerton; William Boyd; Robert Young; James Neilson; William Moodie; Robert Craig; Joseph Whitehead; David Bain; John White; Robert Carswell; John Rodman; William Barr; Robert Hart; David Dunlop; William Wyllie; John Shedden; Robert Ralston; Thomas Stevenson; Alexander Cochran; James Macfarlane; John Muir; Archibald Gardner; James Peddie; William Speirs; Samuel Cochran; John Likly; William Langmuir; John Gibb; Adam Boyd; John Pollock; Paisley Canal Transfer Benevolent Society; James Muir; James White; William Bissland; Thomas Bissland; James Wabkinshaw; William Maclean; William Carlisle; Lorrain Wilson; Andrew Campbell; James Carlisle; Hugh Vallance, for himself and the other Partners of Hugh Vallance and Company; James Laurie; John Mair, Junior; Archibald Livingston; John Peddie; James Smith; Matthew Montgomerie; Robert Steel; Gavin Browning; William Clark; Alexander Napier; Robert Orr; Hugh Crichton; Robert M. Gavin; Alexander Pinkerton; Robert Obillas; James Craig, Junior; John Fisher; William Gibb; John Biggar; John Campbell; John Hunter; John Thompson; Archibald Barr; John M. Gavin; David Trail; William Jamieson; William Niven; Allan Ferguson; William Wilson; John Craig; William Stirling; Robert Muir; Robert Carswell; James Neilson; John Neilson, Junior; Robert Wright, Junior; Robert Watt; John Knox, Senior; Alexander Watson; John Dixon, Senior; John Dixon, Junior; Anthony Dixon; James Shearer; Robert Smith; Daniel Kerr; John Fulton; John Shedden; Robert M. Vey; William Cochran; Robert Urquhart; John Caldwell; Hugh Brown, Junior; William Dunn; Robert Speirs; Robert Montgomerie; Matthew White; Andrew Clarke; Hugh White; Robert Hunter; William Kerr; Robert Allan; Patrick Wilson; Thomas Taylor; James Connell; James Orr; James Crawford; John Kirkwood, Senior; Hugh Kirkwood; Hugh Kerr; Robert Archibald; William Giffen; John Adair; George Murdock; Andrew Gibson; Robert Caldwell; John Campbell; William Stevenson; John Logan; James Orr; James White; Andrew Templeton; William Fulton; Robert Smith; David Wallace; John Wallace; John Motherwell; Moses Steven; Henry Wardrop: And all such Persons as shall, after the passing of this Act, agree and be permitted by the several Persons hereinbefore named, or the major Part of them, to become Members of a Company, to be called by the Name and Style hereinafter mentioned, and their several and respective Successors, Executors, Administrators, and Assigns, and all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, who shall, according to the Conditions hereinafter set forth, be possessed of any Part of the Joint Stock of the said Company, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietor or Proprietors of any Share or Shares in the Canal, Feeders, and Collateral Cut hereby authorised to be made, shall be, and are hereby united into a Company, for the carrying on, making, completing, and maintaining the said intended Canal, Feeders, and Collateral Cut passable for Boats and other Vessels, according to the Rules, Orders and Directions hereinafter mentioned and expressed, and shall for that Purpose be one Body Politic and Corporate, by the Name and Style of "The Company

Incorporated.

" of

Their Style. " of Proprietors of the *Glasgow, Paisley, and Ardrossan Canal*," and by that Name shall have perpetual Succession and a common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority, from and after the passing of this Act, to purchase Lands, Tenements, and Heritages, to them and their Successors and Assigns, for the Use of the said Undertaking, and for the several Works hereby authorised to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Heritages, purchased for the Purposes aforesaid.

Proprietors to raise Money among themselves for making the Canal.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, to raise and contribute amongst themselves, a competent Sum of Money, for making and maintaining the said Canal, Feeders, and Collateral Cut, and all the other Reservoirs, Feeders, Basons, Aqueducts, Quays, Wharfs, and all other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of One hundred and forty thousand Pounds (save and except as herein mentioned) which said Sum of Money shall be laid out and applied in the first Place in discharging the Charges and Expences of obtaining and passing this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and then in the making, completing, and maintaining the said Canal, Feeders, Collateral Cut, and other requisite Works and Conveniences, for putting this Act into Execution, and that the same Sum of One hundred and forty thousand Pounds shall be divided into Shares of Fifty Pounds each; and that the said Shares shall be, and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to them and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, or Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other Purposes of the said Subscription, shall be entitled to and receive, after the said Canal, Feeders, and Collateral Cut shall be completed, the intire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue from the Rates and other Sums of Money, to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

No Person answerable for more than their respective Stock.

III. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor

butor or Contributors thereto, or his, her, or their real or personal Estate, with any Debt or Demand whatever, due, or to become due, from or by the said Company, or in any Ways relating to the said Undertaking, beyond the Extent of his, her, or their Capital Stock or Share or Shares in the Stock of the said Company, any Law, Custom, or Usage to the contrary thereof, in any wise notwithstanding

IV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Canal, Feeders, and Collateral Cut, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of real Property.

Shares to be Personal Estate.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the stated General and Special General Assemblies, to be held as herein appointed, shall have a Vote for every such Share, but not exceeding Ten Votes in the whole, although possessed of more than Ten Shares in the said Undertaking; and every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, who cannot attend such stated General, and General Special Meetings, shall have a Vote for every such Share, but not exceeding Ten Shares in the whole, although possessed of more than Ten Shares in the said Undertaking, by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in person; and every Question, Matter, and Thing, which shall be proposed, discussed, or considered, in any stated General, or Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person present shall vote for more than Ten Shares as aforesaid, or shall act as Proxy for more than Ten absent Proprietors; the Appointment of which Proxies may be made according to the Form following:

Subscribers to have a Vote for every Share not exceeding Ten Shares.

“ I, *A. B.*, of _____ one of the Proprietors
 “ of the *Glasgow, Paisley, and Ardrrossan Canal*, do hereby nominate,
 “ constitute, and appoint *C. D.* of _____ to be my Proxy,
 “ in my Name, and in my Absence, to vote or give my Assent or Dissent
 “ to any Business, Matter, or Thing, relating to the said Undertaking,
 “ that shall be mentioned or proposed, at any Assembly of the Company
 “ of Proprietors of the said Undertaking, in such Manner as he the said
 “ *C. D.* shall think proper, according to his Opinion and Judgment, for
 “ the Benefit of the same, or any Thing appertaining thereto. In wit-
 [Loc. & Per.] _____ 17 R _____ nels

Form of Appointment of Proxies.

" nefs whereof, I have hereunto set my Hand, the Day
 " of

Proprietors
 may raise an
 Additional
 Sum amongst
 themselves,
 if necessary.

VI. And be it further enacted, That in case the Money hereinbefore authorized to be raised, shall be found insufficient for the making, completing, and maintaining of the said Canal, Feeders, and Collateral Cut, and other the Works hereby authorized to be made, and all necessary Charges, and Expences relating thereto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, or to borrow upon the Credit of the Undertaking, as hereinafter provided, any further or other Sum of Money, for completing and perfecting the said Undertaking, not exceeding in the Whole the Sum of Thirty thousand Pounds; and every Body Politic, Corporate, or Collegiate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, or their, his, or her Proxies or Proxy, in respect of every Fifty Pounds of the said additional Sum, so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Canal, Feeders, and Collateral Cut, in Proportion to the Sum, they, he, or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sums, hereby allowed to be subscribed for, and raised, had originally been Part of the said Sum of One hundred and forty thousand Pounds, but so as not to have more than Ten Votes as aforesaid.

Power to
 raise Money
 upon the Security of the
 Undertaking.

VII. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Thirty thousand Pounds, or any Part thereof, upon the Security of the said Undertaking, it shall and may be lawful to and for the said Company of Proprietors, to borrow and take up at Interest, all or any Part of the said Sum of Thirty thousand Pounds, on the Credit of the said Canal, Feeders, and Collateral Cut, and to assign the Property of the said Canal, Feeders, and Collateral Cut, and the Rates arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same, to be paid out of such Rates) as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say,)

Form of Assignment.

" BY virtue of an Act, passed in the Forty-sixth Year of the Reign of
 " King George the Third, intituled, (*Here insert the Title of this*
 " *Act*.) We, the Company of Proprietors of the *Glasgow, Paisley, and*
 " *Ardrossan* Canal, incorporated by and under the said Act, in considera-
 " tion of the Sum of _____ to us in Hand paid
 " by *A. B.* of _____ do hereby bargain, sell, and assign
 " unto the said *A. B.* his Executors, Administrators, and Assigns, the
 " said Canal, Feeders, and Collateral Cut, and all and singular the Rates
 " arising

arising and payable to us by virtue of the said Act, and all our Estate
 Right, Title, and Interest of, in, and to the same; to hold unto the
 said *A. B.* his Executors, Administrators, and Assigns, until the said
 Sum of _____ with Interest for the same, after
 the Rate of _____ *per Centum per Annum*, shall be fully paid
 and satisfied. In witness whereof the undersigned Managers of the
 said Company of Proprietors have subscribed these Presents, this
 _____ Day of _____

And all Persons, to whom any such Assignment shall be made, shall be
 equally entitled, one with the other, to their Proportion of the said
 Rates and Premises, according to their respective Sums in such Assign-
 ments mentioned to be advanced, without any Preference by Reason of
 Priority of any such Assignments, or on any other Account; and a Me-
 morial of every such Assignment, containing the Date, Name or Names,
 Addition or Additions of the Person or Persons to whom made, the
 Sum of Money borrowed, and Rate of Interest shall, within Thirty Days
 from the Date of every such Assignment, be entered in One or more
 Book or Books, to be kept by the Clerk to the said Company of Pro-
 prietors, which Book or Books shall and may be perused at all reasonable
 Times by any of the Proprietors or Creditors of the said Navigation,
 and any other Persons interested therein, without Fee or Reward; and the
 Person or Persons, to whom any such Assignment shall be made as afore-
 said, or who shall be entitled to the Money due thereon, shall and may,
 from Time to Time, transfer his, her, or their Right or Interest therein
 to any Person or Persons, by Writing under his, her, or their Hand and
 Seal, or Hands and Seals, in the Form, or to the Effect following:

“ I, *A. B.* of _____ in consideration of the Sum of _____ *Form of*
 “ I, _____ paid by *C. D.* of _____ do *Transfer.*
 “ hereby transfer a certain Security, made by the Company of Proprie-
 “ tors of the *Glasgow, Paisley, and Ardrossan Canal* to _____
 “ bearing Date the _____ Day of _____ for
 “ securing the Sum of _____ and all Interest
 “ now due and to become due thereon, and all my Right and Property
 “ therein to the said *C. D.* his Executors, Administrators, and Assigns.
 “ Dated this _____ Day of _____”

And every such Transfer shall, within Thirty Days after the Date
 thereof, be produced to the Clerk to the said Company of Proprietors,
 who shall cause a Memorial to be made thereof, in like Manner as of the
 original Securities or Assignments, for which the said Clerk shall be
 paid the Sum of Two Shillings and no more; and every such
 Entry made of such Transfer, shall from thenceforth entitle such
 Assignee or Assignees, his, her, or their Executors, Administrators, and
 Assigns, to the full Benefit of the original Security or Assignment, or any
 Money thereby secured, or any Part thereof; and the Interest of the
 Money, which shall be borrowed or raised as aforesaid, shall be provided
 for and paid Half-Yearly to the several Persons entitled thereto, before
 any Yearly or other Interest or Dividends due to the said Company of
 Proprietors, or any of them, shall be paid, made, or divided.

Six Months' Notice to be given of paying off Money.

VIII. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on the Security of the said Undertaking, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months' previous Notice, under the Hands of Three of the Committee of Management, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same.

Assignees not to vote on account of having lent Money.

IX. Provided always, and be it enacted, That no Person, to whom any such Security or Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Security or Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for, or on account, of his or her having lent or advanced any Money on the Credit of such Security or Assignment.

Place of General Assemblies.

X. And be it further enacted, That all the Meetings of the stated General, and Special General Assemblies, shall be held at some Place within Five Miles of the Line of the said Canal; and that at all and every of such Stated General, and Special General Assemblies, the Parties composing them shall pay their own Expences, the Hire of any Room in which the Meetings shall be held only excepted.

Expences.

First and other General Assemblies.

XI. And be it further enacted, That the first General Assembly of the said Company of Proprietors for putting this Act into Execution shall be held at *Paisley* aforesaid, upon the Fourth *Thursday* after the passing of this Act, at the Hour of Twelve in the Forenoon; and all future General Assemblies of the said Company, except such Special General Assemblies as hereinafter mentioned, shall be held on the first *Thursday* in the Month of *November* in every Year, at the Hour of Twelve in the Forenoon; of all which General Assemblies Twenty Days' previous Notice, at the least, shall be given, by public Advertisement in some Newspaper or Newspapers usually circulating in the Counties of *Lanark*, *Renfrew*, and *Ayr*, and also in some Newspaper or Newspapers published, in *London*, and the said Company of Proprietors; at such respective General, or Special General Assemblies, shall and may appoint a Chairman; and such Chairman shall not only vote as a Proprietor or Proxy, but, in case of an Equality of Votes, shall have the decisive or casting Vote; and if, upon any Election of a Chairman, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same.

General Assemblies to consist of Shares.

XII. Provided always, and be it further enacted, That if, at any such General or Special General Assemblies, there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled to at least Fifty Shares in the said Undertaking, nothing shall be done at such General or Special General Assembly, but, in such Case, there shall be another General Meeting of the said Company of Proprietors upon that Day Fortnight, and so from Time to Time until there shall be such Persons present at such General Meeting having such

such Number of Shares as aforesaid; and of every such adjourned Meeting Ten Days' Notice shall be given by Letters from the Clerk of the said Company to the several Proprietors thereof, at their usual Places of Residence.

XIII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Meeting of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Number of the said Proprietors who may collectively be possessed of or entitled to Forty Shares at the least in the said Undertaking, upon specifying the Purpose thereof, to require the Clerk of the said Company of Proprietors to call such Meeting; and the said Clerk shall thereupon convene such Meeting, by giving at least Three Weeks Notice thereof, by Advertisement, to be inserted Three several Times in some Newspaper or Newspapers usually circulating in the Counties of *Renfrew*, *Lanark* and *Ayr*, and also in some Newspaper or Newspapers published in *London*, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when, and Place where, the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present personally or by Proxy, shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to the Matters so specified only, and all such Acts of the Proprietors, or of the major Part of them, met together at such Special Meeting, (provided such major Part shall be possessed of at least One hundred Shares in the said Undertaking, either as Principals or Proxies,) shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any General Meeting.

Meetings of Proprietors may be specially convened.

XIV. And be it further enacted, That the said Company of Proprietors shall, at their First General Meeting, nominate and appoint by Ballot, or otherwise, as to them shall appear fit, Seven Persons of and out of the Proprietors of the said Company severally holding Two Shares in the said Undertaking, to be a Committee for the Management of the Concerns of the said Company until the next General Meeting, to be holden on the First *Thursday* in the Month of *November* following, and the Powers of the said Committee shall then cease and determine; and the said Company of Proprietors assembled at such General Meeting shall proceed to the Nomination and Appointment of another Committee, of whom Three but not more of the former Committee may be re-appointed, and so in like Manner, at every ensuing General Meeting; and the Powers of such Committee shall continue until another Committee shall be appointed in Manner herein directed, whereupon the Powers of such Committee shall cease and determine; but no Person holding any Place, Office, Employment, or Contract, under the said Company shall be capable of being one of the said Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract: Provided always, that it shall and may be lawful to and for the said Company of Proprietors at any Special Meeting, to be convened in Manner herein directed, to remove any Member of the said

Committee of Management appointed.

Committee, and to nominate another Person, qualified as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, be so removed, refuse to act, or shall hold any Place, Office, Employment, or Contract, under the said Company, or shall cease to be a Proprietor in the said Undertaking; and every Person so nominated by the said Special Meeting shall have the like Power and Authority as if he had been nominated by the said Annual Meeting; and any Three Members of the said Committee of Managers shall constitute a Quorum, and shall have the same Powers to act as if all the Members thereof were present.

First and other Meetings of the Committee.

XV. And be it further enacted, That a General Meeting of such Committee of Management shall be held for putting this Act in Execution at *Paisley* on the Fifth *Monday* next, after the passing of this Act; and a like General Meeting of the Committee of Management shall afterwards be held Four Times in every Year, for the future on the First *Monday* in the Months of *February*, *May*, *August*, and *November* respectively, at Eleven of the Clock in the Forenoon; and it shall be lawful for the Committee of Management to adjourn themselves from Time to Time as they shall think proper and expedient.

Chairman to be elected.

XVI. And be it further enacted, That the Committee of Management shall, at their First and every other Meeting, to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting; and that any Three or more Members of such Committee, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee, at their Meetings to be held in Manner aforesaid, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that, in the Case of an equal Division, the Chairman shall always have a casting Vote; and if, upon any Election of a Chairman as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if, on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then, and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight, by the Member or Members, then present; or, if no Member shall be present, by the Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

Committee of Management may appoint Officers.

XVII. And be it further enacted, That it shall and may be lawful for the Committee of Management at any such General Meeting as aforesaid, and they are hereby authorized and required from Time to Time to nominate and appoint, by Writing under their Hands, a Treasurer, and One or more Collector or Collectors of the Tolls, Rates, and Duties granted

granted by this Act, and also a Clerk or Clerks to the said Company of Proprietors, and such Engineers, Surveyors, and other Officers as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution, the said Committee always taking good and sufficient Security from the Treasurer, Collector, and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead as there shall be occasion; and that all such Treasurers, Clerks, Engineers, Surveyors, Collectors, and other Officers of the said Company of Proprietors, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Engineers, Clerks, Surveyors, Collectors, or other Officers, Executors, or Administrators respectively in anywise relating to the said intended Navigation; and the said Committee of Management shall have full Power and Authority, and they are hereby required, at the General Meeting to be held in the Month of *November* as aforesaid, to produce the Books, Accounts, and other Writings, relating to the Company's Affairs and Transactions, so that any of the Proprietors attending the said Meeting, may have an Opportunity of inspecting the same; and the said Committee shall also at the said Meeting, call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed up to that Time for or on account of the said Company of Proprietors by the Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company in or about the said intended Navigation: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than once a Year, if they shall deem it proper and expedient so to do.

Taking Security from those who are to have the Custody of Money.

Officers quitting and discharged, and Executors of those dying, to deliver up Books, &c. under a Penalty.

Committee to settle Accounts of Officers, before the General Meeting in November.

XVIII. Provided always, and be it enacted, That it shall and may be lawful for the said Company of Proprietors, at any of their General Assemblies to be holden pursuant to this Act, to appoint any three Proprietors of the said Undertaking, not being of the Committee of Management, as a Committee of Accounts, to examine all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Company of Proprietors, and to make a Report thereupon to the next General Assembly of the said Proprietors.

Committee of Accounts may be appointed.

XIX. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any of their Meetings as aforesaid, to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to defray the Expences of or carrying on the same, as they shall from Time to Time find wanting and necessary for these Purposes; so that no such Call shall exceed the Sum of Five Pounds for or in

Committee of Management may make Calls for Money.

May contract
for and purchase
Lands,
&c.

And may generally
manage the Business
of the
Company.

Committees
to enter their
Proceedings.

Money not
to be issued
by Treasurer
without an
Order of the
Committee.

in respect of every Share in the said Undertaking; and so that no such Calls be made but at the Distance of three Calendar Months at least from each other; and so that Twenty-one Days' Notice at least shall be given of every such Call, by Letters, to the several Proprietors at their usual Places of Residence; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Company of Proprietors, to be issued, paid, and applied for carrying on the said Undertaking in such Manner as the said Committee of Management shall from Time to Time order and direct; and that the said Committee of Management shall also have full Power and Authority, at every such Meeting as aforesaid, on Behalf of the said Company of Proprietors, to contract for and purchase all such Lands, Tenements, or Heritages, and all such Materials and other Things as shall or may be wanted for the said Navigation and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons in and about or for the carrying on of the said Navigation or other Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever touching or in anywise concerning the said Undertaking as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do; save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as hereinbefore and hereinafter mentioned.

XX. And be it further enacted, That the Committee of Management shall enter or cause to be entered into Books, to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Money disbursed and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively for or on account of the said Company of Proprietors, and also a full and true Account or proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on Behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; but that no Money shall be issued or paid by the Treasurer to the said Company of Proprietors for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management at some General or Adjourned Meeting as aforesaid; and every such Book, and all other Books, Papers, and Writings belonging to the said Company of Proprietors, shall at all seasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward, having first applied to and obtained an Order in Writing for that Purpose from the said Committee of Management.

XXI. And

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

General Meeting may make Bye-Laws.

XXII. And be it further enacted, That if it shall at any Time appear to the Committee of Management, to be necessary or expedient to call a Special Meeting of the Proprietors at large, for the more effectually putting this Act in Execution, or in order to take their Opinion respecting any Matter or Thing to be done in or about the said Undertaking, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose, to be made at any General Meeting of the same Committee, to call a Special Meeting of the Proprietors at large, by public Advertisement in some Newspaper, published or usually circulated in the said Counties of *Lanark*, *Renfrew*, and *Ayr*, and also in some Newspaper or Newspapers published in *London* respectively, specifying in such Advertisement, the Cause of calling such Special Meeting,

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

[*Loc. & Per.*]

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and the Time and Place, when and where the same shall be held, the Time being not less than Twenty-one Days after such Notice shall be given; and the said Company of Proprietors are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, and specified in such Notice, and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give either as Principals or Proxies, respecting such Matters, shall be binding and conclusive upon the Rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

Proprietors
to pay their
Shares of the
Money called
for at the
Place ap-
pointed.

And the Per-
sons making
default to
forfeit 5*l.*
for every
Share.

And if Calls
not answered
in Six
Months,
Shares to be
forfeited.

XXIII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as hereinbefore is mentioned, into the Hands of the Treasurer to the said Company, at such Time and Place as shall be appointed for that purpose by the Committee of Management making such Call, and of which such Notice shall be given as hereinbefore is directed; and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Company of Proprietors, in case they shall so think fit, to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster* or *Dublin* respectively, by Action of Debt or on the Case, or the Person or Persons so refusing or neglecting to pay such his, her, or their proportionable Part of such Money as aforesaid, shall forfeit to the said Company of Proprietors the Sum of Five Pounds for every Share which he, she, or they shall have or possess in the Undertaking; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid for the Space of Six Calendar Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or, if sued for, shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money therefore advanced by him, her, or them on Account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares that shall or may be so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management of the said Company of Proprietors, be sold by the said other Proprietors by public Auction for the most Money that can be gotten for the same, and the Produce thereof shall be divided amongst them in proportion to their respective Shares and Interests in the said Navigation and Undertaking.

XXIV. Pro-

XXIV: Provided always nevertheless, That no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Navigation and Undertaking as aforesaid, until after personal Notice shall be given by the Treasurer or Clerk of the said Company of Proprietors to the Owner or Owners thereof, or until Notice in Writing, signed by such Treasurer or Clerk shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management within Six Calendar Months next after such Forfeiture shall have been incurred; provided also, that every such Forfeiture, after the same shall be taken advantage of by the rest of the said Company of Proprietors as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the said Company with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

But Shares not to be forfeited without Notice, nor without being declared forfeited at a General Meeting of Committee. Forfeiture of Shares to be an Indemnity to Persons forfeiting.

XXV. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge, that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Canal and Collateral Cut, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were Proprietor or Proprietors of some Share or Shares in the said Canal and Collateral Cut, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matters whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Sum of Fifty Pounds or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given as aforesaid; and after Judgment shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Appeal against any such Judgment in any competent Court of Law in *Scotland*, or any Writ of Error brought by the Defendant or Defendants in any such Action in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance to be acknowledged in the Court in which such Judgment shall be given in double the Sum adjudged to the said Company by such Judgment to prosecute the said Appeal or Writ of Error, with Effect, and also if the said Judgment

Directing the Proceedings in Actions for Calls.

Judgment be affirmed, or the said Writ of Error be nonprossed to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Execution.

On the Death of Subscribers, their Executors may complete the Payment of Shares.

XXVI. And be it further enacted, That, if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced, on any Share or Shares which he, she, or they shall have been possessed of, or entitled to, without having made Provision by Will or otherwise, how, or in what Manner such Share or Shares shall be disposed of, and how, or by what Means, the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then, and in such Case, the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians, of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner shall be indemnified against all and every such Infant or Infants; and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient; or, in case the Executors, or Administrators, Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, 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 Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians, of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects the full Sum and Sums of Money, which shall have been paid by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and, in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then, and in such Case, such Share or Shares shall be forfeited to and become vested in the rest of the Company of Proprietors of the said Undertaking, in trust for, and for the equal Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking; and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

XXVII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyances of which Shares may be in the Form, or to the Effect following; (*videlicet* :)

“ I A. B.

" I A. B. of _____ in consideration of _____
 " _____ paid to me by C. D. of _____
 " do hereby bargain, sell, assign, and transfer to the said C. D. the
 " Sum of _____ Capital Stock of and
 " in the Glasgow, Paisley, and Ardrossan Canal, being One Share [or
 " so many Shares as the Case may be,] in the said Undertaking, to
 " hold to the said C. D. _____ Executors, Administrators, and
 " Assigns, subject to the same Rules, Orders, and Restrictions, and on
 " the same Conditions that I held the same immediately before the Exe-
 " cution hereof; and I the said C. D. do hereby agree to take and
 " accept the said Capital Stock or Share
 " subject to the same Rules, Orders, Restrictions, and Conditions. As
 " Witness our Hands and Seals the _____ Day of _____

Form of
Conveyance.

And on every such Sale the said Deed of Conveyance (being executed
 by the Seller or Sellers and the Purchaser or Purchasers of such Share or
 Shares) shall be kept by the said Purchaser or Purchasers for his, her, or
 their Security after the Clerk or Clerks to the said Company of Propri-
 etors shall have entered in a proper Book or Books, to be kept for
 that Purpose, a Memorial of such Transfer and Sale for the Use of the
 said Company, and have testified or indorsed the Entry of such Me-
 morial on the said Deed of Sale or Transfer, for which no more
 than Two Shillings and Sixpence shall be paid; and the said Clerk
 or Clerks is or are hereby required to make such Entry or Memorial
 accordingly; and, until such Memorial shall have been made and entered
 as above directed, such Purchaser or Purchasers shall have no Part or
 Share of the Profits of the said Undertaking, nor any Interest for such
 Share or Shares paid to him, her, or them, nor any Vote in respect thereof
 as a Proprietor or Proprietors of the said Undertaking.

XXVIII. And be it further enacted, That, after any Call of such Money
 shall have been made by such Committee as aforesaid, no Person or Persons
 shall sell or transfer any Share or Shares which he, she, or they shall pos-
 sess in the said Undertaking, on Pain of forfeiting his, her, or their re-
 spective Share or Shares therein to the said Company of Proprietors, in
 Trust for the Benefit of all the said Proprietors, unless he, she, or they, at
 the Time of such Sale or Transfer shall have paid and discharged to the
 Treasurer of the said Company of Proprietors the Whole and entire Sum
 of Money, which shall have been called for upon each Share so sold or
 transferred, such Forfeiture nevertheless to be notified and declared in
 the Manner herein before directed with respect to the Forfeiture of
 Shares for not answering the Calls to be made thereon as aforesaid.

No Shares
shall be sold
after a Call,
till the Mo-
ney is paid.

XXIX. And whereas, in Cases where the original Subscriber of One or
 more Share or Shares in the said Undertaking, shall die, become In-
 solvent, or Bankrupt, or go out of the Kingdom, or shall transfer his
 Right and Interest to some other Person, and no Register shall be
 made of the Transfer thereof, with the said Clerk, as directed by this
 Act, it may not be in the Power of the said Company of Proprie-
 etors, or their Treasurer, or Clerk, to know who is the Owner or
 Proprietor of such Share or Shares, in order to give him, her, or them
 Notice or Notices of Calls, made on such Share or Shares, as is hereby

For ascertain-
ing the Pro-
prietorship of
Shares in cer-
tain Cases.

[Loc. & Per.]

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required,

required, and to maintain any Action or Actions, against him, her, or them for the Recovery of the same, or for the Purpose of paying safely to him, her, or them, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietor thereof, to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof, as herein directed, which is hereby required to be produced to the said Clerk, for the Purpose herein expressed, an Affidavit shall be made and sworn to, by some credible Person, before one of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and which Affidavit shall be transmitted to the Clerk to the said Company of Proprietors, to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors, in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk, and that in all or any of these Cases, it shall be lawful for the said Committee of Management, at any General Meeting, after Notice shall be given by the said Treasurer or Clerk, to the Owner, or Persons claiming by such Affidavit to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money, become payable by virtue of any Call or Calls as aforesaid, to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited, and sold and disposed of in such Manner as the said Committee of Management shall direct, or otherwise become consolidated in the General Fund of the said Company.

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

XXX. And be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall, and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book, to be kept by their Clerk, and, after such Entry, to cause the same to be signed by their Preses; and they shall also cause a Certificate, to be signed by the Chairman and Clerk, to be delivered to every Proprietor, upon Demand, specifying the Share or Shares to which he, or she is entitled in the said Undertaking, and such Certificate shall be admitted in all Courts whatever, as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

For the Purpose of making and recovering Calls, the Persons whose Names are standing in the Company's Books as Proprie-

XXXI. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons, whose Names shall at any Time hereafter stand in the said Register Book, or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to

to the Payment of all and every Call and Calls, made, and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties, to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices, hereby required to be given previous to the Forfeitures of Shares, to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book of the said Company, to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and all Payments of Interest and Dividends, due, and to grow due on any such Shares, shall be made to such Persons, as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument, giving Title to any such Share or Shares, which shall not have been inrolled or registered, as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit, brought or to be brought by the said Company of Proprietors, to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Dividends, to any other Person than such as appear upon the said Book to be Proprietors of the said Shares, but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

tors, are to be deemed the actual Proprietors.

XXXII. And be it further enacted, That it shall and may be lawful to, and for the said Company of Proprietors, and they are hereby authorized and empowered to make and maintain a Canal navigable for Boats and other Vessels from and out of the said Harbour to be formed at *Ardrossan*, pursuant to the said recited Act passed in the last Session of Parliament, to the Town of *Paisley* in the County of *Renfrew*, and from thence to the Village of *Tradestown*, near to the City of *Glasgow* in the County of *Lanark*, and Three Feeders to supply the said Canal with Water from the Rivers *Garnock* and *Calf* and *Ashgrove* Loch in the County of *Ayr*, fit for the Navigation of Boats and other Vessels, One of which Feeders to be carried from the said Canal at or near *Monkcastle*, in the said County of *Ayr*, to the said River of *Calf*, and another of the said Feeders to be carried from the said Canal near to the West End of *Kilbirnie* Loch, in the said County of *Ayr*, to the said River *Garnock*; and another of the said Feeders to be carried from *Ashgrove* Loch to the said Canal near to *Grange* in the said County of *Ayr*; and also a Collateral Cut for the Navigation of Boats and other Vessels from the said Canal to certain Coal Works at *Hurlet* in the said County of *Renfrew*; and also to make and maintain such and so many Reservoirs as the said Company of Proprietors or their Committee of Management shall think necessary and expedient within Ten Miles of the said Canal, Feeders, and Collateral Cut for supplying the same with Water, and further to supply the said intended Canal, Feeders, Collateral Cut, and Reservoirs, whilst making and at all Times for ever after the same shall be made, with Water, not only from the said Rivers *Garnock* and *Calf*, and *Ashgrove* Loch aforesaid, but also from all other Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses, which shall be found in digging or making the said Canal, Feeders, Collateral Cut, and

Powers for making the Canal Feeders, and Collateral Cut.

and Reservoirs, or any of them, or within the Distance of Ten Miles from the said Canal, Feeders, and Collateral Cut, or any of them; and the said Company of Proprietors are hereby also authorized and empowered; by themselves and their Deputies, Agents, Officers, and Workmen, to make for the Purpose of supplying the said Canal, Feeders, Collateral Cut, and Reservoirs, or any Part or Parts thereof, with Water, such and so many other Feeders and such and so many Soughs, Tunnels, Aqueducts, and Channels as they shall think fit; and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten all Streams, Brooks, or Watercourses which come or may be brought into or made to communicate therewith respectively; and to dig, cut, or raise the Banks of any of the Rivers, Streams, Brooks, and Watercourses aforesaid for bringing Water into the said Canal, Feeders, Collateral Cut, and Reservoirs; and to make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or near the said intended Canal, Feeders, Collateral Cut, Reservoirs, and Aqueducts, or any of them, or such Rivers, Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall be necessary or proper for effecting the Purposes of this Act; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal, Feeders, Collateral Cut, and Reservoirs, and any such other Feeder or Feeders, or Aqueduct or Aqueducts, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal, Feeders, and Collateral Cut, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal, Feeders, Collateral Cut, Reservoirs, or other Works, or in making any Basin or Basins, Feeder or Feeders, Aqueduct or Aqueducts, in or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be necessary, requisite, or proper for making, carrying on, continuing, maintaining, or repairing, the said intended Canal, Feeders, and Collateral Cut, or other Works, or which may hinder, prevent, or obstruct the making, using, completing, extending, or maintaining of any such Basins, Feeders, Trenches, Passages, Aqueducts, and Watercourses, as aforesaid, as shall be deemed necessary or proper to convey Water to the said intended Canal, Feeders, Collateral Cut, and Reservoirs, or any of them; and also to make, build, erect, and set up, in or upon the said intended Canal, Feeders, Collateral Cut, Reservoirs, and other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Basins, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Tollhouses, Watch-Houses, Landing Places, Weighing Beams, Cranes, Fire-Engines, Water-Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies,

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as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Canal, Feeders, Collateral Cut, Reservoirs, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend or discontinue the same; and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Basons, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniencies, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandize, and other Things to and from the said intended Canal, Feeders, and Collateral Cut, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal, Feeders, Collateral Cut, Reservoirs, and the Works of or belonging thereto or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or 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 intended Canal, Feeders, Collateral Cut, and Reservoirs, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, hawling, or drawing of Boats, and other Vessels passing upon the said intended Canal, Feeders, or Collateral Cut with Men, Horses, or otherwise, and proper Places for Boats and other Vessels navigated upon the said intended Canal, Feeders, or Collateral Cut to turn, lie, or pass each other as they the said Company of Proprietors shall think convenient, and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks for the making, using, maintaining, and repairing of the said intended Canal, Feeders, Collateral Cut, Reservoir, and Trenches, and the Towing Paths on the Sides thereof; and also to construct, erect, make and do all Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the said intended Canal, Feeders, and Collateral Cut, and other Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner hereinafter mentioned to the Owners and Proprietors of and other Persons interested in any Lands, Tenements, or other Heritages, Waters, Watercourses, Brooks, or Rivers respectively which 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, and their Deputies, Agents, Officers, and Workmen, and all other Persons whomsoever for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are hereinafter mentioned.

Provision relative to the Harbour of Irvine.

XXXIII. And whereas the said River *Garnock* falls into the River *Irvine* near to the Burgh of *Irvine*, which last mentioned River *Irvine* discharges itself into the Sea near to the Harbour of *Irvine*, and the Magistrates and Town Council of the said Burgh of *Irvine* being apprehensive that the Water to be taken from the said River *Garnock* by Means of the said Navigable Feeder therefrom may injure the said Harbour, Be it therefore enacted, That if the said Magistrates and Town Council and the said Company of Proprietors cannot agree as to such Damage, as often as such Damage shall be sustained, it shall be lawful for a Jury, summoned and chosen in the Manner directed by this Act, upon its being made manifest to them that the said Harbour shall have sustained any Injury by reason of Water taken from the said River *Garnock* for the Supply of the said Canal, to award to the said Magistrates and Town Council such Compensation for such Injury as to such Jury shall seem proper, to be laid out in repairing such Damage in such Manner as the said Jury shall direct.

Power to make Rollers or inclined Planes.

XXXIV. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient, that Boats or other Vessels, Waggon, or other Carriages, or any Manure, Goods, Wares, or other Matters or Things should be conveyed over or along any Part or Parts of the intended Track or Line of the said intended Canal, Feeders, or Collateral Cut, by Rollers, inclined Planes, Rail-ways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, then in such Case it shall and may be lawful to and for the said Company of Proprietors, to cause any such Rollers, inclined Planes, Rail-ways, or other Works before mentioned, to be made for such Purpose or Purposes, at such Place or Places in, upon, or near to the said intended Canal, Feeders, or Collateral Cut, as they shall think proper; and the same, when so made, shall be taken and considered as Part or Parts of the said intended Canal, Feeders, and Collateral Cut, and Works hereby authorised to be made in like Manner, and to all Intents and Purposes as if such Parts or Places had been made navigable.

Houses, Gardens, &c. not to be injured, except such as are mentioned.

XXXV. Provided always, and be it further enacted, That nothing herein contained, shall authorise or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Canal, Feeders, or Collateral Cut, or any other of the Purposes aforesaid, any House or other Building, which was erected and built on or before the Twenty-fourth Day of *October* One thousand eight hundred and four, or any Land or Ground, which on the said Twenty-fourth Day of *October* One thousand eight hundred and four was set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except the several Houses, Cottages, Buildings, Yards, Gardens, and Orchards, Park, Paddock, planted Walk, or Avenue, specified in the Schedule hereunto annexed or hereunder written.

Breadth of Canal and Towing Paths.

XXXVI. And be it further enacted, That the Lands and Grounds to be taken or used for such Canal, Feeders, and Collateral Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to separate such

such Towing Paths from the adjoining Lands, shall not exceed Thirty Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal, Feeders, or Collateral Cut, or any Part thereof, shall be raised higher, or cut deeper than the present Surface of the Land, and except in such Places where it shall be judged proper by the said Company, for Boats and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighing Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Limestone, or other Minerals, Timber, or other Goods, Wares, or Merchandize, which shall be conveyed on the said Canal, Feeders, or Collateral Cut, nor in any such excepted Places more than One hundred Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Heritages adjoining to the said Canal, Feeders, or Collateral Cut, given under his, her, or their Hand or Hands.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Company of Proprietors to erect or build upon the Land set out for the Towing Paths, Wharfs or Quays, any House, Mill, or other Building, whatsoever, (other than Warehouses, Toll-houses, Watch-houses, Stables, and Houses occupied by Agents and Servants employed in the said intended Navigation) for the Use of the said intended Canal, Feeders, or Collateral Cut, without the Consent of the Proprietor or Proprietors, upon whose Estates the Towing Paths shall be situated, first had in Writing, or to enable the said Company to convert or employ any Water which shall be brought into or discharged out of the said Canal, Feeders, Collateral Cut, Reservoirs, or any of them, or any Trenches, or Sluices hereby authorized to be made for the Use of any Mill or Mills hereafter to be erected near the same, or to use, apply, or divert the Water of the said Rivers *Garnock* and *Cals*, or *Ashgrove Loch*, or of any other River, Stream, Rivulet, Brook, or Watercourse, for any other Purpose than for the Use of the said intended Navigation without such Consent as aforesaid; or to cut down any Timberwood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Feeders, Collateral Cut, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively shall be made, except such Timberwood, Brushwood, or Underwood, as shall grow or be in, or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Feeders, Collateral Cut, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies, respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors; which said Timberwood, Brushwood, or Underwood, so to be felled by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Canal, Feeders, or Collateral Cut, free from all Rates to be raised and levied

No Building to be erected on the Towing Paths, except for the Navigation.

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 and distinct from the Lands or Grounds upon which the same shall respectively 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 of Proprietors or their Agents; or in case of any Difference in settling or ascertaining the same, then at such Price or Value as shall be settled by a Jury in Manner hereinafter mentioned; and if any House, Mill, or other Building, other than as aforesaid, shall be erected 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 setting out the same, his, her, or their Heirs or Assigns to take, pull down, and remove such Houses, Mills, and other Buildings, without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

If Old Roads
are destroyed,
New ones
to be made.

XXXVIII. And be it further enacted, That when and as often as it shall be found necessary by the said Company of Proprietors to take or cut through any Carriage or Horse Road, be the same public or private, or so much injure the same as to render the same impassable or inconvenient for Carriages or Horses, or the Persons entitled to the Use and Benefit thereof, the said Company of Proprietors shall, at their own Expence, before any such Road shall be taken, cut through, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may be) to be set out and made instead thereof, and shall put or cause to be put the same in good and sufficient Repair and Condition, and which being once so put in good and sufficient Repair and Condition, shall be thereafter kept in Repair by the Person or Persons liable to repair the Road, so taken, cut through, or injured as aforesaid.

Plan and
Book of Re-
ference to be
authenticated
by the Speak-
er of the
House of
Commons,
and deposited.

XXXIX. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal, Feeders, and Collateral Cut, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal, Feeders, and Collateral Cut: Be it therefore further enacted, That there shall be Four Parts made of the said Map or Plan and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with each of the Clerks of the Peace for the said Counties of *Lanark*, *Renfrew*, and *Ayr*, and the other with the Clerk to the said Company of Proprietors; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be, and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Fourteen Days Notice to him given for that Purpose, shall, and he is hereby required from Time to Time to produce the said Map or Plan, and Book of Reference to be so deposited with him as aforesaid, before any Jury or Juries to be impannelled by
virtue

virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

XL. Provided always and be it enacted, That before the Ground shall be set out for the said Canal, where it is intended to pass the Old Mansion House of *Cardonell*, Application shall be made to the Proprietor thereof, or to his known Factor or Ground Steward, personally or by Notice left at the Dwelling-house of such Proprietor, or Factor or Ground Steward, and it shall be lawful for the said Proprietor, at any Time within Twenty-one Days thereafter, to require that in place of carrying the Line of the said Canal as now delineated on the said Plan between the River *Cart* and the said Mansion-house of *Cardonell*, the Line of the said Canal shall be carried at least One hundred and fifty Yards to the North of the said Mansion-house of *Cardonell*, and at the Distance of at least One hundred and fifty Yards from the said Mansion-house on every Side, or at the Option of the said Proprietor it shall and may be lawful for him, upon consenting to the Line of the said Canal as now delineated on the said Plan, to insist that the Difference between the Expence of carrying the said Canal in the Line at present proposed and so delineated on the said Plan and of carrying it to the North of the said Mansion-house at the Distance of at least One hundred and fifty Yards as aforesaid, and at the Distance of at least One hundred and fifty Yards from the said Mansion-house on every Side as aforesaid, shall be paid to him as the same shall be ascertained by two Engineers mutually named by such Proprietor and the said Company, and by an Umpire to be chosen by the said Engineers in the Event of their differing in Opinion, and that the said Difference between the Expence of the said Two Lines of Canal shall be ascertained and the Sum of Money awarded as such Difference shall be paid to such Proprietor before the Commencement of the Execution of any Part of the said Canal in the Lands of such Proprietor, and that the Sum so to be paid as such Difference shall be exclusive of all Consideration whatever to be paid for the Value of Lands, Mills, Tenements, and other Heritages through which the said Canal shall pass, and exclusive of all Damages to be sustained in carrying the said Line of Canal into Effect.

Proviso relative to *Cardonell House*.

XLI. Provided always, and be it enacted, That before the Ground shall be set out for the said Canal, where it is intended to pass the Plantation belonging to *William M'Dowall*, of *Garthland*, Esquire, on the Farm of *Risk*, Application shall be made to him, or to his known Factor or Ground Steward, personally or by Notice left at his Dwelling Place, or that of his said Factor or Ground Steward; and it shall not be lawful for the said Company of Proprietors to break Ground in the said Plantation until it shall have been settled and agreed between the said *William M'Dowall* and the said Company of Proprietors, in what Manner the Banks of the said Canal, and the Ground adjoining thereto, shall be formed and replanted, so as to restore the Appearance and Effect of the said Plantation, with reference to the Mansion-House of *Castle Semple* belonging to the said *William M'Dowall*, after the said Canal shall have

Proprietors not to break Ground on the Plantation of Mr. *M'Dowall*; until an Agreement be made with him respecting the Banks, and replanting the Ground adjoining thereto.

[*Loc. & Per.*]

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been

been made, and in case the said *William M^cDowall*, and the said Company of Proprietors cannot agree as to the Manner in which the Banks of the said Canal, and the Ground adjoining thereto, shall be so formed and replanted; then the same shall be settled and ascertained by a Jury summoned and chosen in the Manner directed by this Act, who are hereby authorized and required to settle the same separately and distinctly from and exclusively of the Consideration to be paid for the Ground belonging to the said *William M^cDowall*, necessary for the Purposes of the said Navigation, and the Damages to be done to the said Plantation.

Not to deviate without Consent.

XLII. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, Feeders, and Collateral Cut, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Book of Reference, without the Approbation and Consent of the Person or Persons to whom any Lands, Grounds, or Heritages do, or shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the said Navigation, in case the Persons to whom the Lands, Grounds, or Heritages to be cut through, or made use of, for the Purposes of such Deviation shall belong, shall consent thereto.

Bodies Politic empowered to sell and convey Land.

XLIII. And be it further enacted, That after any Lands, Grounds, Tenements, or Heritages shall be set out and ascertained, for making the said Canal, Feeders, Collateral Cut, or Reservoirs, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniencies hereinbefore mentioned, or any of them, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations aggregate or sole, Husbands, Guardians, Trustees, and Feoffees in trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their cestui que Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Couvert, or other Person or Persons, and to and for all Femmes Couvert, who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seized, possessed of, or interested in any Lands, Grounds, Tenements, or Heritages which shall be so set out and ascertained, for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale, which he, she, or they or any of them shall make, by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands, Tenements, or other Heritages, to the said Company of Proprietors, may be made according to the following Form: viz.

Contracts and Sales to be made at the Expence of the Company.

“ I, A. B.

" I, A. B. of _____ in consideration of the Sum, Form of Con-
 " of _____ to me paid (or in consideration of the veyance to
 " Annual Rent of _____ to me to be hereafter yielded and paid the Com-
 " by yearly or half-yearly Payments, as may be agreed upon) by the Com- pany.
 " pany of Proprietors of the Glasgow, Paisley, and Ardrossan Canal, do here-
 " by grant, dispoise, and convey to the said Company, all (describing the
 " Premises to be conveyed) and all my Right, Title, and Interest to and
 " in the same, and every Part thereof, to hold to the said Company and
 " their Successors for ever, by virtue, and according to the true In-
 " tent and Meaning of an Act of Parliament, made in the Forty-sixth
 " Year of the Reign of King George the Third, intituled, An Act (here
 " insert the Title of this Act). In witness whereof, I have hereunto set
 " my Hand and Seal, this _____ Day of _____ in the Year
 " of our Lord _____

Which said Conveyance, being registered in the Register of Seisines of
 the County in which the Premises conveyed shall be situated, and which
 the respective Keepers of the Registers in such Counties are hereby au-
 thorised to register, shall receive the same Effect, and be as valid and
 effectual, to all Intents and Purposes, as if a formal Disposition had been
 executed, and followed by Charter and Seisin, according to the Form of
 the Law of Scotland, any Law, Statute, or Custom to the contrary not-
 withstanding; and the Original of all such Conveyances shall be kept by
 the Clerk or Clerks to the said Company of Proprietors, who, and the
 Keeper of the Register of Seisines, where the same shall be registered,
 shall, from Time to Time, when requested, deliver attested Copies
 thereof, to any Person or Persons requiring the same, and shall have and
 receive Sixpence for every One hundred Words of each such attested
 Copy, and so in proportion for any less Number of Words.

XLIV. Provided always, and be it enacted, That all and every Body or Satisfaction
 Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons to be made,
 herein before enabled to sell or convey Lands, Tenements, and other
 Heritages, or any other Owner or Owners, and the Occupier or
 Occupiers of any Lands, Tenements, or other Heritages, through, in,
 or upon which, the said Navigation, Towing Paths, Quays, or other
 Works hereby authorised, or are intended to be made, or of any Mills
 or other Works, from which any Water to supply the said Navigation
 may or shall be taken or diverted, may and shall accept and receive Satis-
 faction for the Value of such Lands, Grounds, Tenements, Mills, or other
 Works, Water, and Heritages, and for the Damages to be sustained by
 making and completing the said Works, herein before directed, in such
 Manner as shall be agreed upon, by and between the said Parties interested
 respectively, or any of them, and the said Company of Proprietors, or some
 Person or Persons authorised by them for that Purpose; and in case the
 said Company of Proprietors, or such Person or Persons, and the said If Parties
 Parties interested in such Lands, Grounds, Tenements, Waters, or other cannot agree,
 Heritages, cannot agree as to the Amount or Value of such Satisfaction, Price to be
 the same shall be ascertained and settled by the Verdict of a Jury of Fit- settled by a
 teen Persons, to be summoned and chosen by the Sheriff of the County in Jury.
 which such Lands, Tenements, or Heritages are situated, and which, such
 Sheriff is hereby required to summon and choose, in the Manner in which
Juries

Juries are or may be summoned and chosen, by Sheriffs of Counties in *Scotland*; and the said Sheriff may order and authorise the said Jury, or any Five or more of them, to view the Place or Places, or Matter or Matters in question; which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby required to administer) shall inquire of, assess, and ascertain the Sum or Sums of Money, to be paid for the Purchase of such Lands, Tenements, or other Heritages, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Sheriff shall give Judgment for such Purchase Monies or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

No Owner or Occupier of Lands through which the Canal passes, to be upon such Jury.

Expences of Witnesses and Jury, by whom to be paid.

XLV. Provided always, and be it enacted, That no Person shall be summoned or chosen to be of such Jury, who shall be an Owner or Occupier of any Lands, Grounds, Mill, Water, Tenement, or other Heritage through which any Part of the said Canal, Collateral Cut, Feeders, or Reservoirs shall pass or be.

XLVI. And be it further enacted, That in each and every Case, where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, Tenements, or other Heritages of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Heritages, or other Property, than had been previously offered by or on Behalf of the said Company of Proprietors, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand, who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors as hereinbefore mentioned, then and in all such Cases, all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence, or otherwise

otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

XLVII. And be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury to be summoned, shall enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by and on Behalf of the said Company of Proprietors, for the Purchase of, or as a Recompence for any Lands, Grounds, Mills, Tenements, or Heritages, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was, whether any Damage was or was not done as aforesaid.

Persons requesting Juries to enter into Bonds to prosecute.

XLVIII. And be it further enacted, That no Sheriff shall be obliged or allowed by virtue of this Act, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue or in consequence of this Act, unless Application in Writing shall have been made in relation thereto, by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their Committee of Management, or to their Treasurer or Clerk, or to their known Agent or Agents, or to some Collector or Collectors of the Rates arising from the said Navigation, residing nearest to the Place where the Cause of Complaint shall arise, Ten Days at the least; before such Complaint shall be made to the said Sheriff, within the Space of Two 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.

Notice of Injury to be given to Proprietors before Complaint to the Sheriff.

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

Verdict as to Value of Lands and Damages, to be ascertained separately.

Power to enter into and take Possession of Lands, &c. on Payment or Tender of Purchase-Money.

L. Provided always, and be it enacted, That any such Complaint shall not hinder the said Company from entering upon the Lands, Grounds, Tenements, Waters, and other Heritages of the Person or Persons so complaining, but upon Payment or legal Tender of such Sum or Sums of Money, or giving Security for Payment of any such Annual Rent as shall have been contracted or agreed for between the Parties, or as the Company shall deem a fair Price for the Purchase of any such Lands, Waters, Mills, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Waters, Mills, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation, respectively at any Time after the same shall have been so agreed for or assessed, or if the Person or Persons so entitled or interested, or any of them cannot be found, or shall refuse to receive the same, then, upon the Investment thereof in Manner directed by this Act for the Use of such Person or Persons so interested or entitled as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants immediately to enter upon such Lands, Grounds, Mills, Tenements, and other Heritages respectively, (or before such Payment or Tender by Leave of the Owners or Occupiers thereof) and then and there upon such Lands and Grounds, Waters, Mills, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but every other Person whomsoever therein; Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Mill, Tenement, or other Heritage of the Person or Persons entitled to such Payment or Security for the Purposes of the said Navigation, without the Leave of such Person or Persons respectively.

Verdicts to be recorded.

LI. And be it further enacted, That each and every Verdict shall be kept by the Sheriff, Clerk, or other Person having the Custody of the Records of the County in which such Verdict shall be given, and shall be deemed to be Records of such County to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

Application of Compensation-Money when exceeding 200l.

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken,

taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect, and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands under the like Direction and Authority, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Five Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money,

If under
200l. and
above 20l.

and

and the Interest arising thereon, may be applied in any Manner hereinbefore directed, as far as the Case be applicable.

Where under
20l. Sterling.

LIV. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee of Management, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles;

or if Persons
cannot be
found, Pur-
chase-Money
to be paid
into the
Bank.

LV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Committee of Management, or any Three or more of them, to order the said Sum or Sums of Money to be awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of
questionable
Title, Pos-
sessor to be
deemed to
have a Title
until the con-
trary shall be
shewn.

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits

Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased, with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person and Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

LVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person, or Persons, or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase-Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable to be paid by the said Company of Proprietors, who shall, from Time to Time, pay such Sums of Money for such Purchases as the said Court shall direct.

Expences of Purchases may be allowed by the Court.

LVIII. And be it further enacted, That, in consideration of the great Charge and Expence which the said Company of Proprietors will be at, in making and maintaining the said Canal, Feeders, Collateral Cut, and other Works hereby authorized to be made, erected, and maintained, it shall and may be lawful to and for the said Company of Proprietors, from Time to Time and at all Times for ever hereafter, to ask, demand, take, receive, and recover, to and for their own Use and Benefit, for the Tonnage and Wharfage of all Minerals, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon the said Canal, Feeders, and Collateral Cut, or any Part of them respectively, the respective Rates, Tolls, and Duties next hereinafter mentioned; that is to say:

Company to take Rates of Tonnage.

For all Lime-stone, Iron-stone, Stone for building, Dung, Earth, Sand, and Clay, carried or conveyed upon the said Canal, Feeders, or Collateral Cut, whether the same be carried and conveyed the whole Length of the said Canal, Feeders, or Collateral Cut, or on any Part of them, or either of them, the Sum of Two-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

Rates of Tonnage.

For all Coals, Coke, Culm, and Lime, carried and conveyed upon the said Canal, Feeders, or Collateral Cut, whether the same shall be carried and conveyed the whole Length of the said Canal, Feeders, or Collateral Cut, or on any Part of them, or either of them, the Sum of Three-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

[Loc. & Per.]

For

For all Bricks, Tiles, Slates, Ores, Iron, and Metals carried and conveyed upon the said Canal, Feeders, or Collateral Cut, whether the same be carried and conveyed the whole Length of the said Canal, Feeders, or Collateral Cut, or on any Part of them, or either of them, the Sum of Four-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

For all Timber, Bark, Corn, and Grain, carried and conveyed upon the said Canal, Feeders, or Collateral Cut, whether the same shall be carried and conveyed the whole Length of the said Canal, Feeders, or Collateral Cut, or on any Part of them, or either of them, the Sum of Five-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton:

For all other Goods, Wares, Merchandize, and Things whatsoever, carried and conveyed upon the said Canal, Feeders, or Collateral Cut, whether the same shall be carried and conveyed the whole Length of the said Canal, Feeders, or Collateral Cut, or on any Part of them, or either of them, the Sum of Sixpence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton.

Part of a
Mile, Fractions in
Tonnage and
Recovery of
Rates.

LIX. And be it further enacted, That, in all Cases where any Goods, Wares, Merchandize, or other Things whatsoever, shall be carried upon the said Navigation for any Space less than a Mile, such Goods, Wares, Merchandize, or other Things whatsoever, shall pay the same Rates and Duties as if they had passed One whole Mile; and if they pass more than One Mile, but less than Two Miles, they shall pay the same Rates and Duties as if they had passed Two Miles, and so in like Manner for the Whole of the said Navigation; and in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, or other Vessel so to be navigated on the said intended Canal and Collateral Cut, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and, in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; all which said Rates shall be paid to such Person or Persons, at such Place or Places near to the said Canal, Feeders, or Collateral Cut, or any Part thereof, in such Manner, and under such Regulations, as the said Committee of Management, at some General Meeting or Meetings, shall direct or appoint; and, in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same, by Action of Debt in any competent Court in *Scotland*, or by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster* or *Dublin*; or the Person or Persons to whom such Rates ought to have been paid, may, and he and they, is and are hereby empowered to seize the Goods or other Things for, or in respect whereof any such Rates ought to have been paid, or any Part thereof, or the Boat, or other Vessel laden therewith, and detain the same until Payment thereof shall be made; and also until Payment of all Arrears of the said Rates, which may be due from the Owner or Owners of such Boat, or other Vessel to the said Company of Proprietors, together with reasonable

able Charges for such Seizure and Detention; and if such Goods or other Things; Boat, or other Vessel shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent; and the said Committee of Management shall have full Power, from Time to Time, at any General Meeting, to lower or reduce all or any of the said Rates, and again to raise the same to such Sums as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interests of the Undertaking.

LX. And be it further enacted, That, in addition to the several Rates Bason Dues. hereinbefore mentioned, there shall be paid and payable to the said Company of Proprietors for all Vessels that shall enter any Bason, made for the loading and unloading of Boats, or other Vessels plying on the said Canal, Feeders, or Collateral Cut, the Sum of Two-pence *per* Ton for each and every Time that the said Vessels shall enter any such Bason; and that the same shall be paid and recoverable, and reducible in like Manner as before expressed, with regard to the other Rates made payable to the said Company of Proprietors.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management, and they are hereby authorised and empowered, at any of their stated General Assemblies, at any Time or Times, to let to Farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, Feeders, and Collateral Cut, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing by the Committee of Management, or any Three or more of them, or their Clerk, by Advertisements published in such Newspapers as are published in the Counties of *Lanark, Renfrew, and Ayr*, at least Twenty Days prior to any such General Assembly, at which the said Rates, or any Part thereof, are proposed to be let as aforesaid. Committee of Management empowered to lease the Rates.

LXII. And, for the better ascertaining, and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat or other Vessel navigating upon the said Canal, Feeders, and Collateral Cut, or upon any Part or Parts thereof; shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Committee of Management, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat or other Vessel, of the Masters of Boats to give an Account of their Loading. Quantities,

Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon each such Boat or other Vessel, from whence brought, and where the same is intended to be landed, and if the Goods or other Things contained in any such Boat or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates, and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending, shall forfeit and pay the Sum of Sixpence for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton, which shall be in, or be conveyed by such Boat or other Vessel respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates, which shall be payable for the same.

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

LXIII. And be it enacted, That if any Difference shall arise between any Collector of the said Rates and the Master, Owner, or other Person, having the Care or Charge of any Boat or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Weight of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall and may be lawful to and for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat or other Vessel, and all such Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight than the Account given thereof by such Master, Owner, or other Person, having the Care or Charge of such Boat or other Vessel, then the same Master, Owner, or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or such other Matters and Things shall appear to be of the same, or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to have arisen from such Detention, and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

LXIV. And

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management, from Time to Time, at any General Meeting, to ascertain and fix the Price, or Sum or Sums of Money, to be charged or taken for the Conveyance of any Passenger, and for the Carriage of any Parcel, not exceeding Five hundred Weight, upon the said Canal, Feeders, and Collateral Cut, or upon any Part thereof; and the said Committee of Management shall, from Time to Time, cause to be printed and affixed upon every public Wharf on the said Canal, Feeders, and Collateral Cut, in some conspicuous Place, a List or Account, ascertaining and particularising the Price, or Sum or Sums of Money, so to be charged or taken for the Conveyance of such Passengers, and Carriage of such Parcels as aforesaid, upon the said Canal, Feeders, or Collateral Cut, and in case any Owner or Master, or other Person having the Care of any Boat or other Vessel, navigating or passing upon the said Canal, Feeders, or Collateral Cut, or upon any Part or Parts thereof, after such List or Account, so ascertaining and particularising the Price, or Sum or Sums of Money at which every such Passenger shall be conveyed, and such Parcel shall be so carried, shall be so fixed up as aforesaid, shall demand or take for the Conveyance of any such Passenger, or the Carriage of any such Parcel as aforesaid, more than the Price, or Sum or Sums of Money in such List or Account ascertained and particularised for that Purpose, such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate before whom such Person shall be convicted.

Power to fix the Price of small Parcels.

LXV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things to, or from the said Canal, Feeders, or Collateral Cut, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon, and use the said Canal, Feeders, and Collateral Cut, with any Boats or Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things; and also to use the said Towing Paths, with Horses and other Cattle, for hawling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be, from Time to Time, made by the said Committee of Management, by virtue of the Powers herein granted: Provided the said Boats or other Vessels shall not, without the Consent of the said Company of Proprietors, or the said Committee, pass upon the said Navigation, at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November, December, January, and February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March, April, September, and October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May, June, July, and August* in every Year.

Navigation to be free upon Payment of Rates under certain Restrictions.

Vessels under
20 Tons
Burden not
to pass Locks
without Con-
sent of the
Proprietors.

LXVI. And be it further enacted, That no Boat or other Vessel of less Burden than Twenty Tons, shall pass through any of the Locks, or over or upon any of the inclined Planes or Rail Ways, to be made by virtue of this Act, without the Consent of the said Committee of Management, or their principal Agents for the Time being, in Writing, first had and obtained, or unless the Owner or Navigator of such Boat, Barge, or other Vessel shall pay Tonnage, equal to a Boat or other Vessel of Twenty Tons, respectively as aforesaid.

Further Re-
strictions re-
specting pas-
sing Locks.

LXVII. And be it further enacted, That in case any Lock or Locks, upon the said Canal, Feeders, or Collateral Cut, shall be of the Length of Seventy Feet or upwards, it shall and may be lawful to and for the said Company of Proprietors to demand and take a Rate, equal to the Rate payable for Twenty Tons, for the Passage through the said Lock or Locks, of any Boat or other Vessel, or any Number of Boats or other Vessels, although such Boat or Vessel, or Collection of Boats or Vessels shall not weigh Twenty Tons.

Drains to be
made to con-
vey Water
from the
Land adjoining.

LXVIII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Cost and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages over, under, by the Side of, or into the said Canal, Feeders, or Collateral Cut, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, Feeders, or Collateral Cut, without obstructing or impeding the same, and likewise to make or cause to be made such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, Feeders, or Collateral Cut to the Prejudice of any of the Lands or Grounds contiguous thereto, and also to make proper Watering Places for Cattle in all Cases where by Means of the said Canal, Feeders, or Collateral Cut, or any other of the Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleaned, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times, after Thirty Days' Notice in Writing shall, by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal, Feeders, or Collateral Cut, or any of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleaned, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall and may be lawful to and for any Person or Persons to apply for and obtain an Order in Writing from the Sheriff of the County in which any such Arch, Tunnel, Culvert, Drain, Back Drain, or other Passage is situated, (and the said Sheriff is hereby authorized and required at his Discretion to grant such Order

Order as aforesaid,) enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, may by the said Order of such Sheriff be directed to be made, and the reasonable Expences thereof (to be ascertained by the said Sheriff,) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal, Feeders, or Collateral Cut, and other Works as aforesaid, and each and every of them, sufficiently cleansed and opened to convey Water into the same: Provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, Feeders, or Collateral Cut, which may injure the same.

LXIX. And be it further enacted, That the said Company of Proprietors shall, at their own Costs (within Six Calendar Months next after any Part of the said Canal, Feeders, or Collateral Cut, and Towing Paths thereto belonging, shall be dug out and formed,) divide and separate, and keep constantly divided and separated, the Towing Paths, on each Side of the said Canal, Feeders, or Collateral Cut, and the Trenches, Feeders, or Passages hereby authorised to be made on such Part or Parts thereof respectively as shall be declared necessary by the Sheriff of the County wherein the same shall be situated, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors 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 like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also all such Bridges, Fording Places, Arches, Culverts, and Passages over, under, or by the Side of or into the said Canal, Feeders, or Collateral Cut, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Sheriff shall from Time to Time judge necessary, and appoint, in case there shall be any Dispute about the same, for the Use of the

For fencing
off Towing
Paths, and
making
Bridges, &c.

Owners

Owners and Occupiers of the Lands and Grounds, Mills or Heritages adjoining to such Canal or Collateral Cut, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, Feeders, or Collateral Cut, or any Trench, or Watercourse belonging to the same, in or across any Common, Highway, Public Bridleway, or Footpath, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Fording Place or Fording Places, Passage or Passages, Arch or Arches over, across, or under the same Highway, Public Bridleway, or Footpath, of such Dimensions; and in such Manner as the said Sheriff shall from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation, in Manner herein before directed, or to make, erect, and set up, such Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over, or under, or by the Sides of or into the said Canal, Feeders, or Collateral Cut, 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, Mills, Tenements, or Heritages, adjoining to or near to the said Canal, Feeders, or Collateral Cut, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by the said Sheriff, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Heritages, who may be aggrieved by any such Refusal or Neglect; then, and in every such Case, it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or Heritages, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Fording Places, Arches, Passages, Watering Places, and other Conveniencies, as the said Sheriff shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works as aforesaid, the said Canal, Feeders, or Collateral Cut, or the Banks thereof, or the Feeders or the Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Sheriff) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or other Heritages, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors within the Space of Six Calendar Months next after the same shall have been

If Company do not fence off Towing Paths and make Bridges, &c. Land Owners may do it at the Company's Expence.

been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, or any of their Clerks for the Time being, and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Sheriff shall, and he is hereby required, by Warrant under his Hand, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, which shall be found in or upon the said Canal, Feeders, or Collateral Cut, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents, or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Sheriff, and all or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors, to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprietors for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner, as in other Cases is in and by this Act directed.

LXX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Heritages, through which the said Canal, Feeders, or Collateral Cut shall be made, do or shall at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Fording Places, Passages, Arches, Tunnels, Drains, Back Drains, Trenches or other Passages, Watering Places, and other Conveniencies respectively, which the said Sheriff shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, Mills, Tenements, or Heritages; on both Sides, or on either Side thereof, then, and in every such Case, it shall and may be lawful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee of Management, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Seventy Days next after such Request, then, with the Consent and Approbation of the said Sheriff, to make, fix, and erect, at their own Costs and Charges, any such Gates, Stiles, Bridges, Fording Places, Passages, Arches, Culverts, Watering Places, or other Conveniencies, of the same or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Canal, Feeders, or Collateral Cut, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation, of such Lands and other Heritages, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as that the Navigation of, in, or upon the said Canal, Feeders, or Collateral Cut be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the same would necessarily have been, if such Gates, Stiles, Bridges, Fording Places, Passages, Arches, Watering Places, or other Conveniencies had been made or erected by the said Company of Proprietors.

If Bridges, &c. made by the Company are insufficient, Land-Owners may make others at their own Expence.

Swivel or
Drawbridges
to be shut af-
ter Vessels
have passed.

LXXI. And be it further enacted, That, if any Swivel Bridge or Drawbridge shall be laid over or across the said Canal, Feeders, or Collateral Cut, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Drawbridge or Swivel Bridge, shall, and he and they, is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same (except such Bridges as may be erected for the private Use of Occupiers of Land); and every Person neglecting so to do, or wilfully opening any such Swivel Bridge, or Drawbridge, when no Vessel is to pass through the same, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and, in case any such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; one Moiety of which said respective Penalties shall go to the Informer.

Works da-
maged by
Floods, to be
repaired by
the Com-
pany.

LXXII. And whereas it may happen from Floods, or from some unexpected Accidents, that the Aqueducts, Locks, Weirs, Floodgates, Dams, Banks, Basons, Trenches or other Works of the said Canal, Feeders, or Collateral Cut may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage; Be it therefore further enacted, That, when and as often as any such Case shall happen, it shall and may be lawful to and for the said Company of Proprietors, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Heritages adjoining, or near to the said Canal, Feeders, or Collateral Cut, and other Works or Conveniencies, or any of them, (not being the Ground whereon any House or other Building stands, or an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House,) and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Heritages, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners, Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Heritages, within the Space of Thirty Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed and recovered by the Ways and Means hereinbefore prescribed and directed with respect to other Damages to be done in or about the making and maintaining the said Canal, Feeders, or Collateral Cut.

Enabling the
Company to
raise the
adjoining
Water-
Courses at

LXXIII. And be it further enacted, That if, at any Time hereafter, the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal or Collateral Cut, Feeders, and other Works, or any of them, shall, by reason of their being not

not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal, Feeders, or Collateral Cut; and if the same shall not be perfectly cleansed and opened within Seventy Days after Notice in Writing shall have been given thereof to such Owner or Occupier by the Clerk, or any Agent of the said Company of Proprietors, then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, (an Order in Writing for that Purpose having been first obtained from the Sheriff of the County wherein such Ditches or Drains shall be situated,) from Time to Time, as often as there shall be Occasion; to open and cleanse, or cause to be opened and cleansed, the said Ditches and Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Sheriff, shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and, in case of Refusal or Neglect to satisfy the same for the Space of Seventy Days next after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as any Forfeitures or Penalties are herein directed to be recovered.

the Land Owners' Expence.

LXXIV. And be it further enacted, That the Owner or Owners of any Lands or Grounds through which the said Canal, or Feeders, or Collateral Cut shall be made, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh-Beams, or Warehouses, in, or upon, his, her, or their respective own proper Lands, Grounds, or Wastes adjoining, or near to the said Canal, Feeders, or Collateral Cut, with necessary Ways and Roads to the same; and may land any Goods or Merchandize, Coal, Lime, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, Feeders, or Collateral Cut, and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in and pass by each other, so that the making, constructing, or using thereof respectively, do not obstruct or prejudice the said Canal, Feeders, or Collateral Cut, or any Towing-Path on the Sides thereof respectively.

Land Owners may erect Wharfs.

LXXV. Provided always, and be it further enacted, That if any Land Owner shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands or Grounds is or are necessary or proper to be uted, for the Purpose of making and erecting Warehouses, Buildings, or other Conveniencies as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal, Feeders, or Collateral Cut, lay out, construct and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniencies as aforesaid, for the Use of the said Navigation, as the Sheriff Depute, or Substitute of the County wherein such Lands or Grounds shall be situated, shall think necessary, on the respective Parts of the

If not done by Land Owners, or within a certain Time, Proprietors may build Wharfs, &c.

the same, described in such Notice, then and in such Case, it shall and may be lawful to and for the said Company of Proprietors, or their Committee of Management, without any Hindrance or Restraint whatsoever, to make Use of any such Lands or Grounds (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nursery of Trees, or an Avenue to any House) for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniencies as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal, Feeders, or Collateral Cut, agreeably to such Notice, to be delivered as aforesaid; they the said Company of Proprietors making Satisfaction for the same, in such Manner as is and hath been hereinbefore directed, with respect to other Lands or Grounds, which shall be taken or used, for the Purposes of this Act.

Further Allowance to the Company of Proprietors, for Goods remaining upon the Wharfs a certain Time.

LXXVI. And be it further enacted; That if any Coals, Culm, Stone, Timber, Sand, Slate, Lime, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Canal, Feeders, or Collateral Cut, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, or the Banks of the Canal, belonging to the said Company of Proprietors, for above the Space of Twenty-four Hours, then and in any such Case, the said Company of Proprietors shall be entitled to receive such reasonable Rates or Allowance; over and above the Rates hereinbefore authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Coals, Culm, Stone, Timber, Sand, Slate, Lime, Goods, Wares, Merchandize, or other Things.

Company not to use Private Wharfs.

LXXVII. Provided always, and be it further enacted, That nothing herein contained, shall extend, or be construed to extend, so as to empower the said Company of Proprietors, or any other Person or Persons, to make Use of any Wharf, Quay, Landing Place, Crane, Weigh-Beam, or Warehouse, which shall be set out, erected, or made by the Owner or Owners of any Lands or Grounds through which the said Canal, Feeders, or Collateral Cut, shall be made, for his, her, or their private exclusive Use only, nor to set up, erect, repair, or use any Crane or Weighing Machine, in or upon any such Wharf, Quay, or Landing Place, without the Consent of the Owners or Occupiers thereof respectively, any Thing herein contained to the contrary notwithstanding.

Penalty on Persons taking in or unloading Goods, unless at Public or Private Wharfs.

LXXVIII. And be it further enacted, That if any Person or Persons navigating, or having the Care of any Boat or other Vessel upon the said Canal, Feeders, and Collateral Cut, or either of them, shall, with Intent to avoid the Payment of any of the Rates or Duties hereby made payable, load, unload, or take into any such Boat or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever, at any other Place or Places than at the Public or Private Wharfs or Quays, upon or belonging to the said Canal, Feeders, or Collateral Cut, without having first obtained a Content in Writing, for that Purpose, from the Committee of Management, or some one of the Agents or Collectors of the Tolls to the said Company of Proprietors, or if any Person shall do any other Act, with Intent to evade the Payment of any of the said Rates or Duties, every Person

Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

LXXIX. And be it further enacted, That every Owner or Master of any Boat or other Vessel, not being a Pleasure Boat, passing upon the said Canal, Feeders, or Collateral Cut, shall cause his or her Name and Place of Abode, and the Number of his or her Boat or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number, and also the Place to which every such Boat or other Vessel shall belong, and the true Number of Tons Burden thereof, to be painted in large White Capital Letters and Figures, on a Black Ground, Four Inches high at the least, and of a proportionate Breadth on the Outside of the Head or Stern of every such Boat or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall, and is hereby required, to fix on each Side thereof respectively, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Committee of Management shall from Time to Time direct, or other proper Means shall be used, under the Direction of the said Committee of Management, so that the true Weight of the Lading on board may at all Times be ascertained and shewn; and shall permit and suffer every such Boat or other Vessel to be gauged, weighed, or measured, and any Timber or other Articles, on board the same, to be measured or weighed at the Expence of the said Company of Proprietors, whenever it shall be required by them, or by any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person, having the Care or Command of any Boat or other Vessel, or who shall navigate the same upon the said Canal, Feeders, or Collateral Cut, without having such Name, Figures, and Index thereon, as hereinbefore directed, or who shall alter, erase, deface, or destroy such Name, Figures, or Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Boat or other Vessel to be gauged, weighed, or measured, or any Timber or other Articles to be measured or weighed, or shall wilfully suffer or permit any Boat or other Vessel navigating upon or lying in the said Canal, Feeders, or Collateral Cut, to be loaded or unloaded in any Lock, or in any other Part of the said Canal, Feeders, or Collateral Cut, without a Stage being laid from the Side of such Boat or other Vessel to the Bank of the said Canal, Feeders, or Collateral Cut, to as effectually to prevent any Soil or other Matter or Thing intended to be taken on board, or discharged out of such Boat or other Vessel, from falling into the said Canal, Feeders, or Collateral Cut, shall, for every such Offence, forfeit and pay any Sum, not exceeding Five Pounds.

Masters to put their Names on the Outside of Boats.

Weight of the Lading of Vessels to be marked.

LXXX. And be it further enacted, That the Master or Owner of every Boat or other Vessel, navigating upon the said Canal, Feeders, or Collateral Cut, shall be, and is hereby made answerable for any Trespass, Damage, Spoil or Mischief, that shall be done by his Boat or other Vessel, or by any of the Boatmen, Watermen, Trackmen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Basons, Dams, Engines, or other Works, in, upon,

Boat Owners to be accountable for Damages done by the Boatmen.

[Loc. & Per.]

18 D

or

or belonging to the said Canal, Feeders, or Collateral Cut, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works, or Conveniences, to be made by virtue of this Act, either by the loading or unloading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building, or other Erection, Lands, Tenements, or Heritages, adjoining or lying near to the same Canal, Feeders, or Collateral Cut, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatsoever; and the said Master or Owner of such Boat, or other Vessel, may be sued and prosecuted for the same in any competent Court in *Scotland*, and if Judgment shall be given against him, the Pursuer, in any such Case, shall recover his Damages thereby sustained, with full Costs of Suit.

Masters to recover from their Servants any Sum for their Default.

LXXXI. And be it further enacted, That in case the Master or Masters' Owner or Owners of any Boat or other Vessel as aforesaid, employed on the said Canal, Feeders, or Collateral Cut, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Neglect or Default, done or committed by his, her, or their Servants, Boatmen, Watermen, Trackmen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Master or Masters, Owner or Owners, and in case of Non-payment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them, of such Penalty or Satisfaction for Damages, and that the same, and the Costs thereof, hath or hath not been repaid to him, her, or them, by such Servants, Boatmen, Trackmen, or Watermen, or any of them, although demanded, (such Oath to be made before any one Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Places to be made for Boats, to turn or lie in, or for other Boats to pass.

LXXXII. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal, Feeders, or Collateral Cut, as shall not be of sufficient Breadth for admitting a Boat or other Vessel to turn about, or lie, whilst another Boat, or Vessel shall pass by, or to admit Two Boats or other Vessels to pass each other, they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal, Feeders, or Collateral Cut, at convenient Distances from each other, for the turning, lying, or passing of any such Boats and other Vessels; and all such Boats, and other Vessels, which shall be hauled or navigated upon the said Canal, Feeders, or Collateral Cut, shall, upon meeting any other Boat or other Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings, in such Manner as the said Committee of Management shall from Time to Time direct and appoint; and if any Boat or other Vessel shall be placed or shall lie a-breast in any Part of the said Canal, Feeders, or Collateral Cut, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons, navigating and having the Care of any Boat, or other Vessel, shall wilfully obstruct the Navigation of the said Canal, Feeders, or Collateral Cut, by means of the misplacing or otherwise misconducting such Boat or other

other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also the Sum of Five Shillings for every Hour during which such Obstruction shall continue, after the making of such Request, and it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, or any of them, to cause any such Boat or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such unloading and Removal shall be paid, and if any Boat or other Vessel shall be sunk in any Part of the said Canal, Feeders, or Collateral Cut, or in any such Basin, Trench, or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons, having the Care of such Boat or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and in case the same shall not be redeemed, and all Expences paid, within the Space of Twenty-one Days, to detain, keep, and use the same, or otherwise to sell and dispose thereof, for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same, rendering the Overplus of every such Sale or Sales to the Owner or Owners of such Boat or other Vessel on Demand.

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

LXXXIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, Feeders, or Collateral Cut, or if any Person or Persons shall suffer the Loading of any Boat or other Vessel navigating thereon to lie over the Sides thereof, or shall overload any Boat, or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given of such Obstruction, haul such Boat or other Vessel into such Place or Places, Opening or Openings, as shall be proper or be made for the Purpose of enabling Boats or other Vessels to pass each other, or shall not otherwise remove the same Obstruction so as to make a free Passage for other Boats or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat or other Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal, Feeders, or Collateral Cut, Reservoirs, Trenches, Watercourses, or Basins to be made by virtue of this Act, or shall wantonly or unnecessarily open or cause to be opened any Lock, Gate, Paddle, Valve, or Clough belonging to the said Canal, Feeders, Collateral Cut, or Reservoirs, or suffer any Boat or other Vessel to strike or run upon either of the Bridges or Locks thereof, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal, Feeders, Collateral Cut, or Reservoirs, or shall leave any of the said Valves or Cloughs

Penalty on Persons overloading and obstructing the Passage of the said Canal, or throwing Ballast, &c. therein.

Penalty on Persons opening the Locks or doing other Damage to the Navigation.

Penalty on
destroying
the Works

Cloughs open and running, after any Boat or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Lock Gates on the said Canal, Feeders, or Collateral Cut, so as to mis-spend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws of *Scotland*; or in Mitigation of such Punishment such Court may award such arbitrary but lesser Punishment as to such Court shall seem proper; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County where the Offence shall be committed, shall forfeit any Sum not exceeding Five Pounds, and also the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices, such Penalty and Damages, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender; or such Offender shall and may be committed to the Common Gaol for the said County for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

Regulations
of Vessels
passing the
Locks.

LXXXIV. And be it further enacted, That no Boatman or other Person, navigating or having the Care of any Boat or other Vessel upon the said Canal, Feeders, or Collateral Cut, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in such Lock longer than is necessary for his Boat or other Vessel to pass through the same; and also that every such Boatman or other Person as aforesaid, in going down the said Canal, Feeders, or Collateral Cut, shall, previous to his bringing his Boat or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof, and after he shall have brought such Boat or other Vessel through the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof, and in going up the said Canal, Feeders, or Collateral Cut towards the Head Level or Head Levels thereof, such Boatman or other Person, so soon as he shall have passed with his Boat or other Vessel through the said Lock, shall shut the Upper Gates of the same before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat or other Vessel coming down the said Canal, Feeders, or Collateral Cut, in sight of the said Boatman or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut

shut and the Upper Gates shall be left open; and in all Dry Seasons, when there shall be a Scarcity of Water in the said Canal, Feeders, or Collateral Cut, the Boat, or other Vessel so going up the same (if within sight of a Boat or other Vessel so coming down,) and at a Distance not exceeding Five hundred Yards, below a Lock, shall pass through such Lock before the Boat or other Vessel coming down, and then such other Boat or other Vessel shall come down into the said Lock, and if there shall be more Boats or other Vessels, than One below, and above any Lock at the same Time in any such Dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose,) such Boats, or other Vessels shall go up and come down at such Lock by Turns as aforesaid until all the Boats and other Vessels so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Boats or other Vessels; and any Person or Persons acting contrary to these Directions in passing any such Lock or Locks shall forfeit any Sum not exceeding Five Pounds for every such Offence.

LXXXV. And be it further enacted, That if any Lock-keeper, Wharfinger or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, or other Vessel, in passing through any Lock or Locks upon the said Canal, Feeders, or Collateral Cut, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh-Beams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall, on Conviction, forfeit and pay any Sum, not exceeding Five Pounds to the Informer.

Lock Keepers
not to give
Preference.

LXXXVI. Provided always, and be it further enacted, That nothing herein contained, shall extend to prejudice or affect the Right of any Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal, Feeders, or Collateral Cut, or any Towing Paths, Wharfs, Quays, Basons, Tunnels, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, shall be made to the Mines and Minerals lying or being within or under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful to and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal, Feeders, or Collateral Cut, or any of the Works or Conveniencies belonging thereto.

Mines re-
served to
Proprietors.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, for themselves, or their Agents or Servants, at any Time or Times, upon reasonable Notice, in the Day Time, to enter upon any Lands through or near which the said Canal, Feeders, or Collateral Cut, and Works hereby authorized to be made, shall be or pass, wherein any Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Mines, and there to view,

Company's
Agents to be
at Liberty to
enter Lands
or Mines to
view the
Works.

[Loc. & Per.]

18 E

search,

search, and measure, latch-deal, and use all other Means for the discovering the Distance of the said Canal, Feeders, or Collateral Cut, and Towing Paths from the working Parts of such Mines respectively; and in case it shall appear, that any Mine hath been opened or wrought under the said Canal, Feeders, or Collateral Cut, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, and that such endangering and damaging the Canal, Feeders, or Collateral Cut has been wilful, it shall and may be lawful to and for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Feeders, or Collateral Cut, Towing Paths and other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so wrought or worked subsequent to the Commencement of this Act, be recovered by the said Company of Proprietors, in case of Non-payment thereof, upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered, and shall be paid into the Hands of the Treasurer to the said Company of Proprietors, for the Use and Benefit of the said Company.

For making
Recompence
for Damages
not herein-
before parti-
cularly pro-
vided for.

LXXXVIII. And be it further enacted, That if at any Time or Times hereafter, any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Heritages, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is hereinbefore provided, then and in every such Case, the Recompence or Satisfaction for such Damage shall, from Time to Time, be settled and ascertained by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed, with regard to any other Recompence or Satisfaction.

Lands taken
and not used
by the Com-
pany, to be
reconveyed
to the origi-
nal Owners,
in case they
think proper
to become
the Purchas-
ers thereof.

LXXXIX. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands, Tenements, or Heritages which shall be purchased or taken by them in pursuance of this Act for the Space of Five Years from the Time of purchasing the same respectively, without making the said Canal, Feeders, Collateral Cut, or other Works hereby authorised to be made through or upon the same or any of them, or if the said Canal, Feeders, or Collateral Cut, or other Works, or any of them, shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then, and in either of the said Cases, the said Company of Proprietors shall immediately after the Expiration of the said Five Years without making, or Five Years after disusing such Canal, Feeders, or Collateral Cut, or other Works respectively as aforesaid, convey all their Estate, Right, Title, Property, and Interest in and to such Lands, Tenements, or Heritages respectively unto the several and respective Persons, Bodies Politic, Corporate, and Collegiate, who were the Owners or Proprietors thereof, immediately before the said Company of Proprietors became seised of the same, or unto the respective Heirs, Successors, or Assigns of such Persons, Bodies Politic, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands, Tenements, or Heritages, to the said Company of Proprietors as they shall

shall judge reasonable, or in case any Difference shall arise in regard to the same, then as a Jury, to be empannelled in the Manner hereinbefore directed, shall ascertain or award to be paid for the same, so that such Consideration do not exceed the Sum or Sums first paid by the said Company of Proprietors for the Purchase of such Lands, Tenements, or Heritages, and that in case the said Company of Proprietors, upon Payment or Tender to them of such valuable Consideration as aforesaid, for such Lands, Tenements, or Heritages, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands, Tenements, or Heritages shall thereupon revert to, and be from thenceforth vested in the said several and respective Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in Cases where an Annual Rent shall have been paid for any such Lands, Tenements, or Heritages, by the said Company of Proprietors, then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damage done to the same Lands or Grounds by the said Company of Proprietors to the Person or Persons, Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands, Tenements, or Heritages, shall be reconveyed or revert as aforesaid, as the said Jury shall ascertain or award, such Sum or Sums of Money, in Default of Payment at the Time, to be fixed by such Jury, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act: Provided always, that if any such Person or Persons, Bodies Politic, Corporate, or Collegiate as aforesaid, their Heirs, Successors, or Assigns, upon Application to him or them made by or on the Behalf of the said Company of Proprietors, shall not then and thereupon agree, or shall refuse or decline to purchase any of the Lands, Tenements, or Heritages, which shall have been so purchased or taken, and an Affidavit shall be made and sworn before One of His Majesty's Justices of the Peace for the County wherein the same shall be situated, by some Person or Persons noways interested in the said Lands, Tenements, or Heritages, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that the same was thereupon not agreed to, or was refused by the Person or Persons to whom the same was or were offered, (which Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom the same was made as the Case may be,) it shall be lawful for the said Company of Proprietors to sell and convey the same Lands, Tenements, and Heritages respectively, to any other Person or Persons whomsoever, any Law, Custom, or Usage to the contrary in anywise notwithstanding.

XC. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards making and maintaining the said Canal, Feeders, and Collateral Cut, and other Works hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Committee of Management, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Committee, in Manner before mentioned, and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be law-
ful

To compel
Payment of
Subscrip-
tions.

ful for the said Company to sue for and recover the same in any Court of Law or Equity.

Recovery of
Fines and
Forfeitures.

XCI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-Law, to be made in pursuance thereof (the levying and Recovery whereof is or are not particularly hereinbefore directed) shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, and every such Justice is hereby authorized and required to examine Witnesses, on Oath, and hear and determine the same, and all Fines, Forfeitures, and Penalties (the Application whereof is not hereinbefore particularly directed,) shall be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale shall be rendered to the Owner of the Goods and Chattels, so distrained, and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand, to commit such Offender to the common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Persons ag-
grieved by
Irregularity
in Distress, to
recover only
the special
Damages.

XCII. 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 shall 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 or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action before the Court of Session.

XCIH. And for the more easy and speedy Conviction of Offenders against this Act, Be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form: *videlicet*,

Form of
Conviction.

“ BE it remembered, that on the _____ Day of _____
“ in the Year of our Lord _____ A. B. is con-
“ victed before me, C. D., one of His Majesty's Justices of the Peace
“ for the County of _____ (specifying the Offence, and the Time
“ and Place when and where committed, as the Case may be,) contrary to
“ an

“ an Act of Parliament, passed in the Forty-sixth Year of the Reign
 “ of King George the Third, intituled, (*here set forth the Title of this Act.*)
 “ Given under my Hand and Seal, the Day and Year first above men-
 “ tioned.”

XCV. And be it further enacted, That any Person or Persons think-
 ing himself, herself, or themselves aggrieved by any Order or Judg-
 ment, made or given in pursuance of any Rule, Bye-Law, or Order of
 the said Company of Proprietors, or their Committee of Management,
 or by any Order, Judgment, or Determination of any Justice or Justices
 of the Peace relating to any Matter or Thing in this Act mentioned or
 contained, may, within Three Calendar Months next after such Order,
 Judgment, or Determination shall have been made or given (first giving
 Twenty-one Days' Notice of such Complaint, to the Person or Persons
 against whom such Complaint is intended to be made) complain to the
 Justices of the Peace at the General Quarter Sessions to be held in and
 for the County in which the Cause of Appeal shall arise, who shall in a
 summary Way either hear and determine the said Complaint, at such Ge-
 neral Quarter Sessions, or if they think proper, may adjourn the hearing
 thereof to the next General Quarter Sessions of the Peace, to be held for
 such County; and the said Justices may, if they see Cause, mitigate any
 Forfeiture or Fine, and may order any Money to be returned, which
 shall have been levied in pursuance of such Rule, Bye-Law, Order, or
 Determination, and may also order and award such further Satisfaction to
 be made to the Party injured, as they shall judge reasonable; but no Pro-
 ceedings to be had and taken in pursuance of this Act, shall be quashed
 or vacated for Want of Form, or be removed by Advocation, or by any
 other Process whatsoever, any Law or Statute to the contrary notwith-
 standing.

Persons ag-
 grieved may
 appeal to the
 Quarter Ses-
 sions.

Proceedings
 not to be
 quashed for
 want of
 Form, nor
 removed by
 Advocation.

XCV. And be it further enacted, That no Action or Suit shall be com-
 menced against any Person or Persons, for any Thing done by virtue, or
 in pursuance of this Act, until Twenty-one Days' Notice thereof, in Writ-
 ing, shall have been given to the said Committee of Management, nor
 after a sufficient Satisfaction or Tender thereof hath been made to the
 Party or Parties aggrieved, nor after Six Calendar Months next after
 the Fact committed, and every such Action to be had in *England*, shall
 be brought in any of His Majesty's Courts of Record at *Westminster*, and
 shall be laid in the County of *Middlesex*, and not elsewhere; and the De-
 fendant and Defendants, in such Action or Suit, shall and may plead the
 General Issue, and give this Act and the Special Matter in Evidence at
 any Trial to be had thereupon, and that the same was done in pursuance
 and by the Authority of this Act; and if the same shall appear so to be
 done, and if such Action or Suit shall be brought after the Time herein-
 before limited for bringing the same, or shall be brought without Twenty-
 one Days' Notice thereof, or shall be brought into any other County or
 Place than as aforesaid, or after a sufficient Satisfaction made or tendered
 as aforesaid, that then the Jury shall find for the Defendant or Defend-
 ants; or, if the Plaintiff or Plaintiffs shall become non-suited, or suffer
 a Discontinuance of his, her, or their Action or Actions, or if a Ver-
 dict shall pass against the Plaintiff or Plaintiffs, the Defendant or
 Defendants shall have double Costs, - and shall have such Remedy

Limitation of
 Actions.

[*Loc. & Per.*]

18 F

for

for recovering the same, as any Defendant, or Defendants hath or have for Costs of Suit, in any other Cases of Law, and every such Action to be had in *Scotland* shall be brought before the Court of Session in *Scotland*, and the Defender or Defenders in such Suit or Action shall and may deny the Libel, and give this Act and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, and if such Action and Suit shall be brought after the Time hereinbefore limited for bringing the same, or shall be brought without Twenty-one Days' Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders shall be assolzied; or if the Action shall be found irrelevant or be otherwise dismissed, or the Pursuer shall not prosecute the Action, or suffer the same to fall asleep, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have double Costs, and shall have such Remedy for recovering the same as any Defender or Defendants hath or have for Costs of Suit in any other Cases of Law.

Public Act.

XCVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

SCHEDULE

SCHEDULE to which this Act refers.

Parish.	County.	Owners' Names.	Occupiers.	Description of Property.
Ardrossan	Ayr	Earl of Eglinton	On Hand	Park.
Stevenfon	Ayr	Robert Reid Cunninghame	Ditto	Belt of Planting.
Stevenfon	Ayr	Alex. Hamilton, Esq.	Ditto	Two narrow Belts of Planting.
Kilwinning	Ayr	Alex. Millar	James Speirs	A small Glen planted
Lochwinnoch	Renfrew	Allan Pinkerton	On Hand	Plantation.
Ditto	Ditto	John Calwell	Ditto	Ditto.
Ditto	Ditto	William McDowall, Esq.	Ditto	Ditto.
Abbey Parish	Renfrew	Archibald Speirs	Wm. Millar	Garden.
Ditto	Ditto	Ditto	John M'Crae	Ditto.
Ditto	Ditto	Ditto	On Hand	Ditto.
Ditto	Ditto	Ditto	Dan. M'Farlane	Ditto.
Ditto	Ditto	Ditto	Mrs. Allison	Ditto.
Ditto	Ditto	Ditto	James Stewart	Ditto.
Ditto	Ditto	Ditto	On Hand	Two small Belts of Planting.
Ditto	Ditto	Robert Fulton, Esq.	Wm. Mackerrell, Esq.	A small Garden.
Ditto	Ditto	Robert Ralston, Esq.	On Hand	{ Ditto, Grass Plot in Front of Daniel M'Farlane's House, Part of the Court belonging to the Dissenting Meeting House.
Paisley	Ditto	Robert Ralston, Esq.	On Hand	A small House.
Ditto	Ditto	James Young	On Hand	A Barn and Garden.
Ditto	Ditto	Matthew Smith	On Hand	A Garden.
Ditto	Ditto	Thomas Telford	On Hand	} Old Houses and Gardens in the Cafway-side.
Ditto	Ditto	Margaret Fife	On Hand	Street of Paisley.
Ditto	Ditto	And. Young	On Hand	} Old Houses and Gardens in the Cafway-side.
Ditto	Ditto	James Taylor	On Hand	A Garden.
Ditto	Ditto	John Telford	On Hand	A small Garden and the Tollgate at Blackhall.
Ditto	Ditto	George Storie	James Stewart	Crosses a small Belt of Planting.
Ditto	Ditto	Sir J. S. Stewart	Wm. King	A Garden behind Cardonell House.
Abbey Parish	Ditto	Ditto	Ditto	
Ditto	Ditto	Wm. Orr, Esq.	Archibald Cooke	
Ditto	Ditto	Lord Blantyre	Alex. Weir	

Year	Month	Day	Event
1700	Jan	1	...
1700	Jan	2	...
1700	Jan	3	...
1700	Jan	4	...
1700	Jan	5	...
1700	Jan	6	...
1700	Jan	7	...
1700	Jan	8	...
1700	Jan	9	...
1700	Jan	10	...
1700	Jan	11	...
1700	Jan	12	...
1700	Jan	13	...
1700	Jan	14	...
1700	Jan	15	...
1700	Jan	16	...
1700	Jan	17	...
1700	Jan	18	...
1700	Jan	19	...
1700	Jan	20	...
1700	Jan	21	...
1700	Jan	22	...
1700	Jan	23	...
1700	Jan	24	...
1700	Jan	25	...
1700	Jan	26	...
1700	Jan	27	...
1700	Jan	28	...
1700	Jan	29	...
1700	Jan	30	...
1700	Jan	31	...