

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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the Harbour of *East Tarbert* was granted to, *Archibald M^c Allister* Esquire, then Proprietor of the Soil of *East Tarbert*, his Heirs and Assigns; and it is expedient that the said Powers and Authorities and Right to levy Duties should be transferred to and vested in the Company to be incorporated by this Act: And whereas the Persons hereafter named, with other Persons, are willing at their own Expence to make and form the said Canal, and to deepen and improve the said Harbour and Navigation; but the said several Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 several Acts of Parliament following, that is to say, the "Companies Clauses Consolidation Act (*Scotland*), 1845," and the "Lands Clauses Consolidation Act (*Scotland*), 1845," shall, so far as not otherwise provided for by this Act, be incorporated with and form Part of this Act.

8 & 9 Vict. cc.17.and 19. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Argyle* Canal Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *Walter Frederick Campbell* of *Islay*, *Archibald Campbell* younger, of *Jura*, and all other Persons who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assignees respectively, shall be united into a Company for the Purpose of making and maintaining a navigable Canal from the Harbour of *East Tarbert* or *Loch Fyne*, to join *West Loch Tarbert*, and for deepening and improving the Harbour of *East Tarbert* and the Navigation of *West Loch Tarbert*, and for making and maintaining the other Works hereinafter described, with proper Conveniences belonging thereto respectively, and for carrying into effect the other Purposes of this Act, according to the Provisions herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Argyll* Canal Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be One hundred and fifty thousand Pounds Sterling.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Six thousand, and the Amount of each Share shall be Twenty-five Pounds Sterling.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any

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One Year upon any Share, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage or Loan.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Loan any Sum not exceeding Fifty thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of One hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Number and Qualification of Directors.

VIII. And be it enacted, That the Number of Directors shall be Fourteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

IX. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the Number reduced be not less than Eight.

First Directors.

X. And be it enacted, That *Walter Frederick Campbell* of *Islay*, the Honourable *Alexander M'Donald Moreton* of *Largie*, *Archibald Campbell* younger, of *Jura*, *John Campbell* of *Kilberry*, *Alexander M'Neil* younger, of *Colonsay* and *Gigha*, *Henry Glassford Bell*, *Alexander Morrison* of *Ballina-Kill*, *William Dixon* of *Govan Hill*, *Elias Gibb*, Merchant in *Glasgow*, *Dugald M'Dougall* of *Gallonach*, and *John Campbell* younger, of *Islay*, shall be the first Directors of the Company.

Rotation of Directors.

XI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the said last-mentioned Act is provided.

Quorum of Directors.

XII. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Six, and the Quorum of such Committees shall be Two.

XIV. And

Newspaper for Advertisements.

XIV. And be it enacted, That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be the *Glasgow Herald* Newspaper, or some other Newspaper usually circulating in the County of *Argyl*.

Power to enter on Lands and construct Works according to deposited Plans.

XV. And whereas Plans and Sections describing the Lines and Situations of the said Canal and Works, and the Lands and other Property upon or through which the same are intended to be made, together with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands and Property, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Argyll;* be it enacted, That it shall be lawful for the Company to enter upon the Lands or other Property described in the said Plans and Books of Reference, and according to the Provisions herein and in the said Lands Clauses Consolidation (*Scotland*) Act, 1845, contained, to lay out, cut, build, make, alter, repair, and maintain the aforesaid Canal, and to deepen and improve the Harbour of *East Tarbert*, and to deepen and improve the Navigation of *West Loch Tarbert*, with the necessary Locks, Floodgates, Turnbridges, Quays, Piers, Sluices, Drains, Sewers, Embankments, Cuts, Channels, Feeders, Wharfs, Warehouses, Sheds, Storehouses, Roads, Avenues, Approaches, Lighthouses, Slips, Graving Docks, and such other Works and Conveniences for the Purpose of Trade and Navigation connected therewith as they may deem expedient, they the Company doing as little Damage as need be in the Execution of the Powers hereby granted; and it shall also be lawful for the Company, subject to the Provisions aforesaid, to enter upon, take, and use such of the said Lands and others as may be necessary for the Purposes of this Act, but on no account for the Erection of any Building not necessary for the Accommodation of the Servants of the Company.

Errors and Omissions may be corrected by Sheriff, who shall certify the same.

XVI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the Plans or Books of Reference mentioned in this Act, it shall be lawful for the Company, after giving Ten Days Notice to the Owners, Lessees, or Occupiers of the Lands affected by such proposed Correction, to apply to the Sheriff for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk of the County of *Argyll*, and shall also be deposited with the Schoolmasters of the several Parishes in which the Lands affected thereby shall be situated, and such Certificate shall be kept by such Sheriff Clerks and Schoolmasters along with the other Documents to which they relate, and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate to be deposited.

XVII. And

Not to deviate beyond Line of lateral Deviation.

XVII. And be it enacted, That the Company in erecting the said Canal and Works shall not deviate to any greater Extent than the Line of lateral Deviation described on the said Plans, nor within the Lands of any Person not mentioned in the Book of Reference, without his previous Consent in Writing, unless the Name of such Person should have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-after provided.

Line of Canal.

XVIII. And be it enacted, That the said Canal shall commence at or near the West End of the Harbour of *East Tarbert*, close to the Boundary between the Parishes of *South Knapdale* and *Kilcalmonell* in the County of *Argyll*, and shall pass through Part of the said Parishes, and shall terminate near to the North-eastern End of *West Loch Tarbert*, close to the Boundary between the said Parishes of *South Knapdale* and *Kilcalmonell*.

Compulsory Purchase of Land limited.

XIX. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Works to be completed in Five Years.

XX. And be it enacted, That the Canal shall be completed within Five Years from the passing of this Act, and on the expiring of such Period the Powers of this or the said recited Acts granted to the Company for making the Canal, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Canal as shall then be completed.

Works under High-water Mark not to be constructed without Consent of Admiralty.

XXI. Provided always, and be it enacted, That it shall not be lawful for the Company, or any Person acting under their Authority or on their Behalf, to make, construct, or carry on any Work below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Power to deposit Soil.

XXII. And be it enacted, That the Company may, on obtaining the Consent of Her Majesty, Her Heirs and Successors, to be signified by Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hands of the Secretary of the Admiralty, and they are hereby, with Consent aforesaid, empowered to lay out the Rock, Soil, and other Stuff got in cutting the said Canal on the waste Grounds at the Head or North-east End of *West Loch Tarbert* which is generally covered by the Tide at High Water, but they shall not, in respect of any such Operations, be entitled to use or possess the Ground which may be formed, made, or recovered by reason of any such Deposit.

Powers of recited Act vested in the Company.

XXIII. And be it enacted, That from and after the passing of this Act the whole Powers and Authorities conferred or granted by the said recited Act of the Sixth Year of the Reign of Her said late Majesty Queen *Anne* shall be vested in the Company, who shall thenceforth take on themselves the whole Obligations thereby imposed; and it shall be lawful for the Company to levy, collect, and recover the Rates and Duties specified in the said Act, and to exercise and enjoy the whole Powers and Authority in the said Act contained, in the same Manner and Way, and as fully and freely, as the same Powers and Authorities might have been exercised and enjoyed by the said *Archibald M^c Allister*, his Heirs or Assignees, except in so far as the same Powers and Authorities may be altered or varied by this Act, the said *Archibald M^c Allister* and his Heirs and Assignees being freed and relieved from all Obligations imposed on them by the foresaid Act of Her late Majesty Queen *Anne*.

Company to grant Compensation to the Owner of East Tarbert Harbour.

XXIV. And whereas *John Campbell* of *Stonefield* has relinquished certain Rights and Privileges connected with the Ground through which the said Canal is to pass, and connected with the said Harbour; be it enacted, That the Company shall pay or cause to be paid to the said *John Campbell*, and to his Heirs and Successors, the Sum of Five hundred Pounds *per Annum*, half-yearly, commencing the first half-yearly Payment of the said Sum at the Expiration of Six Months from the Completion and opening of the Canal to the Public, and the next half-yearly Payment at the Expiry of Twelve Months from the opening of the said Canal, and so to continue half-yearly thereafter; providing always, that as soon as the Revenue derived from the Dues of One Halfpenny *per* Ton payable upon the Entry of Vessels to the Harbour of *East Tarbert* shall exceed the Sum of Five hundred Pounds *per Annum*, after deducting the Expence of maintaining the present Works of the Harbour and collecting the Dues, the Company shall pay to the said *John Campbell*, his Heirs and Successors, an additional Sum of One hundred Pounds *per Annum*, payable half-yearly at the same Terms as the aforesaid annual Payment of Five hundred Pounds, or, in the Option of the said Company, the said Company shall pay to the said *John Campbell*, or his Heirs and Successors, at the first Term of *Whitsunday* or *Martinmas* after such Excess arises, the Sum of Two thousand Pounds Sterling in lieu of the said additional annual Payment of One hundred Pounds, declaring that the Sums so payable to the said *John Campbell* shall be prior and preferable to all Monies to be borrowed under the Authority of this Act, or to Dividends payable on the Stock of the said Company.

Allowing Proprietors of Land adjoining Privilege of carrying Drains into the Canal.

XXV. And be it enacted, That the said Company shall permit and allow the Proprietors of Land adjoining to the said Canal to carry Drains where required for draining their Land into the said Canal, provided the same is done so as not to injure the said Canal, and at the Sight of and to the Satisfaction of the Engineer of the said Company; and the said Company shall also be bound to erect good and sufficient Fences on each Side of the Canal, so as to protect the same from Sheep and Cattle, and to maintain and keep up at their Expence the said Fences in all Time coming.

XXVI. And

Her Majesty's Officers of Customs, Excise, &c. to have free Use of the Navigation of the Canal.

XXVI. And be it enacted, That every Vessel and Boat belonging to or employed in the Service of or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said Canal, Harbour, and Navigation, and all Locks, Floodgates, Turnbridges, Quays, Piers, Wharfs, Roads, Avenues, and Approaches, without any Charge or Rate whatsoever being made for the same, and without any Toll being payable for any Stores belonging to or purchased for Her Majesty's Service, or for any Baggage belonging to such Officers or Persons aforesaid; and nothing in this Act contained shall confer any Power or Control over any of the said Vessels or Boats, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Rates on Ships and Goods using Canal or Harbour.

XXVII. And be it enacted, That it shall be lawful for the Company to demand and receive, for the Use of the said Canal, Harbour, and improved Navigation, any Rates or Dues not exceeding the following; viz.—

1. In respect of the Use of the said Canal:

Any Sum not exceeding Sixpence for every registered Ton of each *British* Vessel using or entering the same; and if such Vessels shall be hauled, towed, or propelled through the said Canal by Horses or towing Vessels belonging to the Company, an additional Sum not exceeding Two-pence for every registered Ton of such Vessel, and double the Amount of the said Rates or Dues on Foreign Vessels.

2. In respect of the Use of the said Harbour of *East Tarbert*:

Any Sum not exceeding One Halfpenny for every registered Ton of each *British* Vessel using or entering the same of a greater Burthen than Eight registered Tons, and for every such Vessel under the Burthen of Eight registered Tons the Sum of Fifteen-pence *per Annum*, payable upon their first anchoring in the said Harbour, and double the Amount of the said Rates or Dues on Foreign Vessels.

3. In respect of the Tonnage of Articles and Cattle landed from or shipped on board *British* Ships at or on the Quays, Wharfs, or Piers erected or to be erected in the said Harbour of *East Tarbert*, and to be erected at or near to the Entrance of the said Canal into *West Loch Tarbert*:

For all Cotton and other Wools, Drugs, and manufactured Goods, a Sum not exceeding Sixpence *per* Ton:

For all other Articles, Matters, or Things, a Sum not exceeding Four-pence *per* Ton:

For each Horse or Head of Cattle, a Sum not exceeding Four-pence:

For each Pig, a Sum not exceeding Two-pence:

For each Sheep, a Sum not exceeding One Penny:

And double the Amount of such Rates or Dues if landed from or shipped on board Foreign Vessels:

Provided

Provided always, that such Rates and Dues in respect of the Tonnage of Articles and Cattle shall not be taken until the Canal shall be opened for the Use of the Public.

Tonnage of British Vessels to be ascertained by the Register, and of other Vessels by Measurement, according to 5 & 6 W. 4. c. 56.

XXVIII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

Rates for Warehouses, &c.

XXIX. And be it enacted, That it shall be lawful for the Company to demand and take for the Use of any Warehouses, Sheds, Storehouses, Lighthouses, Slips, and Graving Docks erected by the Company, and for the Use of any Towing Vessels belonging to the Company, of and from the Owners, Ship-masters, or Persons having the Charge of any Vessels using the same, or of any Goods, Articles, or Things deposited therein, such reasonable Rate as the Company shall from Time to Time appoint; provided that such Rates for towing Vessels through the said Canal shall not exceed the Sums herein-before stated.

Rates on Foreign Vessels to be the same as on British Vessels where Treaties exist.

XXX. Provided always, and be it enacted, That any Rates, Dues, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessel, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Rates to be charged equally.

XXXI. Provided always, and be it enacted, That the several Rates authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel or Goods.

Power to contract for Rates.

XXXII. And be it enacted, That it shall be in the Power of the Company to enter into Contracts with the Masters and Owners of Vessels and Goods for the monthly or yearly Use of the said Canal, Harbour, Quays, and other Works, at such reasonable Rates as the Company shall from Time to Time appoint; provided that such Rates shall at all Times be charged equally in respect of such Use.

Master of Vessel to produce Certificate of Registry.

XXXIII. And be it enacted, That the Master or Commander of every registered Vessel shall on Demand produce the Certificate of the Registry of such Vessel to any Person authorized by the Company

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to collect the Rate in respect of such Vessel, and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person on Demand, he shall forfeit any Sum not exceeding Five Pounds.

Recovery of Rates.

XXXIV. And be it enacted, That if any Master or other Person having Command of any Vessel, or any Person having Charge of any Goods in respect of which any Rates, Dues, or Charges shall be payable to the Company, shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the Company to collect such Rates, Dues, or Charges to go on board of such Vessel and demand such Freights, or to demand the Payment of Rates, Dues, or Charges payable for Goods and Animals from the Person in charge of the same, and on the Nonpayment thereof or any Part thereof to detain and sell such Vessel and all the Tackle, Apparel, and Furniture belonging thereto, and such Goods and Animals or any Part thereof, and out of the Monies arising from such Sale to retain the Rates, Dues, or Charges payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale to the Person entitled thereto; or it shall be lawful for the Company to recover any such Rates, Dues, or Charges by Action at Law.

Collectors of Customs may withhold Discharge of any Vessel until Rates are paid.

XXXV. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry or give any Cocquet, Discharge, or Clearance, or to take any Report inwards or outwards, for any Vessel liable to the Rates imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate, under the Hand of the Person appointed by the Company to collect such Rates, that the Rates payable under this Act in respect of such Vessel have been paid; and if any Dispute arise concerning the Amount of the Rates due to the Company, or concerning the Charges occasioned by a Detention or Sale under the Provisions herein contained, the same shall be settled by the Sheriff or by Two Justices; and it shall be lawful for the Company in the meantime to detain the Vessel, Apparel thereof, Goods, or Cattle, if the Case so require the Proceeds of the Sale thereof.

Disputes concerning Rates to be settled by the Sheriff or Two Justices.

List of Rates to be painted on Boards, and set up in a conspicuous Place.

XXXVI. And be it enacted, That the Company shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed on the Front of the principal Office of Business of the Company, and on some conspicuous Part of the Quays of the said Canal and Harbour, a List of the several Rates which shall be from Time to Time payable in respect of the said Canal, Harbour, and Quays, and no Rates shall be payable in respect of the said Canal, Harbour, and Quays during such Time as such List shall continue not affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed and in the State required by this Act.

Power to appoint Canal and Harbour Masters.

XXXVII. And be it enacted, That it shall be lawful for the Company from Time to Time to appoint such Canal and Harbour Masters as they shall think necessary, and at Pleasure to remove such Canal and Harbour Masters.

Powers of Canal and Harbour Master.

XXXVIII. And be it enacted, That it shall be lawful for the Canal and Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the mooring, unmooring, placing, or removing within the said Harbours of *East Tarbert* Canal and *West Loch Tarbert*, or at the Entrances of the said Canal, of any Vessels entering into, lying in, or going out of the said Canal, Harbour, and Loch:

For regulating the Time and Manner of any Vessels coming into or going out of the said Canal, and of their Position while lying or loading or discharging Cargoes in the said Harbour:

For regulating the Manner in which any Vessel entering the said Canal and Harbour shall be dismantled, for Safety of such Vessels, and for preventing Injury to other Vessels and to the said Canal, Harbour, and Moorings:

For regulating the Quantity of Ballast or dead Weight in the Hold each Vessel shall have during the Delivery of her Cargo in the said Canal and Harbour, or when discharged therein.

Penalty on Canal Master, &c. exercising Powers unreasonably.

XXXIX. And be it enacted, That in case any Canal and Harbour Master appointed under this Act shall without reasonable Cause exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Masters of Vessels not complying with Directions of Canal and Harbour Master.

XL. And be it enacted, That the Master or Commander of every Vessel within the said Canal or Harbour, or at the Entrances to the same, shall regulate such Vessel according to the Directions of the Canal and Harbour Master for the Time being made in pursuance of this Act; and every such Master or Commander who, after Notice of any such Direction, signed by such Canal and Harbour Master for the Time being, shall have been served upon him, shall not regulate such Vessel according to the Direction aforesaid, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Canal and Harbour Master may remove Vessels.

XLI. And be it enacted, That if any Master or Commander of any Vessel in the said Canal or Harbour, or at the Entrances thereof, shall not moor, unmoor, place, or remove the same according to the Directions of the Canal and Harbour Master for the Time being appointed under this Act, after Notice in Writing of such Directions, signed by such Canal and Harbour Master, shall be served on him, or if there shall be no Person on board of any such Vessel, it shall be lawful for such Canal and Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed as he shall think fit within the said Canal and Harbour, and the Expences attending the mooring, unmooring, placing, or removing such Vessel shall be paid to the said Canal and Harbour Master by the Master or Commander of the same.

XLII. And

Canal and Harbour Master may cut Ropes.

XLII. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the said Canal or Harbour, or at the Entrances to the same, shall not, on Demand of the said Canal and Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be fastened, or if there be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the Canal and Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be moored or fastened: Provided always, that before the Canal and Harbour Master shall cut the Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened, he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Vessels entering Canal or Harbour to be dismantled as Canal and Harbour Master shall direct.

XLIII. And be it enacted, That no Vessel shall enter the said Canal or Harbour except the same shall be dismantled as shall be directed by the Canal and Harbour Master for the Time being appointed under this Act; and if any Vessel shall enter the said Canal or Harbour without being dismantled in the Manner required by such Canal and Harbour Master, after Notice in Writing, signed by such Canal and Harbour Master, shall have been served on the Master or Commander of such Vessel to dismantle the same in the Manner aforesaid, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels to have Hawsers,&c. fixed to Moorings.

XLIV. And be it enacted, That every Vessel in the said Canal or Harbour shall have substantial Hawsers, Towlines, and Fasts fixed to the Dolphins, Moorings, Buoys, or Mooring Posts when required by the said Canal and Harbour Master; and if any Vessel shall be in the said Canal or Harbour without such substantial Hawser, Towlines, or Fasts fixed as aforesaid, after Notice in Writing from the said Canal and Harbour Master to the Master or Commander of such Vessel to furnish or find the same, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Canal and Harbour Master to regulate Equipment of Vessels.

XLV. And be it enacted, That it shall be lawful for the Canal and Harbour Master for the Time being appointed under this Act to regulate the Equipment, rigging, and lading of all Vessels in the said Canal or Harbour as he shall think proper; and if he shall judge any Act or Proceeding in the Equipment, rigging, or lading of any Vessel entering or departing from the said Canal or Harbour unsafe for such Vessel, or likely to produce Injury to other Vessels, or to the said Canal or Harbour, it shall be lawful for him to give Notice in Writing, signed by him, to the Master or Commander of such Ship to discontinue or alter the same; and if such Master or Commander shall not, according to such Notice, discontinue or alter such Act or Proceeding immediately after such Notice shall have been served on him, or some Person on board the said Vessel, every such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty.

XLVI. And

No Vessels to lie within the Entrances of Canal.

XLVI. And be it enacted, That as soon as the said intended Canal is so far completed as to admit Ships to enter therein, no Vessel shall be within the Entrances of the said Canal unless for the Purpose of coming in or going out of the said Canal, so that at all Times the Entrances may be kept clear and without Obstruction.

Penalty for placing Vessels at Entrances to Canal and not removing the same.

XLVII. And be it enacted, That if the Master or Commander of any Vessel shall place any Vessel or suffer the same to remain within the Entrances of the said Canal, and shall not, immediately on being required by the said Canal and Harbour Master for the Time being, remove such Vessel, every such Master or Commander so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings for every Hour that such Vessel shall remain within the Entrance aforesaid after a reasonable Time for removing the same shall have expired after the Service of such Notice.

Vessels to lower Sails before entering the Canal.

XLVIII. And be it enacted, That before any Vessel shall enter into the said Canal such Vessel shall have her Sails lowered and furled, and in case any Master or Commander of any Vessel shall navigate the same under sail into or in the said Canal, every such Master or other Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for throwing Ballast and other Matters into the Canal or Harbour.

XLIX. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into the said Canal or Harbour, or into or upon any of the said Works, to the Injury or Prejudice thereof, or do any other Injury to the same, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for wilfully cutting Ropes.

L. And be it enacted, That if any Person, other than the Canal and Harbour Master in execution of the Powers of this Act, shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the Limits of the said Canal or Harbour shall be moored or fastened, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Penalty for Damages to Canal and Quays.

LI. And be it enacted, That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber through whose wilful Act or Negligence any Damage shall be done to the said Canal, or to the Quays, Piers, Wharfs, Machinery, or other Works or Property of the Company by means of such Vessel or Float of Timber, shall pay for and repair all such Damage; and all such Damage shall be ascertained and recovered in the same Manner as Penalties and Forfeitures recoverable under the said Companies Clauses Consolidation (*Scotland*) Act, 1845, and Lands Clauses Consolidation (*Scotland*) Act, 1845, are directed to be recovered; and, in addition to the Remedies thereby provided for the Recovery of the same, it shall be lawful for the Sheriff or Justices before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be detained until the Amount of Damage and Costs awarded by him shall be paid, and if the same shall not be paid within Seven Days after such Detention, to cause the Property so detained, or any Part thereof, to be sold, and out of the

the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Sheriff or Justices, and all the Charges incurred by the Detention and Sale of such Property.

Owners are to be responsible for Damages of Servants, &c.

LII. And be it enacted, That the Owner or Master or Commander of every Vessel or Float of Timber shall be answerable to the Company for any Damage done by such Vessel or Float of Timber, or any Person employed about the same, to the said Canal, or any Quays, Piers, Wharfs, Machinery, or other Works or Property of the Company.

Masters may recover such Damage from Servants, &c.

LIII. And be it enacted, That if the Owner, Master, or Commander of any Vessel shall make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel, the Person doing such Damage shall repay to the said Owner, Master, or Commander the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage.

Company may erect Beacons on receiving Sanction of Commissioners of Northern Lights.

LIV. And be it enacted, That it shall be lawful for the Company to erect Beacons for the Guidance of Vessels of such Character, and to be exhibited in such Mode, and to lay down such Buoys of such Description and in such Situation within the Limits of the said Harbour as shall from Time to Time be prescribed by the Commissioners of Northern Lighthouses, in Writing, signified under the Hand of their Secretary for the Time being.

Company not to alter Beacons without Authority of Commissioners of Northern Lights.

LV. And be it enacted, That it shall not be lawful for the Company to exhibit or alter, or to permit to be exhibited or altered, any Light, Beacon, or Sea-mark, without the Sanction in Writing of the Commissioners of Northern Lighthouses, signified under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea-mark shall be exhibited or altered, with such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the Commissioners of Northern Lighthouses shall from Time to Time direct by due Notice to the said Company.

Power to Company to make Bye Laws.

LVI. And be it enacted, That it shall be lawful for the Company from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; that is to say,

For governing or regulating the Use of the Canal, Quays, Docks, and other Works hereby authorized to be made, and the Towing Vessels belonging to the Company:

For regulating the placing and removing Vessels entering in, lying in, or going out of the said Harbour and Canal, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Canal and Harbour Master to be appointed by the Company respectively:

For regulating the Admission of Vessels into the said Harbour and Canal and Premises, and their Removal out of the same:

For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods, Animals, Articles, or

or Things, from, in, or on the Piers, Quays, Wharfs, or Warehouses of the Company:

For regulating the Hours during which the Gates or Entrances to the said Canal and the Premises belonging thereto shall be open:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed in the Harbour, Canal, Quays, and Premises of the Company:

For regulating the Use of Fires, Candles, and Lamps within the said Harbour, Canal, Warehouses, and the Premises belonging thereto, and within any Vessel being within the said Harbour, Canal, or in or on the Piers, Quays, or Works of the Company:

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Company:

For regulating the Police of the said Harbour and Canal, and the Times and Manner in which the Police Officers shall perform their Duties:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Company, and the Duties and Conduct of all Weighers and Meters appointed by them:

For regulating the Duties and Conduct of the Carriers employed on the Premises of the Company, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

Bye Laws may be amended.

And it shall be lawful for the Company from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *Scotland* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Company, and, if affecting other Persons than the Officers or Servants of the Company, be printed and published as herein provided.

Bye Laws may be enforced by Penalties.

LVII. And be it enacted, That it shall be lawful for the Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Sheriff or Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed by Sheriff of Argyll.

LVIII. And be it enacted, That no Bye Law which shall be made by the Company under the Authority of this Act, except such as may relate solely to the Shareholders or Directors of the Company or their Officers or Servants, shall be valid or binding unless the same shall be allowed by the Sheriff of the County of *Argyll;* and it shall be incumbent on such Sheriff, on the Request of the Company, to inquire into any Bye Laws which may be tendered to him for that Purpose, and to allow or disallow of the same as he shall deem meet: Provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in one or more Newspapers One Month at least before the Hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Company Ten Days before the Hearing of such Application, may by himself

himself or his Agent be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Copy of proposed Bye Laws to be open for Inspection.

LIX. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Company, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Company with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

LX. And be it enacted, That such Bye Laws, when confirmed, shall be printed and hung up, affixed, and continued on the Front of some conspicuous Part of the principal Office of the Company, and also on some conspicuous Part of the Works of the said Canal or Harbour, according as such Bye Laws may relate to the Canal or Harbour, and such Bye Laws shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding on all Parties.

LXI. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

LXII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Signature of Three Directors, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof it shall be sufficient that printed Copies thereof were affixed or continued in the Manner by this Act directed; and in case of any such Copies being afterwards destroyed or obliterated, it shall be sufficient to prove that such was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Copy did not contain the Bye Law under which he shall be prosecuted, or that the same was not affixed or continued to be affixed as required by this Act.

Annual Account to be made and transmitted to Sheriff Clerk, and be open to Inspection.

LXIII. And be it enacted, That this Company shall every Year cause an annual Account or Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Company, and shall transmit a Copy of the said Account, free of Charge, to the Principal Sheriff Clerk of the County of *Argyll*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Times: Provided always, that if the Company shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

LXIV. And

Saving the Rights of the Crown.

LXIV. And be it enacted, That nothing in this Act or in the Acts herein recited or referred to contained, shall extend to authorize the Company to purchase, take, or use any Land or Soil belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Lands Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Act not to apply to Vessels of Her Majesty, &c.

LXV. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessel employed in the Service of Her Majesty, or of the Ordnance, Customs, Excise, or of the Commissioners of the Northern Lighthouses, or of the Corporation of the *Trinity House* of *Deptford Strond*, or of Her Majesty's Postmaster General.

Interpretation of Word "Vessel."

LXVI. And be it enacted, That in construing this Act the Word "Vessel" shall include Ship, Steam Packet or Steam Boat, Towing Vessel, Lighter, Barge, and Boat, and every Kind or Description of Vessel, unless there be something in the Subject or Context repugnant to such Construction.

Expences of Act.

LXVII. And be it enacted, That the Expences of applying for and obtaining this Act, and incident thereto, shall be paid out of the Funds of the Company, in preference to any other Payments whatever.

Public Act.

LXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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