ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 75.

An Act for amending an Act of the Tenth Year of His preſent Majeſty, for making and maintaining a Navigable Cut or Canal, and Waggon Way, from the Collieries in the Pariſhes of *Old* and *New Monkland* to the City of *Glaſgow*.

[21ſt *May* 1813.]

WHEREAS an Act was paſſed in the Tenth Year of His preſent Majeſty's Reign, intituled *An Act for making and maintaining a Navigable Cut or Canal and Waggon Way, from the Collieries in the Pariſhes of* Old *and* New Monkland *to the City of* Glaſgow; and another Act was paſſed in the Thirtieth Year of the Reign of His preſent Majeſty, intituled *An Act for forming a Junction between the* Forth *and* Clyde *Navigation, and the* Monkland *Navigation; and for altering, enlarging, and explaining ſeveral former Acts paſſed for making and maintaining the ſaid Navigations:* And whereas by the firſt recited Act, certain Perſons therein named were incorporated by and under the Name of "The Company of Proprietors of the *Monkland* Navigation," and the Sum of Ten thouſand Pounds authorized to be raiſed by the ſaid Proprietors, was divided and diſtinguiſhed into One Hundred equal Parts or Shares of

10 G. 3. c. 105.

30 G. 3. c. 73.

of One hundred Pounds Sterling each Share; and a Right of voting at the Public Meetings of the Proprietors was attached to each Share, in the Manner and under the Provisions therein mentioned: And whereas the Capital Stock of the said *Monkland* Navigation, which originally belonged to a great Number of Proprietors, has lately come to be vested in, and at present belongs to *William Stirling* and *George Stirling*, Merchants in *Glasgow*, Copartners, and carrying on Trade under the Firm of *William Stirling* and Sons, and *John More*, Banker in *Glasgow*, Trustee for the Creditors of *Andrew Stirling* of *Drumpellier*: And whereas it has become necessary for the said *John More* to apply the Stock belonging to the said *Andrew Stirling*, or the Proceeds thereof, in Payment of the Creditors of the said *Andrew Stirling*: And whereas such Payment would be much facilitated by the Subdivision of the said Stock, and the Increase of the Number of the said Shares, which Subdivision and Increase will also be for the Advantage of the said *William Stirling* and Sons, the only other Proprietors of the said Navigation, and of the Public at large: And whereas it is expedient that the said first-recited Act should be amended; but as these Purposes cannot be attained 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, from and after the passing of this Act, the Capital Stock of the said Company shall be divided and distinguished into Two thousand and twenty equal Parts or Shares; and that the said Two thousand and twenty Shares shall be, and the same are hereby vested in the said *William Stirling* and *George Stirling*, as Copartners aforesaid, and their respective Successors, Executors, Administrators, and Assigns, as Copartners aforesaid, to their and each of their proper Use and Behoof as Copartners as aforesaid, and in the said *John More* as Trustee aforesaid, and his Successor or Successors in Office, in Trust, for Behoof of the Creditors of the said *Andrew Stirling*, and his and their Assigns and Successors, and that in Proportion to the Shares and Interests which the said Proprietors hold in the present Capital Stock of the said Company.

Number of Shares increased.

Proprietors to receive a Proportion of Profits.

II. And be it further enacted, That the Assigns and Successors of each of the said Proprietors respectively shall be entitled to and shall receive the entire and net Distribution of a Two thousand and twentieth Part and Share of the Profits and Advantages that shall and may arise and accrue, and may be recovered and received, under the Authority of the Acts of Parliament before recited, and of this present Act, and so in Proportion for any greater Number of Shares; and that the said respective Proprietors, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote for every such Share, in every Public Meeting or Assembly of Proprietors to be held under the Authority of and in Manner directed by the said Acts and by this Act.

Mode of calling Special General Meetings.

III. And be it enacted, That all Special General Meetings of the said Company shall be notified by Advertisement, specifying the Time, Place, and General Purposes of the said Meeting, inserted by the Committee of Management, or by a Proprietor or Proprietors holding at least Two hundred and two Shares of the Capital Stock as now established,

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One Calendar Month at leaſt before the ſaid Meeting ſhall take place, Three ſeveral Times at leaſt in any one of the Newſpapers publiſhed at *Glaſgow*; and the Votes to be given at ſuch Meeting may be given either by the ſaid Proprietor perſonally preſent or by the Proxy or Proxies of ſuch Proprietor entitled to vote, and conſtituted in Manner ſpecified in the ſaid firſt before recited Act; and whatever Queſtion ſhall be propoſed, diſcuſſed, or conſidered, in any Public Meeting to be held in virtue of the Acts before recited, or of this preſent Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every One Share: Provided always, that no Proprietor though poſſeſſed of more than Two hundred and two Shares ſhall, by himſelf or Proxies, have more than Two hundred and two Votes in any ſuch Meeting.

Application of Compenſation exceeding 200 l.

IV. 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, or uſed by virtue of the Powers of the ſaid recited Acts or 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 Incumbrance 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 the 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.

Application when Compenſation leſs than 200 l. but exceeds 20 l.

V. Provided always, and be it 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,

ration, or to any Perſon under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to 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 placed to his, her, or their Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Company of Proprietors, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch principal Money, and the Intereſt ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe is applicable.

Application when Money leſs than 20 l.

VI. 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 the ſaid Acts or 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 where Perſons cannot be found.

VII. And be it 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 the ſaid recited Acts or 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 ſo 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 ſaid 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;

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 ſuch Sum or Sums of Money into the Banks as aforeſaid.

In caſe of queſtionable Title.

VIII. 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 ſaid Banks in purſuance of the ſaid Acts or of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages to be purchaſed in purſuance thereof, or to any Lands, Tenements, or Heritages to be purchaſed with any ſuch Money, or to the Rents or 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, or under the Poſſeſſion of 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 of Seſſion; 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 or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

Court may order Expences of Purchaſes to be paid.

IX. 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 the ſaid Acts or of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes, in purſuance of the ſaid Acts or 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 the ſaid Acts or of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company of Proprietors, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Former Acts extended to this Act.

X. And be it enacted, That the ſaid former Acts, and every Article, Rule, Clauſe, Matter, and Thing therein contained, (ſave and except ſuch Parts thereof as relate to any Exemption from Stamp Duties, and ſuch as are hereby varied, altered, or repealed), ſhall be and remain of full Force and Effect for all the Purpoſes therein and herein mentioned, as fully as if the ſame were repeated and contained in this preſent Act.

Public Act. XI. And be it 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 others, without being ſpecially pleaded.

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