



ANNO QUINQUAGESIMO PRIMO

# GEORGII III. REGIS.

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## Cap. 106.

An Act for making and maintaining a navigable Canal and a Railway or Tramroad from the River *Burry*, at or near the Village of *Penclawdd*, in the Parish of *Lanridian*, into the Township or Borough of *Loughor*; and divers Branches therefrom, all in the County of *Glamorgan*. [21st May 1811.]

WHEREAS the making and maintaining of a Canal for the Navigation of Boats, Barges, and other Vessels, and the making and maintaining of a Railway or Tramroad for the Passage of Waggon and other Carriages from the River *Burry*, at or near the Village of *Penclawdd*, in the Parish of *Lanridian*, into the Township or Borough of *Loughor*, to or near to a Bridge there called *King's Bridge*, and into certain Lands called *Paper Mill Lands*, belonging to *John Llewellyn Esquire*, in the Parish of *Llangevelach*, near a Bridge there called *Pontllewydda Bridge*, all in the County of *Glamorgan*, and Powers to make a Collateral Navigable Cut, Canal, Branch, Railway, or Tramroad to or from the End or Termination of the said Canal and Railway or Tramroad, at or near the Village of *Penclawdd* aforesaid, to a certain Tenement called *The Miss Dalton's Lands*, belonging to *Sir John Morris Baronet*, near the Scite of a Fire Engine below the said Village of *Penclawdd*; and also to make the following Collateral Branches of Railways or Tramroads (that is to say) a Branch to or from a Common or Waste called *Mynyddbach-y-gloe*, situate in the Parish of *Swansea* in the said County; also another Branch to or from a certain other Common called *Loughor Common*, situate in the Township or Borough of *Loughor*

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*hor* aforesaid in the said County; also another Branch to or from a Tenement called *Graig-y-bulden*, situate in the said Parish of *Swansea*; also another Branch to or from a Tenement called *Gwainarlwyd*, situate in the same Parish, also another Branch to or from a Tenement called *Gwainarlwyd* situate in the Township or Borough of *Loughor* aforesaid; also another Branch to or from a Tenement called *Gurnos*, situate in the Parish of *Loughor* in the said County, which said several Tenements belong to his Grace the Duke of *Beaufort*; also another Branch to or from a Tenement called *Caergunnydd fawr*, situate in the said Parish of *Swansea*, belonging to Sir *John Stepney* Baronet; also another Branch to or from a Tenement called *Carbadall*, situate in the said Parish of *Swansea*, belonging to Sir *John Morris* Baronet; also another Branch to or from a Tenement called *Cefngorwidd*, situate in the said Parish of *Loughor*, belonging to *Thomas Wyndham* Esquire; also another Branch to or from a Tenement called *Cefngorwidd fawr*, situate in the said Parish of *Loughor*, belonging to *Thomas Mansel Talbot* Esquire; also another Branch to or from a Tenement called *Tyrpont Cadley*, situate in the Parish of *Langevelach* in the said County; also another Branch to or from a Tenement called *Weegfach*, situate in the Parish of *Swansea* aforesaid, which Two last-mentioned Tenements are the Property of *John Llewellyn* Esquire; also another Branch to or from a Tenement called *Killan*, situate in the said Parish of *Lanridian*, belonging to *Jenkin Davies Berrington* Gentleman; also another Branch, to or from a Tenement called *Penefodyfach*, situate in the said Parish of *Loughor*, belonging to *William Phillips* Gentleman; also another Branch to or from a Tenement called *Penderry fawr*, situate in the said Parish of *Langevelach*, belonging to *Francis Pinkney* Gentleman; and also another Branch to or from a Tenement called *Cadley Issa*, situate in the said Parish of *Langevelach*, belonging to *John Phillips* Gentleman, all in the said County of *Glamorgan*, to join to and communicate with such Main Canal and Railway or Tramroad, will open a Communication with several extensive and valuable Coal and Culm Mines, Iron Mines, Limestone Quarries, and other Mines and Quarries, whereby the Carriage and Conveyance of Coal and Culm, Iron Ore, Limestone, and other Minerals and Commodities will be greatly facilitated, and will materially assist the Agriculture of the Country throughout the Line and Neighbourhood thereof, and will in other Respects be of great Public Utility; but the same cannot be effected without the Authority of Parliament: And whereas the several Persons herein-after named are willing and desirous at their own Expence to make and maintain the said Canal and Cut, Railways or Tramroads: 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 *Knightly Adams*, the Most Noble *Henry Charles* Duke of *Beaufort*, *James Brogden*, *Jenkin Davies Berrington*, *Samuel Yate Benyon*, *Samuel Bordell*, *William Brandon*, *Rees Bevan*, *John Powell Cuny* Clerk, *William Chacklen*, *John Currall*, *John Edmond*, *John Evans*, *John Franklen*, *John Frieth*, *Joseph Fowler*, *Lewis Griffiths*, *John Houghton*, *Francis Hancorne*, *Thomas Horner*, *John Harry*, Major *Charles James*, *Rees Jones*, *John Llewellyn*, *Thomas Lockwood*, and *John Morris*, *Thomas Leyson*, *Margaret Leyson*, *Thomas Lee*, Sir *John Morris* Baronet, *Edward Martin Junior*, *Thomas Lott Martin*, *Rowland Prichard Junior*, *Francis Pinkney*, *Jane Phillips*, *Alexander Raby*, *John Rose*, *Elizabeth Rose*, *Thomas Rose*, *Valentine Rutter*, *Ann Smith*, *William Simpson*, *Llewellyn Terry*,

For appoint-  
 ing a Com-  
 pany to carry  
 the Act into  
 Execution.



Terry, Thomas Wyndham, Thomas Waters, Henry Wright, John Wheatcroft, George Walker, Augustus Warren, Lewis Wolfe, Lucy Wall, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as they shall nominate and appoint under their Hands and Seals, are and shall be united into a Company for the better carrying on, making, compleating, and maintaining the said intended Canal and Railway or Tramroad, and also for the carrying on, making, compleating, and maintaining a Collateral Navigable Cut or Canal, and divers Collateral Branches of Railways or Tramroads, as herein mentioned (if they shall think proper) according to the Rules, Orders, and Directions herein-after expressed and laid down, and shall for that Purpose be one Body Politic and Corporate, by the Name of "The Penclawdd Canal and Railway or Tramroad Company;" and by that Name shall have perpetual Succession, and shall have a Common Seal; and by that Name shall and may sue and be sued, and also shall and may have Power and Authority from and after the First Day of July One thousand eight hundred and eleven, on which Day this Act shall commence and take Effect, to purchase and hold Lands and Hereditaments to them, their Successors and Assigns, for the Use of the said Undertaking, and the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and also to sell the said Lands and Hereditaments, or any Part or Parts thereof again; and the said Company of Proprietors shall be and are hereby authorized and empowered by themselves, their Agents, Officers, Workmen, and Servants, to make, compleat and maintain a Canal navigable and passable for Boats, Barges, and other Vessels, and a Railway or Tramroad passable for Waggon and other Carriages from the River *Burry* at or near the Village of *Penclawdd*; in the Parish of *Lanridian*, into the Township or Borough of *Loughor*, to or near to a Bridge there called *King's Bridge*, and into certain Lands called *Paper Mill Lands*, belonging to *John Llewellyn Esquire*, in the Parish of *Langevelach*, near a Bridge there called *Pontllewydda Bridge*, all in the County of *Glamorgan*; and also to make a Collateral navigable Cut, Canal, Branch, Railway or Tramroad to or from the End or Termination of the said Canal at or near the Village, of *Penclawdd* aforesaid, to a certain Tenement called *The Miss Dalton's Lands* belonging to *Sir John Morris* Baronet, near the Scite of a Fire Engine below the said Village of *Penclawdd*, or to any Place or Places between the End of the said Canal and Railway or Tramroad at or near the said Village of *Penclawdd* and the said last-mentioned Tenement to join to and communicate with such Main Canal, Railway, or Tramroad; and also to make the following Collateral Branches of Railways or Tramroads (that is to say), a Branch to or from a certain Common or Waste called *Mynydd-bach-y-gloc*, situate in the Parish of *Swansea* in the said County; also another Branch to or from a certain other Common called *Loughor Common*, situate in the Township or Borough of *Loughor* aforesaid, in the said County; also another Branch to or from a Tenement called *Graig-y-bulden*, situate in the said Parish of *Swansea*; also another Branch to or from a Tenement called *Gwainarlwyd*, situate in the same Parish; also another Branch to or from a Tenement called *Gwainarlwyd*, situate in the Township or Borough of *Loughor* aforesaid; also another Branch to or from a Tenement called *Gurnos*, situate in the Parish of *Loughor* in the said County, which said several Tenements belong to his Grace the Duke of *Beaufort*; also another Branch to or from a Tenement called *Caergunnydd fawr*, situate in



in the said Parish of *Swansea*, belonging to Sir *John Stepney* Baronet; also another Branch to or from a Tenement called *Carbadall*, situate in the said Parish of *Swansea*, belonging to Sir *John Morris* Baronet; also another Branch to or from a Tenement called *Cefngorwidd*, situate in the said Parish of *Loughor*, belonging to *Thomas Wyndham* Esquire; also another Branch to or from a Tenement called *Cefngorwidd fawr*, situate in the said Parish of *Loughor*, belonging to *Thomas Mansell Talbot* Esquire; also another Branch to or from a Tenement called *Tyrpont Cadley*, situate in the Parish of *Langevelach* in the said County; also another Branch to or from a Tenement called *Weegfach*, situate in the Parish of *Swansea* aforesaid, which Two last-mentioned Tenements are the Property of *John Llewellyn* Esquire; also another Branch to or from a Tenement called *Killan*, situate in the said Parish of *Lanridian*, belonging to *Jenkin Davies Berrington* Gentleman; also another Branch to or from a Tenement called *Penefody fach*, situate in the said Parish of *Loughor*, belonging to *William Phillips* Gentleman; also another Branch to or from a Tenement called *Penderry fawr*, situate in the said Parish of *Langevelach*, belonging to *Francis Pinkney* Gentleman; and also another Branch to or from a Tenement called *Cadley Issa*, situate in the said Parish of *Langevelach*, belonging to *John Phillips* Gentleman, all in the said County of *Glamorgan*; or to any Place or Places between the said Canal and Railway or Tramroad, and the said several Commons and Tenements respectively, to join to and communicate with such Main, Canal, Railway, or Tramroad, together with any Drain or Drains that they shall deem expedient or necessary to be cut or made for conducting the Water from any Mines, Seams, or Veins of Iron, Iron Ore, Rotten Stone, Iron Stone, Lead, Coal, Culm, or Clay, or other Minerals, or any Quarries of Lime Stone or other Stone or Slate whatsoever, on the Line of the said Navigable Canal, Collateral Cut, Branches of Railways or Tramroads necessary for working the same respectively; and to supply the said intended Canal and Cut whilst making, and at all Times for ever after the same shall have been made, with Water from all such Brooks, Springs, Streams, Rivers, Rivulets, Waters, and Watercourses as are or shall flow or be found in digging or making the said Canal or Cut, or within the Distance of Two thousand Yards from the said intended Canal or Cut, and also to make a Reservoir at each End of the said Canal, and to erect and use One or more Fire Engine or Fire Engines, or other Machines for supplying the said intended Canal or Cut, or any Part or Parts thereof, with Water; and also to make such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels for supplying the said Fire Engines, Reservoirs, and Canal or Cut with Water, and for conveying Water from any such Reservoir or Reservoirs to the said Canal or Cut as by the said Company of Proprietors shall be deemed necessary and proper, and also for effecting the Purposes aforesaid, to cleanse, scour, and dig open, enlarge, or straighten the Streams, Brooks, or Watercourses which come or may be brought into or communicate with the said Canal or Cut, and to dig, cut, or raise the Banks of the said Streams, Brooks, or Watercourses for bringing Water into the said Canal or Cut, and to make such proper Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining or near to the said Canal or Cut, or such Streams, Brooks, and Watercourses as aforesaid, or any of them, as the said Company of Proprietors shall think fit; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Servants, Agents, 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 the making of the said intended Canal or Cut and Railways or Tramroads; and any such Reservoir or Reservoirs, Feeders and Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary, for making, effecting, preserving, and improving, completing, deepening, maintaining, and using the same; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel, Sand, or any other Matters or Things, which may be dug or got in making the said Canal and Cut and Railways or Tramroads, and other Works, or in making any Reservoir or Reservoirs, Feeders or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, cleansing, or repairing the said Canal and Cut and Railways or Tramroads, or other Works, or which may hinder, prevent, and obstruct the making, using, and completing, extending, or maintaining the same respectively, or the making, using, completing, extending, and maintaining of such Reservoir as aforesaid; or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper, to convey Water to or from the said intended Canal or Cut, according to the Intent and Purpose of this Act; and to make, build, erect, and set up, in or upon the said Canal and Cut, Railways or Tramroads, upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Weirs, Pens for Water, Stanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll-houses, Watch-houses, Landing Places, Weigh Beams, Cranes, Fire Engines, and other Machines, Dry or Wet Docks, or other Works, Ways, Roads, and Conveniencies, as and where the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Canal and Cut, Railways or Tramroads, 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 Canal and Cut, Railways or Tramroads, and the Works of and belonging to the same, which may be used for any of the Purposes thereof; and also to place, lay, work, or manufacture the said Materials on the Ground 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 Canal and Cut, Railways or Tramroads, or the Reservoirs, 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, haling, or drawing of Boats, Barges, and other Vessels passing upon the said Canal and Cut, and for haling or drawing of Waggon and other

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Carriages



Carriages passing upon the said Railways or Tramroads with Men, Horses, or otherwise; and proper Places for Boats, Barges, and other Vessels, navigated upon the said Canal and Cut, and for Waggon and other Carriages to turn, lie, or pass each other, as they the said Company 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, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Canal and Cut, Towing Paths, Railways, or Tramroads, and other Works, and to construct, erect, make, and do all other Matters and Things, which they shall think convenient or necessary for the making, effecting, extending, preserving, improving, completing, and using of the said Canal and Cut, Railways or Tramroads, and other Works to be made or constructed, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors of, and all Persons interested in the Lands, Tenements, or Hereditaments, Waters, Water-courses, 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, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Proviso's and Restrictions as are herein-after mentioned and contained.

Powers to  
make Rollers  
or inclined  
Planes.

II. Provided always, and be it further enacted, That if the said Company shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggon, or other Carriages, or any Minerals, 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 and Cut, by Rollers, inclined Planes, Tramroads, Railways, Waggonways, or Cranes, or in any other Manner than by and upon Water, then and in such Case it shall be lawful for the said Company to cause any such Rollers, inclined Planes, Tramroads, or other Works before-mentioned, to be made for such Purpose or Purposes at such Place or Places, in or upon the Line of the said intended Canal and 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, Cut, and Works hereby authorized to be made, in like Manner and to all Intents and Purposes as if such Parts or Places had been made navigable.

Breadth of  
Canal, and  
Towing  
Paths, &c.

III. And be it further enacted, That the Lands or Grounds to be taken or used for the making and using of the said Canal and Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty Yards in Breadth, and for making and using of the said Railway or Tramroad, shall not exceed Eight Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal or any Part thereof shall be raised higher, or cut more than Six Feet below the present Surface of the Land, and except in such Places



where it shall be judged necessary for Boats, Barges, and other Vessels, or for Waggon or other Carriages, to turn, lie, or pass each other, or for raising Embankments for crossing the Vallies, or where any Warehouses, Cranes, or Weigh-beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of any Coals, Lime, Lime-stones, Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed on the said Canal and Cut, Railways or Tramroads, and not above Sixty Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining to the said Canal and Cut, Railways or Tramroads.

IV. And whereas his Grace the Duke of *Beaufort*, or his Lessee or Lessees, is or are now the Owner or Owners of a certain Water, Corn, or Grist Mill, adjoining the River *Llew*, in the Township or Borough of *Loughor* aforesaid, in the said County of *Glamorgan*, now in the Occupation of *William Spencer* or his Under-tenants, and it is intended that the said Canal and Cut shall be supplied with Water from the aforesaid River *Llew*, after it has left or passed the said Mill; be it therefore enacted, That it shall and may be lawful to and for the said Company to conduct or lead the Water from the aforesaid River *Llew*, after it shall have left or passed the said Mill, to the said Canal and Cut, in such Manner as they the said Company shall think proper, to the Termination of the said Canal and Cut at or near *King's Bridge* aforesaid, in the Borough of *Loughor*, in the said County of *Glamorgan*, and for that Purpose to make any Reservoir or Reservoirs, Weirs, Flood-gates, Engines, Pumps, Gauges, and other Conveniences, which the said Company shall think proper, so that the said Mill shall not be injured or damaged thereby.

Power to take Water after it has left the Duke of Beaufort's Mill on the River *Llew*

V. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage for the Purposes of the said Canal and Cut, Railways or Tramroads, or any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and eleven, or any Land or Ground which on the said First Day of *January* was set apart and used as or for a Garden, Orchard, Court Yard, Park, Paddock, Planted Walk, or Avenue, or House, without the Consent in Writing of the Owners or Occupiers thereof, other than and except a Court or Yard before a Water Corn Grist Mill, called *Travella Mill*, now or late in the Occupation of *Thomas Morgan*, the Property of *Thomas Powell* Clerk, situate in the Parish of *Loughor*, in the said County; a Cottage, Garden, and also a Court or Yard before a Dwelling House or Cottage now or late in the Occupation of *Lewis Phillips*, both the Property of *John Llewellyn* Esquire, situate in the Parish of *Langevelach* in the said County; a Cottage Garden, also a Yard or Court before a House or Cottage, and also a Rick Yard, now or late in the Occupation of *William Williams*, which last mentioned Garden, Yard, Court, and Rick Yard, are the Property of Sir *John Morris* Baronet, and are situate in the Parish of *Swansea*, in the said County; a Cottage Garden, also a Yard or Court before a House or Cottage; and also a certain other Cottage Garden, now or late in the Occupation of *John Hosiab*, which last-mentioned Garden, Yard, Court, and Garden are the Property of

Houses, Gardens, &c. not to be injured except those that are mentioned.



of the said *John Llewellyn*, and are situate in the said Parish of *Swansea*, in the said County; a Cottage Garden, now or late in the Occupation of *Walter Jones*, the Property of *John Rogers*, situate in the Township or Borough of *Loughor*, in the said County; a Cottage Garden, now or late in the Occupation of *George* otherwise *Robert Griffith*, the Property of *Thomas Wyndham* Esquire; and also a Cottage Garden, now or late in the Occupation of *John Morgan*, the Property of the said Sir *John Morris*, which Two last-mentioned Gardens are situate in the Parish of *Lanridian*, in the said County.

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

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

Not to deviate from the Line without Consent.

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

VIII. Provided



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

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

IX. Provided also, and be it further enacted, That in all Cases where, in Exercise of the Powers aforesaid, any Part of any Carriage or Horse Road, either Public or Private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company or their Successors shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, or as near thereto, as may be, and shall cause the same to be put in good and substantial Order and Condition.

For making Roads in lieu of those injured.

X. And be it further enacted, That wherever the said intended Railways or Tramroads shall cross any Public or Private Way or Road, the Plates of the said Railways or Tramroads shall be made for the Wheels of the Carriages used thereon to run in a Groove, and from the highest Part of the Plates the Sides each Way shall be made aslant, in such a Way as that Carriages of all Kinds may easily pass over the same.

Form of the Railways where they cross any Road.

XI. And be it further enacted, That the said Company of Proprietors, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Canal or Cut, and Collateral Branches of Railways or Tramroads, or any of them, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum or Sums of Money, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made by the said Company, shall be binding upon the said Company, and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

Proprietors to agree with Persons for making the said Canal.

XII. And be it further enacted, That after any Lands, Grounds, or Hereditaments, shall be set out and ascertained for making the said Canal and Cut,

Bodies Politic, &c. empowered to sell



and convey  
Lands.

Lands separated into  
small Parcels  
may be exchanged or  
sold.

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

Railways or Tramroads, 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 be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations aggregate or sole, Tenants in Tail or for Life, Husbonds, 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 *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seized, possessed of, or interested in any Lands, Grounds, or Hereditaments, 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; and if it shall happen that by making the said Canal and Cut, Railways or Tramroads, or by the Conveyance of Water thereto, or by making or constructing of any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners shall be separated into small Parcels, or so affected as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate, or Collegiate, and all and every such other Person or Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of, all or any Part of such small Parcels of Land so separated or affected as aforesaid, to any Person or Persons whomsoever, for such Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and all Bodies 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, 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; and such of them as shall be made of any Lands or other Hereditaments to the said Company, shall be made according to the following Form; (*videlicet*),

‘ I of , in Consideration of the  
 ‘ Sum of to me paid, (or  
 ‘ in Consideration of the annual Rent of to me to  
 ‘ be hereafter yielded and paid, or as may be agreed upon), by the  
 ‘ *Penclawdd* Canal and Railway or Tramroad Company, do hereby grant  
 ‘ and release 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 Intent and Meaning of an  
 ‘ Act passed for making and maintaining the said Canal and Railway or  
 ‘ Tramroad. In Witness whereof, I have hereunto set my Hand and Seal,  
 ‘ this Day of , in the Year of our Lord .’

Which



Which said Conveyances shall be kept by the Clerk or Clerks to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive One Shilling for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company, shall be according to the following Form:

‘ I of , do hereby, by virtue and in Form of Con-  
 ‘ pursuance of a certain Act, intituled, *An Act [here insert the Title* veyance be-  
 ‘ *of this Act]*, and by and with the Consent and Approbation of tween Land  
 ‘ or more of the Commissioners appointed under or by virtue of the said Owners.  
 ‘ Act, testified by their Signature hereto, and in Consideration of the Sum  
 ‘ of to me in Hand paid, by of  
 ‘ , at or before the Sealing and Delivery of these Presents,  
 ‘ the Receipt whereof I do hereby acknowledge, grant, and release, to the  
 ‘ said all [*describe the Premises*] to hold to the  
 ‘ said , his Heirs and Assigns for ever. As witness my  
 ‘ Hand and Seal, this Day of .’

And every such Conveyance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

‘ XIII. And be it further enacted, That in all Cases where in making the said Common  
 Canal and Cut, Railways or Tramroads or Works, or any Road or Roads Waste Lands  
 thereto respectively; there shall be occasion to cut through, take, or use, to be convey-  
 any Part of any Commons or Wastes, the Conveyance of such Parts of ed by the  
 such Commons or Wastes, by the Lord or Lords, Lady or Ladies, of the Lords of the  
 Manor or Manors in which the same are situated, to the said Company of Manors.  
 Proprietors, shall be a good and sufficient Conveyance thereof (without  
 the said Commissioners or other Persons interested therein joining in such  
 Conveyance); and the said Commissioners shall ascertain what Proportion  
 of the Purchase Money shall be due to the said Lord or Lords, Lady or  
 Ladies, for his, her, or their Interest, in such Commons or Wastes, and  
 such Proportions shall be thereupon paid to him, her, or them, for his,  
 her, or their own Use, and the Remainder of the said Purchase Money  
 shall be paid to the Overseers of the Poor of the Township or Parish in  
 which such Commons or Wastes shall lie, and be applied by them in aid  
 of the Poor Rates of such Township or Parish; and the Receipts of the  
 said Lord or Lords, Lady or Ladies, and of such Overseers respectively,  
 shall be a sufficient Discharge, or sufficient Discharges, to the said Com-  
 pany of Proprietors for the same.

XIV. And be it further enacted, That if in making the said Canal and The Com-  
 Cut, Railways or Tramroads, or any of the said Works, any Pieces or pany com-  
 Parcels of Land or Ground shall be cut through or divided, so that what pellable to  
 shall be left on each or either Side of the said Canal and Cut, Railways or purchase small  
 Tramroads shall be less than Half an Acre in Quantity, or less than Eight- Sips of Land  
 teen Yards in average Breadth throughout the whole Length thereof, and left by the  
 if the Owner or Owners of any such Pieces or Parcels of Land or Ground Sides of the  
 shall not have any other Land or Ground adjoining or contiguous to what Canal, &c.  
 shall



shall be so left on each or either Side of the said Canal and Cut, Railways or Tramroads, then and in every such Case the said Company shall also take and purchase the Piece or Parcel, Pieces or Parcels of Land or Ground so to be left on each or either Side of the said Canal and Cut, Railways or Tramroads, being less than Half an Acre in Quantity, or less than Eighteen Yards in average Breadth throughout the whole Length thereof, as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal and Cut, Railways or Tramroads, provided the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of such small Pieces or Parcels of Land or Ground respectively shall require the said Company to take and purchase the same, but not otherwise.

Company empowered to sell Lands which may not be wanted.

XV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey such Part or Parts of the Lands, Grounds, or other Hereditaments which shall be so purchased by and conveyed to the said Company as aforesaid, and as shall not be wanted for the Purposes of this Act, and also to lay out and appropriate any Part of the said Lands, Grounds, and other Hereditaments, as and for a Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Conveyances from the said Company shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Grounds, or other Hereditaments, or any Part or Parts thereof respectively, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be so sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Grounds, or other Hereditaments shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and no such Person or Persons shall be answerable for any Losses, Misapplication or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company, before they shall sell and dispose of such Lands, Grounds, or other Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom the same shall have been purchased; and in case such Person or Persons shall not then or thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County where such Lands, Grounds, or other Hereditaments shall lie, by some Person or Persons no way interested in the said Lands, Grounds, or other Hereditaments, stating that such Offer was made by or on Behalf of the said Company, and was not then or thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall be in all Courts whatsoever sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and in case the said Company, and the said Parties interested in such Lands and Grounds or other Hereditaments cannot agree as to the Price or Prices to be paid for the same, it shall be ascertained and settled by the Commissioners hereby appointed  
in



in such Manner, and subject to such Verdict of a Jury if required, as herein directed.

XVI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate or Collegiate, Trustees, and other Persons herein-before capacitated to sell or convey Lands and other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Canal and Cut, Towing Paths, Quays, Railways, or Tramroads, or other Works hereby authorized and intended to be made, or of any Mills, Forges, or other Works from which any Water to supply the said Canal may or shall be taken or diverted, may accept and receive Satisfaction for the Value of such Lands, Grounds, Mills, Forges, or other Works, Water, and Hereditaments, and for the Damages to be sustained by making or completing the said Works herein directed, either in Gross Sums, or by Annual Rents, (except in cases of Spiritual Persons to whom all such Compensation for Glebes and Tythes are herein-after directed to be made by Annual Rent,) as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company; and in case the said Company, and the said Parties interested in such Lands and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and all such yearly Rents or Sums as shall be agreed on between the said Company and the said Parties interested in such Lands and Grounds, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company, either Yearly or Half-yearly, as the same shall be agreed or ordered to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such Rates or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office as they shall judge proper and sufficient, and every Person so appointed shall be deemed a Collector of the said Rents, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company, until such Rents or Sums, with all Costs and Damages occasioned by the Non-payment thereof, shall be fully satisfied and paid, or it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Boats, Vessels, Waggons, Carriages, or other Goods or Effects of the said Company, which shall be found upon the said Canal and Cut, Railways, or Tramroads, or in or upon the Wharfs, Quays, Warehouses, or other

Satisfaction  
to be made.

If Parties  
cannot agree  
Price to be  
settled by  
Commission-  
ers or a Jury;  
and yearly  
Rents charged  
on the Rates:



Works thereto belonging (Information of such Distress being immediately given to the said Company by Notice in Writing, delivered to some or One of their Clerks or Collectors of the Rates, or affixed to some of their Premises near to the Place where such Distress was made), and to detain the same until Payment of such Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Seven Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, Waggon, Carriages, or other Goods or Effects so distrained, shall and may be sold and disposed of in such Manner as the Law directs in case of a Distress for Rent.

Commissioners and their Qualifications.

XVII. And be it further enacted, That every Person who shall in his own Right or in the Right of his Wife, and not as a Mortgagee, or Trustee, or Lessee, be seized of or entitled unto a Freehold or Copyhold Estate situate within the County of *Glamorgan*, of the clear Yearly Value of Fifty Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences which shall or may arise between the said Company and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, and every Person so qualified shall be and is hereby appointed a Commissioner for all other the Purposes of this Act for which Commissioners are hereby appointed, but no Person shall act or be qualified to act as a Commissioner for the Execution of the Powers hereby given to such Commissioner during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain to be made for the Purposes of this Act, or in any Case where he shall be any Way interested or concerned in the Matter in Question, or except in giving Notice of the First Meeting of the said Commissioners, and administering the Oath herein-after mentioned, until he shall have taken and subscribed an Oath to the Effect following, before any Three or more of the said Commissioners, who are hereby authorized and required to administer the same; (*videlicet*),

Oath of Commissioners.

I *A. B.* do swear, That I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*], and that I am qualified to act as a Commissioner according to the Directions of the said Act. So help me GOD.

Penalty on Commissioners not being qualified.

And if any Person shall act as a Commissioner in the Execution of this Act, not being qualified as herein-before mentioned, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit by Action at Law, in any of His Majesty's Courts of Record, and such Person so sued shall prove that he is qualified as above, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs than that such Person hath acted as a Commissioner in the Execution of this Act.



XVIII. And be it further enacted, That any of the said Commissioners who are or shall be Justices of the Peace for the said County, shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act, but that no Person who shall have or accept any Place of Profit arising out of the Rates to be raised by virtue of this Act, or shall be a Proprietor of any Share or Shares in the said Undertaking, or shall be concerned or interested in any Contract or Bargain made or to be made for or on Account of the said Undertaking, shall be capable of acting as a Justice of the Peace in any Matter respecting the same, so long as he shall hold or be interested in such Place of Profit, Share or Shares, Contract or Bargain as aforesaid.

Commissioners may act as Justices of the Peace, but not while they hold any Place of Profit under this Act.

XIX. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act at such Time and Place as they shall be thereunto required by the First General Assembly of the said Company, to be held as herein-after appointed by Public Advertisement as herein-after mentioned, and the said Commissioners shall and they are hereby required at such their First Meeting to appoint out of Three Persons to be nominated by the said Company, such One or more of them as the said Commissioners shall think proper to be their Clerk or Clerks, and the said Commissioners shall have Power from Time to Time, at any of their subsequent Meetings, to remove any such Clerk or Clerks, and appoint another or others in his or their Stead, out of Three Persons to be nominated by the said Company, and every such Clerk or Clerks shall be paid for his or their Care and Trouble, in the Execution of his or their Office, by the said Company; and all the Orders and Proceedings of the said Commissioners as well at their First as at any subsequent Meeting, shall be regularly entered in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company, and such Entries being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, or by their Clerk or Clerks, by the Orders and Directions of such Number of such Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as herein-after mentioned, shall at any Time be had for putting into Execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Twenty-one Days previous Notice at least of every such intended Meeting shall be given in some Newspaper usually circulating in the said County of Glamorgan; and every Meeting of the said Commissioners by virtue of this Act shall be held publicly and within Six Miles of the said Canal and Cut, Railways or Tramroads; and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, excepting such Cases as are hereby otherwise directed, shall be valid and effectual, unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to, or vested in the said Commissioners, except such as may be executed without their being assembled at any Meeting or Meetings, shall or may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Seven.

First Meeting of the Commissioners.

Proceedings of the Commissioners to be entered.

XX. And



Commissioners may hold Meetings on Application of the Company or other Persons.

XX. And be it further enacted, That upon any Application to be made in Writing by or on Behalf of the said Company, or by any Owner or Occupier of any Lands or Hereditaments, to be taken for or affected by making of the said Canal and Cut, Railways or Tramroads, or any of the Works relating thereto, or upon any such Application by or on the Behalf of any Body Politic, Corporate or Collegiate, or Person or Persons interested in any Matter to be determined by the said Commissioners, to any Five or more of the said Commissioners, although they shall not then be assembled together at a Meeting for the Purposes of this Act, requesting or desiring them to appoint a Special Meeting of the said Commissioners, it shall be lawful for the said Commissioners so requested or applied to, and they are hereby authorized and required within Fourteen Days next after such Request or Application made to give public Notice in Manner aforesaid of such Meeting, to be held at such Time and Place as they shall think proper, such Time not being less than Eight Days, or more than Fourteen Days, from the Day on which such Request or Application shall be made to them as aforesaid; and the said Commissioners are hereby authorized, empowered, and required, notwithstanding any previous or intervening Adjournment of their Meetings, to assemble at the Time and Place so to be appointed, in order to put into Execution the Powers and Authorities hereby given to and vested in them respecting any Matter for which such Special Meeting shall be required; and in case the Business to be transacted at any General or Special Meeting of the said Commissioners to be held in pursuance of this Act, shall not be concluded and finished on or within the Day appointed for such Meeting, or if a sufficient Number of Commissioners shall not attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present, shall adjourn such Meeting to such Time and Place, or Times and Places as such Commissioners, or the major Part of such Commissioners, if there be more than One present at any such Meeting or Meetings, shall think proper and convenient, but no such Adjournment shall be made for a longer Time than Two Calendar Months; and if it shall happen that there shall not appear at any Meeting to be held under the Powers of this Act any Commissioner or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case and as often as the same shall so happen, any Clerk to the said Commissioners shall and may by public Notice to be given in Manner aforesaid, appoint the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held, within Twenty-one Days next after the Day on which such former Meeting was to have been held, or any Five or more of the said Commissioners may at any Time or Times revive or continue the Meetings of the said Commissioners, by calling another Meeting, to be held at such Time or Times as any such Commissioners shall appoint, and at any Place or Places, Public Notice being given in Manner aforesaid, by the said Commissioners of all such Revivals, and Continuations of the said Meetings, all such Meetings to be held within Six Miles of the said Canal and Cut, Railways or Tramroads: Provided always, that every Special Meeting of the Commissioners to be held upon such Request or Application as aforesaid, for hearing or determining any particular Complaint, Controversy, Dispute, or Difference between the said Company, and any other Person or Persons, shall be held at some Place within Six Miles of the Place where such Complaint or Dispute shall arise.

Meetings for determining Disputes, &c. to be held within Six Miles of the Place where the Dispute or Complaint shall arise.

XXI And



XXI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required at any of their Meetings, to examine Witnesses upon Oath to be administered by them, touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners, and they are hereby empowered and enabled by Writing under their Hands, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company; (either in Gross or by an annual Rent or Payment) for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, for making the said Canal and Cut, Railways or Tramroads, or for any other the Purposes of this Act; and also to adjust and determine the Compensation to be made by the said Company for any Damages which may or shall at any Time or Times hereafter be sustained by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Canal and Cut, Railways or Tramroads, and the Reservoirs, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or other Works or Conveniencies belonging thereto, or by supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of Water, over or through the Banks of the said Canal and Cut, Reservoirs, Sluices, and Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any other of the Powers given to the said Company.

Commissioners to examine Witnesses on Oath, &c. and to settle any Matters in Dispute.

XXII. Provided always, and be it further enacted, That if the said Company, or their General Committee for the Time being, or any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons so interested, or entitled as aforesaid, shall be dissatisfied with any such Judgment or Determination of the said Commissioners, and shall give Notice thereof in Writing to any Five or more of the said Commissioners within Twenty-one Days next after the same shall have been made, or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners, or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall refuse to receive upon due Tender thereof made, such Purchase Money, or the First Payment of such Annual Rent, or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the Principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments, to be made use of for the Purposes of this Act, for the Space of Twenty-one Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Company, or by Reason of Absence or otherwise shall be prevented from treating, or through Disability by Marriage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce

If Parties are dissatisfied with the Determination of Commissioners, Value to be ascertained by a Jury.

[Loc. & Per.]

24 G

and



and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case the said Commissioners shall, and are hereby empowered and required to issue a Warrant under their Hands and Seals, to the Sheriff of the said County of *Glamorgan*, and in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the said County, or to the Coroner of the Liberty of *Gower*, in the said County, who shall not be so interested as aforesaid; and in case all the said Coroners of the said County and Liberty shall be so interested, then to the last Person who filled the Office of Sheriff of such County then in being, and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Eight nor more than Fourteen Days next after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered and required, by Summons or Notice to be signed by Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon or call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury, or any Six 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 Commissioners are hereby empowered to administer, shall enquire of, assess, and ascertain the Sum of Money or Annual Rent to be paid for the Purchase of such Lands or other Hereditaments, 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 Commissioners shall give Judgement for such Purchase Money, Rents, or Recompence so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, 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



removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary notwithstanding.

XXIII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted, to the Owner or Owners thereof; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to have been injured by the Default of such Person, and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person and Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

Fine upon Sheriffs, &c. making Default.

XXIV. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly as herein-before declared, the said Commissioners shall, and they are hereby required, according to their Discretion, to give and award to the said Sheriff or Coroner, and to each of the said Jurors and Witnesses, in every such Case such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences, Loss of Time, and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property than had been previously offered by or on Behalf of the said Company before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or when 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, or where by reason of Absence in Foreign Countries, or any other Impediment or Disability as aforesaid, there shall not be found any Person

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

or



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 as herein-before mentioned, then and in all such Cases all the Expences of calling such Commissioners, summoning and returning such Jury, and taking such Verdicts, shall be settled by the said Commissioners, and be defrayed by the said Company; but if any Verdict shall be given for the same Sum or Rent that has been previously offered by or on behalf of the said Company, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed; or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Company, 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 any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne, and paid by the Person or Persons with whom the said Company 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, where the same shall exceed such Costs and Expences, or 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 or adjudged, or otherwise such Costs and Expences, in case the same shall not be paid on demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, in and by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures.

Persons requesting Juries to enter into Bonds to prosecute.

XXV. And be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury to be summoned, shall, before the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond, with sufficient Sureties to the Treasurer to the said Company, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning 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 or on behalf of the said Company, or than had been assessed by the Commissioners before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands, Grounds, Mills, or Hereditaments, 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.

Notice of Inquiry to be given to Proprietors be-

XXVI. And be it further enacted, That the said Commissioners shall not, nor shall any of them, 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



Person or Persons whomsoever, for any Injury or Damage by him or them sustained, or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Application shall have been made in Writing in relation thereto, by or on behalf of such Person or Persons to the said Company, or to their Clerk, Fourteen Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Three Calendar Months after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

fore Com-  
plaint made  
to the Com-  
missioners.

XXVII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case, the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned; and such Recompence or Satisfaction, and also the Recompence or Satisfaction to be made by the said Company for any other Damages herein-before mentioned, the Mode of recovering which is not herein particularly provided for, shall and may be recovered in the same Manner as is herein-before provided for the Recovery of annual Rents in Arrear as aforesaid.

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

XXVIII. And be it further enacted, That the said Commissioners and 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, and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money adjudged for such Damages as aforesaid, separately and apart from each other.

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

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Jury or Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Waters, Mills, Tithes, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, 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 actually so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto, to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive the same, or execute such Conveyance, then, upon the Payment of the said Sum or Sums of Money into the Bank of *England*, as the Case may be, in the Manner by this Act directed, for the Use of such

Power to  
enter and take  
Possession of  
Lands on Pay-  
ment or Ten-  
der of Pur-  
chase Money.



Person or Persons so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company and their Agents, Workmen, and Servants, immediately to enter into and upon such Lands, Grounds, and other Hereditaments respectively, (or before such Payment or Tender, or Security given, by Leave of the Owners and Occupiers thereof,) and then and thereupon such Lands and Grounds, Waters, Mills, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, or Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act, for ever; and such Tender, Payment, Investment, or Deposit, or giving of such Security for the same, as aforesaid, 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 also shall extend to, and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, or their Issue, and of 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, or any Persons acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal and Cut, Railways or Tramroads, without the Leave and Consent of such Person or Persons respectively.

Verdicts to be recorded.

XXX. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgements and Verdicts, shall be transmitted to and be kept by the Clerk of the Peace for the said County of *Glamorgan*, and shall be deemed to be Records, to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings, and to have Copies thereof, paying for every Copy the Sum of Eight Pence for every One hundred Words, and so in Proportion for any less Number of Words.

Application of Compensation when amounting to or exceeding 200l.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *exparte* "The *Penclawdd* Canal, Railway or Tramroad Company," together with the Name or Names of such Person or Persons as Three of the said Commissioners shall, by Writing under their Hands, direct and appoint, 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 or Hereditaments,



Hereditaments, in the Purchase of the Land Tax, or towards the 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 or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or to 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 or Hereditaments 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 or Hereditaments 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 said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced, Bank Annuities, and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities 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 or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy) to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his 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 Three or more of the said Commissioners, 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 Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Compensation is less than 200l. and exceeds 20l.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 and Hereditaments so purchased,

Application when the Money is less than 20l.



chased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in Case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person and Persons so entitled respectively.

Money allowed for Lands, &c. purchased, to be paid into the Bank in the Name of the Accountant General, and to be subject to the Order of the Court of Chancery in case Persons cannot make a good Title, or cannot be found.

Cashier to give a Receipt for the Money.

Where any Question shall arise touching the Title to the Money to be paid, the Person who shall be in Possession of the Lands, &c. shall be deemed entitled thereto, according to such Possession, unless it be a wrongful Possession.

XXXIV. And be it further enacted, That in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, 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, Waters, Mills, and Tythes, or other Hereditaments, be not known or discovered, then and in every such Case, as aforesaid, it shall be lawful for the said Commissioners to order the said Sum or Sums of Money assessed and awarded for any Purchase Money, or in Recompence for any Damage, as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Waters, Mills, Tythes, or other Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, upon the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or 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 Estates, Title, or Interest of the Person or Persons making Claim thereto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, 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.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, the Person or Persons who shall have been in Possession of such Lands, Tenements, or other Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, 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 other Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities 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,



Lands, Tenements, or other Hereditaments, or to some Estate or Interest therein.

XXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or other Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or other Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery 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 said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Company.

XXXVII. And be it further enacted, That in case any Lands or Hereditaments to be used for the Purposes of this Act shall happen to be in mortgage to any Person or Persons, it shall be lawful for the said Company, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators; and the said Company are hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted, or assessed in manner aforesaid, for such Lands in mortgage, in Part of the Principal Money that shall be due on such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, together with Six Months Interest upon the Monies so to be paid: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement to be made on the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of one or more credible Witness or Witnesses, in Satisfaction of so much of the Principal due on such Mortgage or Mortgages.

For paying off Mortgages on Lands used by the Company.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and compleating the said Canal and Cut, Railways or Tramroads, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Twelve thousand Pounds, (except as hereinafter mentioned); and the same shall be divided into Shares of One hundred Pounds each; and that such Shares shall be numbered in regular Progression; and every such Share shall always be distinguished by the Number to be applied to the same; and that no Person subscribing thereto, or becoming a Proprietor in such Undertaking, do become a Proprietor of less than One Share or more than Ten Shares, either in his or her own Name, or in the Name or Names of any other Person or Persons in trust for him or her, unless the same shall come to him or her by Gift, Will, Bequest, Descent, Right of Administration, or Marriage, upon Pain of forfeiting to the said Company all such Shares exceeding Ten Shares; and that the said Shares shall be and are hereby vested in the several Persons so raising and

Proprietors to raise Money amongst themselves for making the Canal and other Works.



contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and 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 the Purposes of the said Subscription, shall be entitled to and receive after the said Undertaking shall be completed, the entire 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 by the Rates and other Sums of Money to be raised, recovered, or received by the said Company, by the Authority of this Act; and every Body Politic, Corporate, or 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; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Subscribers to  
have a Vote  
for every  
Share.

XXXIX. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, and other Person or Persons who shall by virtue of this Act have subscribed for, or shall become entitled to be and in the actual Possession of one or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote for and in respect of every such Share, in the stated and special General Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person, every such Proxy being a Proprietor of 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 such Question, Matter, or Thing, which shall be proposed, discussed, or considered, in any stated or special General Assembly of the said Company, shall be determined by the Majority of Votes and Proxies then present, computing one Vote to every Share or Shares, the Appointment of which Proxies may be made according to the Form following:

Form of  
Proxy.

‘ I *A. B.* of \_\_\_\_\_ one of the Proprietors of the *Pen-*  
‘ *clawdd* Canal and Railway, or Tramroad, do hereby nominate, con-  
‘ stitute, 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 Pro-  
‘ prietors of the said Undertaking, in such Manner as he the said *C. D.*  
‘ shall think proper, according to his Opinion and Judgement, for the  
‘ Benefit of the said Undertaking, or any Thing appertaining thereto.  
‘ In Witness whereof I have hereunto set my Hand the  
‘ Day of \_\_\_\_\_

And



And that every Election of Committees and Officers, and Questions, Matters, and Things whatsoever, which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company to be held by virtue of this Act, shall be finally determined by a Majority of Votes and Proxies then present, computing one Vote to every Share as aforesaid, and that at every such Assembly, one of the Proprietors present shall be appointed Chairman, who shall not only be entitled to vote as a Proprietor or Proxy, but, in case of an Equality of Votes, shall have the decisive and casting Vote.

**XL.** And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and Cut, Railways, or Tramroads, and other the Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise and contribute amongst themselves in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or raise by the Admission of new Subscribers any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Eight 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 One hundred 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 and Powers of the said Undertaking, in Proportion to the Sum that they, he, or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Twelve thousand Pounds: Provided always, that in case the said Company, or the Committee to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Eight thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company, or the said Committee, to borrow and take up at Interest all or any Part of the said Sum of Eight thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Rates arising or to arise 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, in the Form and to the Effect following; (that is to say,)

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

Power to raise Money by Mortgage.

Form of Mortgage.

‘ **BY** virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled, *An Act [here insert the Title of this Act]*  
 ‘ We, the Company of Proprietors of the said Undertaking, incorporated  
 ‘ by and under the said Act, in consideration 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 Undertaking, and all and singular the Rates arising and pay-  
 ‘ able unto us by virtue of the said Act, and all our Estate, Right, Title,  
 ‘ and



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. Given under our Common Seal this \_\_\_\_\_ Day of \_\_\_\_\_

And all and every Person or Persons to whom such Assignments shall be made, shall be equally entitled, one with the other, to his, her, or their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference, by reason of Priority of any such Assignments or on any other Account; and a Memorial 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 the 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, which Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Person or Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, 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:

Form of  
Transfer of  
Mortgage.

I *A. B.* of \_\_\_\_\_ in  
Consideration of the Sum of \_\_\_\_\_ paid by *C. D.* of \_\_\_\_\_  
do hereby transfer  
a certain Mortgage, Number \_\_\_\_\_, made by the *Penclawdd* Canal  
and Railway or Tramroad Company to  
bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_  
for securing the Sum of \_\_\_\_\_ and all Interest  
now due or 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 \_\_\_\_\_

Interest of  
Money bor-  
rowed to be  
paid in pre-  
ference to  
Dividends.

Assignees  
not to vote on

And every such Transfer shall, within Thirty Days next after the Date thereof, be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and after such Entry made, every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company or any of them shall be paid, made, or divided: Provided always, that no Person to whom any such Assignment shall be made or transferred as aforesaid shall be capable of acting or voting by virtue of such \_\_\_\_\_



such Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment. account of having lent Money.

XLI. And be it further enacted, That the First General Assembly of the said Company for putting this Act into Execution shall be held at the *Bush Inn* in the Town of *Swansea*, in the said County of *Glamorgan*, upon the First Day of *July* One thousand eight hundred and eleven, or as soon after as conveniently may be, at the Hour of Twelve at Noon, and all future General Assemblies of the said Company, except such General Assemblies as herein-after mentioned, shall be held on the First *Monday* in the Month of *July* in every Year, at the Hour of Twelve of the Clock at Noon, at such Place or Places as the said Company at their preceding General Assembly shall from Time to Time direct or appoint, of which future General Assemblies Fifteen Days previous Notice at the least shall be given by public Advertisement in some Newspaper usually circulating in the said County of *Glamorgan*, or in such other Manner as the said Company at their respective General Assemblies shall direct; and the said Company at such respective General Assemblies shall choose and elect out of such of the said Proprietors as at the Time of such Election shall respectively be possessed of Stock to the Amount of Three Shares at the least in the said Undertaking, a Committee of Five or more Persons qualified as aforesaid to manage the Affairs of the said Company as herein directed; and the said Company shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to choose and elect others in Cases of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed or laid down by virtue of this Act with regard to their Proceedings amongst themselves as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place, of Meeting and voting and appointing Committees only excepted), and shall have Power and Authority to make such Rules, Bye Laws, and Orders for the good Government of the said Company, and the said Committee and their Servants, Agents, and Workmen, and for the whole, complete and total Superintendance, Regulation, Protection, and Management of the said Undertaking, and also for and concerning all such Goods, Wares, and Commodities as shall be conveyed thereon, and Persons using the said Canal and Cut, Railways or Tramroads, and also for the well governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Commodities and other Articles and Things upon any Part of the said Canal and Cut, Railways or Tramroads; and from Time to Time to alter and repeal the said Bye Laws, Rules, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against the same as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence, which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not repugnant to the Laws of that Part of the United Kingdom, called *England*, or to the Provisions and Directions in this Act contained, or to



any of them; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out and disbursed on Account of the said Undertaking by the Treasurers, Receivers or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or to the Audit and Settlement of Accounts; and the said Company shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General Assemblies be thought proper or convenient.

General Assemblies for choosing Committees to consist of 40 Shares.

XLII. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Persons present who shall be possessed or entitled unto at least Forty Shares in the said Undertaking, either as Principals or Proxies, or both, no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of Person or Persons in the Room of such of the Members of any such Committee who shall die or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company at the same Place upon that Day Fortnight, and so from Time to Time until there shall be Persons present at such Assembly, having such Number of Shares as aforesaid, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place, and not before, and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of until a new Committee shall be appointed as aforesaid; and the Persons chosen as before mentioned to be of any such Committee shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done had they been chosen by any such stated General Assembly on the Day first appointed for holding the same; and in case of Failure of the assembling of a sufficient Number of Proprietors, having such Shares as Principals or Proxies, or both, at such stated General Assembly, every Proprietor who shall not attend such Second or adjourned Assembly in Person or by Proxy, shall forfeit to the said Company of Proprietors for every Share which he or she shall possess in the said Undertaking, the Sum of Five Pounds, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Five Pounds may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties and Forfeitures imposed by this Act.

Assembly of Proprietors may be especially convened.

XLIII. 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 General Assembly of the said Company is or shall be necessary to be held, it shall be lawful for any Three or more of the said Proprietors, who may each of them be possessed of or entitled unto Three Shares at the least in the said Undertaking, to cause Twenty-one Days Notice at the least to be given thereof in some Newspaper usually circulating in the County of Glamorgan, or in such other Manner as the said Company shall at any

General



General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and the Place where the same shall be held, which Place shall be within Six Miles of the said Canal and Cut, Railways or Tramroads; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all and every such Act and Acts of the Proprietors, or the major Part of them, met together at every such special General Assembly, (provided such major Part shall be possessed of at least Forty Shares in the said Undertaking, either as Principals or Proxies, or both,) shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly.

XLIV. And be it further enacted, That it shall be lawful for the said Company at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and one or more Collector or Collectors of the said Rates, and also one or more Clerk or Clerks to the said Company, and also to such Committee, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officers having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officers, or any of them; and such Clerk or Clerks shall attend the General Assemblies of the said Company, and the Meetings of the said Committee, and shall in a proper Book or Books to be provided by the said Company for that Purpose enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company and Committee respectively; and every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same; and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Eight Pence; and if any such Clerk or Clerks to the said Company and Committee, or to the Commissioners, shall refuse to permit any Proprietor to inspect or peruse any such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking; and in case any such Treasurer, Collector or Clerk shall die, be removed from, or quit the Service of the said Company, it shall be lawful for the said Company at their said stated or special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the

General Assembly to appoint Officers.

same



same shall only continue until the next stated or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such stated or Special General Assembly shall think proper.

Powers of the  
Committees,  
and Regula-  
tions.

XLV. And be it further enacted, That no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than one Vote in any Committee, except the Chairman, who in case of an equal Division shall always have a second or casting Vote, although he may have given one Vote before; and every such Committee shall from Time to Time make Reports of their Proceedings to the said stated General Assemblies, and if required to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment under the said Company shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Assemblies, and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall, by themselves, or their Clerk or Clerks as aforesaid, keep a full and true Account of all Monies disbursed, and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly by themselves, or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with, and kept locked up under the Care and Direction of the said Committee, (provided always, that every Proprietor upon every reasonable Desire, shall have free Access thereto as herein-before mentioned, for his or her Inspection); and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes; so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and so in Proportion for any greater or less Share or Interest which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Twenty-eight Days at least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper usually circulating in the said County of *Glamorgan*; and such Committee shall, until the next General Assembly to be taken in Manner aforesaid, meet at such Times and at such Places,

Power of  
Committee to  
make Calls.



Places, and from Time to Time adjourn themselves to such other Time and Places as they shall think fit; and at all Meetings of the said Committee, one of the Members present shall be appointed Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments and Materials, for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Wager, or Protection of Law, or more than one Imparlance, shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place appointed by such Committee, or within Fourteen Days then next ensuing, he, she, or they so neglecting or refusing, shall forfeit a Sum not exceeding Ten Pounds for every such Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Call or Calls, as aforesaid, for the Space of Three Calendar Months next after the Time so appointed for Payment thereof at the Place so to be appointed as aforesaid, then he, she, or they so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof; all which Share or Shares so forfeited shall be vested in the said Company, in Trust for and for the Benefit of all the Rest of the said Proprietors, in Proportion to their several Interests in the said Undertaking, or shall, at the Direction of the said stated or Special General Assemblies, be publicly sold for the Use of, and divided between the Rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk to the said Company, shall have been given to, or Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and the same Share or Shares shall likewise be declared to be forfeited at some stated or Special General Assembly of the said Company, within Two Years next after such Forfeiture shall have been incurred.

No Advantage to be taken of forfeiture of Shares without personal Notice.



Proceedings  
in Actions  
for Calls.

XLVI. And be it further enacted, That in any Action to be 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 Undertaking, 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 and 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 on the Trial of 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 a Proprietor or Proprietors of some Share or Shares in the said Undertaking, 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 Matter 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 Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Twenty-eight Days from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

On the Death  
of any Sub-  
scriber before  
Shares com-  
pleted Exe-  
cutors may  
do it.

XLVII. 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 Call or Calls in respect thereof shall be paid to the said Company for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of 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 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 shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company 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, 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 or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue  
of



of or in pursuance of any Call or Calls or otherwise, upon such Share or Shares or other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons can 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 said Company, 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.

XLVIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, 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 Conveyance of which Shares shall be in the Form or to the Effect following;

‘ I *A. B.* of \_\_\_\_\_ in Consideration of \_\_\_\_\_ paid to me  
 ‘ by *C. D.* or \_\_\_\_\_ do hereby bargain, sell, assign, and transfer Shares may  
be sold.  
 ‘ to the said *C. D.* the Sum of \_\_\_\_\_ Capital Stock of and in the Form of Con-  
veyance of  
Shares.  
 ‘ Undertaking called *The Penclawdd Canal and Railway or Tramroad*, to  
 ‘ hold unto 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 Execution hereof;  
 ‘ and I the said *C. D.* do hereby agree to take and accept the said Capital  
 ‘ Stock or Share of \_\_\_\_\_ subject to the same Rules, Orders,  
 ‘ Restrictions, and Conditions. As Witnesses our Hands and Seals the  
 ‘ Day of \_\_\_\_\_

And on every such Sale the said Deed or 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 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 Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid for each Share so transferred; 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 or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

XLIX. And be it further enacted, That after any such 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 possess in the said Undertaking, on Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, 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 or discharged to the Treasurer of the said Company, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred; such Forfeiture



seizure nevertheless to be notified and declared at a General Assembly in Manner before directed.

Regulations  
as to the Ac-  
quisition of  
Shares.

By Marriage,

or Will, or in  
Course of Ad-  
ministration.

L. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before one of the Judges at *Westminster*, or before either of His Majesty's Justices of the Courts of Great Sessions for the said County of *Glamorgan*, a Master or Masters Extraordinary in Chancery; or any one of His Majesty's Justices of the Peace for the said County of *Glamorgan*; and the said Judges, Justices, Master or Masters Extraordinary in Chancery, and Justices of the Peace, are hereby authorised and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sale of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or the Probate Copy thereof, or such Letters of Administration, shall be produced and shewn to the Law Clerk of the said Company, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate, (as the Case may happen to be), before one of the Judges at *Westminster*, or one of His Majesty's Justices of the Court of Great Sessions for the said County of *Glamorgan*, or Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace for the said County of *Glamorgan*, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in manner hereinbefore mentioned.

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

LI. And, for the better Security of the several Proprietors of the said Undertaking, to their respective Shares therein, be it further enacted, That the said Company shall, and they are hereby required, at their first or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, 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 the Clerk to the said Company, and after such Entry, to cause their Common Seal to be affixed thereto, and also shall cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber on demand, specifying the Share or Shares to which he, she,



he, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Five Shillings and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

LII. And, in Consideration of the great Charge and Expence which the said Company must incur and sustain, in making and maintaining the said Canal and Cut, Railways or Tramroads, and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company, from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the several Rates hereinafter mentioned, for the Tonnage and Wharfage of all Coals, Limestone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be navigated, carried, or conveyed, upon any Part of the said Canal and Cut, Collateral Cuts, Branches, Railways and Tramroads; (that is to say),

Power to take Rates, &c.

For all Iron, Goods, Wares, Merchandize, and other Things which shall be navigated, carried, or conveyed upon the said intended Canal and Cut, Railways or Tramroads, (except Pig Iron, Iron Castings, Calcined Iron Ore, Iron Stone, Iron Ore, Rotten Stone, Charcoal, Coal, Culm, Stone Coal, Cokes, Cinders, Timber, Stones, Tiles, Bricks, Clay, Limestone, Lime, Sand, and all Kinds of Manure), any Sum not exceeding the Sum of Four-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

Rates:

And for all Iron Castings which shall be navigated, carried, or conveyed upon the said intended Canal and Cut, Railways or Tramroads, any Sum not exceeding Three-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

And for all Pig Iron which shall be navigated, carried, or conveyed upon the said intended Canal and Cut, Railways or Tramroads, any Sum not exceeding Two-pence Half Penny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

And for all Iron Stone, Calcined Iron Ore, Iron Ore, Rotten Stone, Coals, Culm, Stone Coal, Cokes, Cinders, Charcoal, Timber, Stones, Tiles, Bricks, and Clay, which shall be navigated, carried, or conveyed upon the said intended Canal and Cut, Railways or Tramroads, any Sum not exceeding One Penny Halfpenny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

And for all Limestone, Lime, Sand, and all Kinds of Manure which shall be navigated, carried, or conveyed upon the said intended Canal and Cut, Railways or Tramroads, any Sum not exceeding One Penny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

Which said respective Rates shall be paid to such Person or Persons at such Place or Places at or near the same, in such Manner and

[*Loc. & Per.*]

24 M

under



under such Regulations as the said Company at any General Assembly or Assemblies 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 may sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates ought to have been paid may and he or 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, and the Boat or other Vessel, Waggon or other Carriage laden therewith, and to detain the same until such Payment 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 Vessel, Waggon or other Carriage, to the said Company, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company shall have full Power from Time to Time at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rates herein-before mentioned, as often as it shall be deemed necessary for the Interests of the said Undertaking.

Rates may be altered.

Full Tonnage to be paid for a Quarter of a Mile.

LIII. Provided nevertheless, and be it further enacted, That in all Cases where any Boat, Barge, or other Vessel, Waggon or other Carriage, shall be navigated or pass by any Post, or Mark, or Place where such Post or Mark should have stood or have been fixed, on the Side of the said Canal and Cut, Railways or Tramroads, describing and regulating the Length of a Quarter of a Mile, the full Tonnage shall be paid for a Quarter of a Mile (Limestone, Lime, and all Kinds of Manure excepted) although the said Boat, Barge, or other Vessel, Waggon or other Carriage, shall not pass the full Quarter of a Mile; and that in all Cases where the Weight of Lading in any Boat, Barge, or Vessel so to be navigated on the said Canal and Cut, or in any Waggon or other Carriage so to be carried or conveyed on the said Railways or Tramroads, shall not make up an even One hundred Weight, yet one full One hundred Weight shall be paid for to the said Company of Proprietors (except with respect to Lime, Limestone, and Manure).

What Quantity of Goods shall be deemed a Ton.

LIV. And, for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Contents or Burthen of the Boats, Barges, and other Vessels, Waggons, or other Carriages carrying and conveying such Stone, Timber, and other Goods, Matters, and Things on the said Canal and Cut, Railways or Tramroads, be it further enacted and declared, That Fifty Cubic Feet of round and Forty Cubic Feet of square Oak, Ash, Elm or Beech Timber, and Forty Cubic Feet of Fir or Deal, Balk, Poplar, Birch or other Timber or Wood not cut into Scantlings, shall for the Purposes of this Act be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupoise, of Coal, Coke, Culm, Lime, Free Stone, Limestone, Timber, and all other Commodities, shall for the Purposes of this Act be deemed, rated, or estimated as and for One hundred Weight; and Twenty hundred Weight of all Commodities whatsoever shall for the Purposes of this Act be deemed One Ton; any Usage of rating or estimating the



same to the contrary thereof notwithstanding; and 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, Barge, or other Vessel, Waggon, or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Things embarked or loaded therein, concerning the Weight or Quantity of the Goods, Wares, Merchandize or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured or gauged such Boat, Barge, or other Vessel, Waggon or other Carriage, and all such Timber, 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, and gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person, then the same Master, Owner, or other Person giving 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 Timber, Goods, Wares, Merchandize, or such other Matters and Things shall appear to be of the same or 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 the said Commissioners, upon the Oath of any credible Witnesses (which Oath the said Commissioners, or any Three or more of them, are hereby empowered and required to administer) to have arisen from such Detention; and in Default of the immediate Payment thereof, the same shall be recovered from the said Company 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, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

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

LV. And be it further enacted, That it shall be lawful for the said Company from Time to Time at any General Assembly (with the Consent of the major Part of the said Commissioners present at any General Meeting of the said Commissioners) to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal and Cut, Railways or Tramroads, or upon any Part thereof; and the said Company shall from Time to Time cause to be printed and affixed upon any public Wharf on the said Canal and Cut, Railways or Tramroads, in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid; and in case any Owner or Master, or other Person having the Care of any Boat, Barge, or other Vessel, Waggon, or other Carriage navigating or passing upon the said Canal and Cut, Railways or Tramroads, or upon any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed shall be so fixed up as aforesaid, shall demand

Power to fix the Price of small Parcels.



mand or take for the Carriage of any such Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the Magistrate before whom such Person shall be convicted.

Navigation,  
&c. to be free  
upon Payment  
of Rates un-  
der certain  
Restrictions.

LVI. 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 and Cut, Railways or Tramroads, and every Part thereof, and also to navigate and pass upon and use the said Canal and Cut with any Boats or Vessels, and to pass upon the said Railways or Tramroads with Waggons and other Carriages, Horses, and other Cattle, 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 haling and drawing such Boats or Vessels, upon Payment of such Rates as shall be demanded by the said Company, 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 Company by virtue of the Powers herein granted, provided the said Boats, or other Vessels, Waggons, or other Carriages, shall not, without the Consent of the said Company or their General Committee, pass upon the said Canal and Cut, Railways or Tramroads, 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*, and 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 Ten in the Evening, during the Months of *May, June, July, and August*, in every Year.

Vessels under  
Fifteen or  
Ten Tons not  
to pass Locks  
without the  
Consent of the  
Proprietors.

LVII. And be it further enacted, That no Boat, Barge, or other Vessel, of less Burthen than Fifteen Tons when the Water does not, or of less than Ten Tons when the Water does flow over the Weirs of any of the Locks of the said intended Canal and Cut, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent 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, Barge, or other Vessel of Fifteen or Ten Tons, and according to the Articles with which it shall be loaded.

No Waggon,  
&c. to pass  
unless con-  
structed as  
directed by  
the Company.

LVIII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Canal and Cut, Railways or Tramroads, with any Boat, Barge, or other Vessel, Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Canal and Cut, Railways or Tramroads, for the collecting of the Rates and Tolls by this Act imposed (except in crossing the said Railways or Tramroads, for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road, which may happen to cross the said Rail-  
ways



ways or Tramroads); and if any Person or Persons whomsoever shall pass upon any Part of the said Canal and Cut, Railways or Tramroads, with any Boat, Barge, or other Vessel, Waggon, or other Carriage; not constructed in the Manner herein-before directed (except as aforesaid), he, she, or they so offending, shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

LIX. And for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company, be it further enacted, That the Master or Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal and Cut, and the Owner or other Person having the Care of any Waggon or other Carriage passing upon the said Railways or Tramroads, or upon any Part or Parts thereof respectively, shall give to the Collector of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing signed by him or them of the Quantities, Qualities, and Weight of the Goods or other Things which shall be embarked or put in or upon each such Boat, Barge, or other Vessel, Waggon or other Carriage, from whence brought, and where the same is intended to be landed and discharged; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, Waggon or other Carriage, 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 and deliver such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, 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 any Sum not exceeding Ten Shillings 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, Barge, or other Vessel, Waggon or other Carriage respectively, of which or of whose Lading such Account shall be neglected or 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.

Masters of  
Barges, &c.  
to give an  
Account of  
their Loading.

LX. And be it further enacted, That every Owner or Owners of any Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Canal and Cut, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company; and shall also cause such Name or Names, and Number to be painted in large White Capital Figures or Letters on a Black Ground Three Inches high at least, and of a proportionable Breadth on the Outside of the Head or Stern of every such Boat or Barge 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 Heights and under

Owners to put  
their Names  
on the Outside  
of Boats, &c.

[Loc. & Per.]

24 N

such



such Regulations as the said Company shall from Time to Time direct, or other proper Means shall be used under the Direction of the said Company, so that the true Weight of the Lading on board may at all Times be ascertained and shewn, and the Owner or Owners of any Waggon or other Carriage passing along the said Railways or Tramroads shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks to the said Company, and shall also cause such Name or Names, and Number to be painted in large White Capital Letters and Figures on a Black Ground Three Inches high at the least, and of a proportionable Breadth on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Boat, Barge, or other Vessel, Waggon, or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, Master, or other Person, having the Care or Command of any Boat, Barge, or other Vessel, Waggon or other Carriage, or who shall navigate or convey the same upon the said Canal and Cut, Railways or Tramroads, without having such Names, Figures, and Index thereon respectively, as are herein-before directed; or who shall alter, erase, deface, or destroy such Name, Figures, and Index, or either of them, or any Part thereof, or shall fix thereon any false Name, Figure or Index, or who shall refuse to permit and suffer such Boat, Barge, or other Vessel, Waggon or other Carriage to be gauged, weighed, and measured, or shall wilfully suffer or permit any Boat, Barge or other Vessel navigating upon or lying in the said Canal and Cut, to be loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Canal and Cut, so as effectually to prevent any Soil or other Matter or Thing intended to be taken on board or discharged out of such Boat, Barge, or other Vessel from falling into the said Canal and Cut, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Boat Owners  
to be account-  
able for Da-  
mages done  
by the Boat-  
men, &c.

LXI. And be it further enacted, That the Master and Owner or Owners of every Boat, Barge, or other Vessel navigating upon the said Canal and Cut, or of any Waggon or other Carriage passing upon the said Railways or Tramroads, shall be, and he and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil or Mischief that shall be done by his, her, or their Boat, Barge, or other Vessel, Waggon, or other Carriage, or by any of the Boatmen, Watermen, Waggoners, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Dams, Engines, Railways, or Tramroads, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniencies to be made by virtue of this Act, either by the Loading or Unloading of any Boat, Barge, or other Vessel, Waggon, or other Carriage, or by any Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the same, or any other Trespass whatsoever; and the said Master, Owner or Owners of such Boat or other Vessel, Waggon, or other Carriage, shall, for every such Damage, upon Conviction of such Person or Persons before any one Justice of the Peace either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of one or more credible Witness or Witnesses, (which



(which Oath or Oaths such Justice is hereby empowered and required to administer,) pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Ten Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction, which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Master or Owner and Owners of such Barge or other Vessel, Waggon, or other Carriage, by Warrant or Warrants, under the Hand and Seal of such Justice, and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Master or Owner or Owners of such Goods and Chattels, or if the Damages shall exceed the Sum of Ten Pounds, then and in such Case the Master or Owner or Owners of such Boat or other Vessel, Waggon, or other Carriage, may be sued or prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

LXII. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel, Waggon, or other Carriage, as aforesaid, 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, or Waggoners, or any of them, such Servants, Boatmen, Watermen, or Waggoners, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such 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 have or hath not been repaid to him, her, or them, by such Servants, Boatmen, Watermen, or Waggoners, 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 and levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant, Boatman, Waterman, or Waggoner, together with all Costs and Charges attending such Distress and Sale, and the said Penalty and Satisfaction, when recovered, shall be repaid to such Owner or Owners in Discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Act or Default of such Servant, as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby empowered to commit such Servant or other Person to the House of Correction for the said County, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Owners to recover from their Servants any Sums for their Default.

LXIII. And be it further enacted, That the said Company shall and may, in such Parts of the said Canal and Cut as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about, or lie whilst another Boat, Barge, or other Vessel shall pass by, or to admit Two Boats, Barges, or other Vessels, to pass each other, and they are in such Cases

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

hereby



Vessels ob-  
structing the  
Navigation to  
be removed,  
and Vessels  
sunk to be  
weighed up.

hereby empowered to make and cut proper Spaces and Openings into the Lands adjoining to the said Canal and Cut, at convenient Distances from each other, for the turning, lying, or passing of any such Boats, Barges, and other Vessels, and all such Boats, Barges, and other Vessels which shall be haled or navigated upon the said Canal and Cut, shall, upon meeting any other Boat, Barge, 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 General Committee shall, from Time to Time, direct and appoint; and if any Boat, Barge, or other Vessel shall be placed or lie abreast in any Part of the said Canal and Cut, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends; or if any Person or Persons navigating or having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the Navigation of the said Canal and Cut, by means of the displacing or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat or Barge, or otherwise stop or effectually secure the same as the Case shall require; or if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railways or Tramroads, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, shall not immediately upon Request made, remove such Waggon or other Carriage so as that the said Obstruction shall cease and be removed, every Person so offending, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and also the Sum of Ten Shillings for every Hour during the Continuance of such Obstruction, after the making of such Request; and it shall be lawful for the Agents or Servants of the said Company, or any of them, to cause any such Boat, Barge, or other Vessel, Waggon or other Carriage to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction, and to seize and detain such Boat, Barge, or other Vessel, Waggon or other Carriage, and the Loading thereof, or any Part thereof, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel shall be sunk in any Part of the said Canal and Cut, or in any such Trench or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain, keep, and use the same until Payment be made of all the Expences necessarily incurred and occasioned in and about the weighing and drawing up the same; and if such Payment shall not be made in the Space of Seven Days, then it shall be lawful for the said Company to sell and dispose of such Barge or other Vessel, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Barge or other Vessel the Overplus, after the Expences and the Charges of such Detention and Sale shall be deducted.

Regulation  
of Vessels  
passing the  
Locks.

LXIV. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal and 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, Barge, or other Vessel to pass through the same; and also, that  
every



every such Boatman or other Person as aforesaid, in going down the said Canal and Cut, shall, previous to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the upper Gates thereof, and after he shall have brought such Boat, Barge, 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 and Cut towards the Head Level or Head Levels thereof, such Boatman or other Person, so soon as he shall have passed with his Boat, Barge, 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, Barge, or other Vessel coming down the said Canal and 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, 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 and Cut, the Boat, Barge, or other Vessel so going up the same (if within Sight of a Boat, Barge, 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, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, 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, Barges, or other Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, 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, Barges, or other Vessels; and any Person or Persons acting contrary to these Directions in passing any such Lock or Locks, shall forfeit the Sum of Five Pounds for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

LXV. And be it further enacted, That the said Company shall, at their own Costs (within Six Calendar Months after any Part of the said Canal and Cut, and Towing Paths thereto belonging, Railways or Tramroads, shall be dug, laid out, and formed), divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal and Cut, and the Trenches, Feeders, and Passages hereby authorized to be made, and the said Railways or Tramroads, or such Part or Parts thereof respectively as shall be declared necessary by the said Commissioners in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts, 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 as aforesaid; and the said Company 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

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

[Loc. & Per.]

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such



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 Side of such Towing Paths and Railways or Tramroads as aforesaid, and also all such Bridges, Arches, Culverts, and Passages, over, under, or by the Side of or into the said Canal and Cut, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Side thereof, of such Dimensions, and in such Manner, as the said Commissioners shall at any Time at their Public Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments adjoining to such Canal and Cut, Railways or Tramroads, and other Works, or any of them respectively; and the said Company shall not make the said Canal and 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, Passage or Passages, Arch or Arches, over or across or under the same Highway, public Bridleway, or Footpath, of such Dimensions and in such Manner as the said Commissioners shall, at some Public Meetings, 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 Conveniences so to be made as aforesaid, shall from Time to Time, and at all Times hereafter, be supported, maintained, and kept in sufficient Repair by the said Company; and in case the said Company, or their Agent, shall refuse and neglect to divide and separate, and to keep divided and separated the Towing Paths of the said Navigation, and the said Railways or Tramroads, in Manner herein before directed, or to make, erect, and set up such Gates, Fences, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over, under, or by the Sides of, or into the said Canal and 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 and Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal and 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 Three Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on Behalf of the Owners or Occupiers of any such Lands or other Hereditaments who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall be lawful for any or every of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Fences, Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Commissioners shall have before directed or appointed to be made and set up by the said Company, 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, Cut, and Navigation, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, or the said Railways or Tramroads, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be absolutely necessary for



for the doing thereof, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company, within the Space of Three Calendar Months next after the same shall have 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, 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 Commissioners, or any Three of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company which shall be found in or upon the said Canal and Cut, Railways or Tramroads, 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, 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 Commissioners; and every or any of the said Owners or Occupiers, upon Refusal and Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases are in and by this Act directed.

LXVI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal and Cut, Railways or Tramroads shall be made, do or shall at any Time or Times hereafter apprehend that any of the Fences, Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or Hereditaments, then and so often, or in any such Case it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose; or in case of their Refusal for the Space of Thirty Days next after such Request, then with the Consent and Approbation of the said Commissioners to make, fix, and erect, at their own Costs and Charges, any such other Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniences of the same or the like Construction with those made and erected by the said Company in, over, or near to the said Canal and Cut, or the Towing Paths thereof respectively, Railways or Tramroads, 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 Hereditaments, 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 and Cut, or the Passage through or along the said Railways or Tramroads be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same would have

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

been,



been, if such Fences, Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences had been made and erected by the said Company.

Swivel or Draw Bridges to be shut after Vessels are passed.

LXVII. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal and Cut, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge 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 Draw Bridge when no Vessel is to pass through the same, shall forfeit and pay for every such Offence the Sum of Forty Shillings; 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 the Sum of Forty Shillings, One Moiety of which said respective Penalties shall go to the Informer.

Drains to be made to convey Water from the Lands adjoining.

LXVIII. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs 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 and 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 laying near to the said Canal and Cut without obstructing or impounding 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, 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 and 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, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time or Times after Thirty Days Notice in Writing shall, by or on Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal and Cut or any other of the Works hereby authorized to be made, be given to the said Company, 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, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Three or more of the said Commissioners, though not assembled at any Meeting, from Time to Time, as often as there shall be Occasion (and the said Commissioners are hereby authorized and required,



at their Discretion, to grant such 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 Order of such Three or more Commissioners be directed to be made, and the reasonable Expences thereof (to be ascertained by the said Commissioners), shall be defrayed by the said Company; 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, 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: 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, or Watercourses, leading to or from the Drains, Culverts, and Passages of the said Canal, 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 any Water arising from Floods into the said Canal and Cut which may injure the said Navigation.

LXIX. And whereas it may happen from Floods, or from some unexpected Accidents, that the Weirs, Floodgates, Dams, Banks, Reservoirs, Trenches, or other Works of the said Navigation 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 be lawful for the said Company 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 Hereditaments adjoining or near to the said Canal and Cut, or other Works or Conveniences, 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, 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, or other Person or Persons interested in such Lands, Grounds or Hereditaments, 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 Owners and Occupiers thereof, or other Persons interested in such Lands, Grounds, or Hereditaments, 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 herein-before prescribed and directed with respect to other Damages to be done in or about the making and completing the said Undertaking.

Works damaged by Floods to be repaired by the Company.

LXX. 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

[Loc. & Per.]

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The Company to cleanse the adjoining



Watercourses  
at the Land  
Owners Ex-  
pence.

lying contiguous to the said Canal, Cut, and other Works, or any of them, shall by Reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Undertaking, and if the same shall not be perfectly cleansed and opened within Fourteen Days after Notice in Writing shall have been given thereof to any Owner or Occupier by the Clerk or any Agent of the said Company, it shall then be lawful for the said Company (an Order in Writing for that Purpose having first been obtained from any Three or more of the said Commissioners, although not assembled at any Meeting) 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 Commissioners, shall be repaid to the said Company by the Owners or Occupiers of such Lands or 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 Fourteen Days next after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of the Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as the Forfeitures and Penalties are herein-after directed to be recovered.

Satisfaction  
to be made  
for Tithes.

LXXI. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all the Tithes, both Great and Small, which would have been issuing from or out of any of the Lands which shall or may be taken or made use of by the said Company, for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled or who would have been entitled to such Tithes in case such Lands had not been so taken or made use of, according to their respective Interests therein, such Tithes to be estimated at the average Value of Four Years, commencing at *Michaelmas Day* One thousand eight hundred and six, such average Value to be ascertained in case of any Difference concerning the same, in like Manner as the Value of any Lands or other Hereditaments is hereinbefore directed to be ascertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to spiritual Persons, shall be made to such Persons by an annual Rent.

Lords of Ma-  
nors and Land  
Owners may  
erect Wharfs,  
&c.

LXXII. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds, near to, through, or by which the said Canal and Cut, Railways or Tramroads, shall be made by virtue of this Act, may build, construct, or use any Wharfs, Shipping Places, Quays, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining to the said Canal and Cut, Railways or Tramroads, as well for the Purpose of opening a Communication with the River *Burry*, as otherwise; and may make and use proper convenient Places for Boats and other Vessels, and Waggon and other Carriages, 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 Navigation of the said Canal and Cut, or any Towing Paths on the Side thereof respectively; or the using of the said Railways or Tramroads, and so as such Wharfs, Shipping Places, Quays, Landing Places, Cranes,



Cranes, Weighbeams, or Warehouses, be made, constructed, and built in such Manner and Form, as the said Commissioners, or such Person or Persons as they shall appoint, shall direct; and all Rates which shall be paid for the Use and Benefit of the said Wharfs, Shipping Places, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be subject to the Power herein contained, for the said Commissioners to limit and make Regulations of and concerning such Rates of Wharfage, and are hereby vested in such Lord or Lords, Lady or Ladies of such Manor or Manors, or in the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company, shall not be thereby reduced, altered, or infringed.

LXXIII. Provided always, and be it further enacted, That if any Lord or Lady of a Manor, or 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 the Behalf of the said Company, signifying that any Part or Parts of such Lands, Grounds, or Works, is or are necessary or proper to be used for the Purpose of making and erecting Wharfs, Shipping Places, Landing Places, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Undertaking, as well for the Purpose of opening a Communication with the River *Burry* as otherwise, or for laying out and making necessary and convenient Roads for the Conveyance of Goods, to and from the said Canal and Cut, Railways or Tramroads, to or from such Wharfs, Shipping Places, Landing Places, Warehouses, Buildings, or other Conveniences as aforesaid, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Shipping Places, Landing Places, Quays, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Undertaking, as the said Commissioners, or such Person or Persons as they shall appoint, shall think necessary on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House) for erecting or constructing proper and sufficient Wharfs, Landing Places, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to or from the said Canal and Cut, Railways or Tramroads, to or from such Wharfs, Shipping Places, Landing Places, Warehouses, Buildings, and other Conveniences as aforesaid, agreeably to such Notice, to be delivered as aforesaid, they the said Company first making Satisfaction for the same in such Manner as is and hath been herein-before directed, with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

If not done  
by Land  
Owners, or  
within a cer-  
tain Time,  
Company  
may build  
Wharfs, &c.

LXXIV. And be it further enacted, That the said Commissioners, or any Five of them, are hereby authorized and empowered to make such Regulations from Time to Time as they may think fit, for limiting and ascertaining the Rates of Wharfage to be taken by the said Company, and all and every

Commission-  
ers to regu-  
late Rates of  
Wharfage.



every such Person or Persons being the Owners of any such Wharfs, Shipping Places, or Quays as aforesaid.

Company not  
to use private  
Wharfs.

LXXV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any other Person or Persons, to make use of any Wharf, Shipping Place, Quay, Landing Place, Crane, Weighbeam, or Warehouse which shall be set out, erected or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal and Cut, Railways or Tramroads 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, Shipping Place, Quay, or Landing Place, without the Consent in Writing of the Owners or Occupiers thereof respectively, any Thing herein contained to the contrary notwithstanding.

Company to  
erect Wharfs  
on Request of  
Land Owners.

LXXVI. And be it further enacted, That the said Company shall and they are hereby directed within the Space of Six Calendar Months after they shall be required so to do by Notice in Writing by any Owners of any Lands or Grounds on the Line of the said Canal and Cut, Railways or Tramroads, to make and erect at their own Expence, and for ever afterwards maintain and keep in Repair good and sufficient Wharfs on the Sides of the said Canal and Cut, where the several Collateral Branches of Railways or Tramroads herein authorized to be made shall communicate with the said Canal and Cut, and that the said Wharfs shall and may be used by all Persons navigating the said Canal and Cut, and using the said Railways or Tramroads for the Purpose of landing and shipping any Coal, Culm, Limestone, Stones, Goods, Wares, and Merchandize, without rendering any Satisfaction for the same to the said Company, provided the using thereof shall occasion no Injury to the said Navigation, and Railways or Tramroads.

Penalty on  
Persons ob-  
structing the  
Navigation,  
opening  
Locks, &c.

LXXVII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal and Cut, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon, or any Waggon or other Carriage using the said Railways or Tramroads to lie over the Sides thereof, or shall overload any Boat, Barge, or other Vessel, Waggon or other Carriage, or shall leave, place, or suffer any Boat, Barge, or other Vessel, Waggon or other Carriage, to be left or remain in the said Canal and Cut, or on any Part of the said Railways or Tramroads, or other Works as aforesaid, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, Waggon or other Carriage, and shall not immediately upon Notice given of such Obstruction remove the same so as to make a free Passage for other Boats, Barges, or other Vessels navigating, or for other Waggons or other Carriages passing thereon respectively, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, Waggon or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, or other Matter or Thing into or upon any Part of the said Canal and Cut, Trenches or Watercourses, Railways or Tramroads, 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 and Cut, or suffer any Boat, Barge, or other



other Vessel to strike or run upon any or 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 and Cut, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, 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 Locks or Gates on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Canal and Cut, Railways or Tramroads, or any Part thereof, every Person so offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break, throw down, damage, or destroy any Banks, or shall break, throw down, damage, destroy, steal, or take away any Part of the said Railways or Tramroads, or other Works to be erected and made by virtue of this Act, or do any wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying or completing, maintaining and supporting the same, every Person so offending, and being thereof lawfully convicted, on the Oath of One or more credible Witnesses or Witnessies, before One or more of His Majesty's Justices of the Peace where such Offence shall be committed, shall forfeit any Sum not less than Double the Amount of the Damages proved upon Oath to have been done, at the Discretion of such Justice or Justices; such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender; or such Offender shall and may be committed to the House of Correction for the said County of *Glamorgan* for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

Penalty on  
destroying  
the Works.

LXXVIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel in passing through any Lock or Locks upon the said Canal and Cut, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay the Sum of Twenty Shillings to the Informer.

Lock Keep-  
ers not to  
give Pre-  
ference.

LXXIX. And be it further enacted, That the said Canal, or any of the Works whatsoever, to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers whatsoever.

Canal not to  
be under the  
Power of  
Commission-  
ers of Sewers.

LXXX. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of and belonging to the said Company shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Parishes and Places where they are respectively situated, the Lands according to the Quantity and Quality and the Dwelling Houses, Wharfs, Warehouses, Lock Houses and other Houses, according to the nature and respective

Property of  
the Company  
chargeable to  
Poor Rates.

[Loc. & Per.]

24 Q

Uses,



Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Warehouses, Lock Houses and other Houses of a like and similar Size, Nature, Dimension, or Description in the respective Parishes where the same shall be situate, are or shall be assessed and charged; and that the Rates, Duties and other personal Property of the said Company, liable to be rated to the Poor, or other Parochial Taxes in any such Parishes or Places, shall be rated and assessed in like Manner, and in the same Proportions as other personal Property rateable in the said Parishes and Places respectively shall be rated and assessed, and according to the Length of the Line of the said Canal and Cut, Railways or Tramroads in such respective Parishes and Places and not otherwise, or in any other Manner: Provided, that before such personal Property shall be rated, Ten Days Notice shall be given in Writing to or left at the Dwelling House or usual Place of Abode of the Treasurer or Clerk, or any other Officer of the said Company residing in the Parish or Place where such Rate shall be intended to be made by the respective Overseers of the Poor of the Intention so to do.

Land Owners  
to use Plea-  
ture Boats.

LXXXI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands or Hereditaments adjoining to the said Canal and Cut, to use any Pleasure Boat or Boats upon the said Canal and Cut, without Interruption from the said Company, or any of their Officers or Agents, and without paying any Rate for the same, so as the same Pleasure Boat or Boats be not made use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal and Cut, or the Towing Paths or other Works belonging thereto; but no such Pleasure Boats shall at any Time pass through any Lock on the said Navigation without the Consent of the said Committee of Management, or their principal Agent, for the Time being, in Writing first had and obtained.

Mines reserv-  
ed to Lords  
of Manors  
and other  
Proprietors.

LXXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or the Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal and Cut or Towing Paths, Wharfs, Shipping Places, Quays, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, Railways or Tramroads shall be made to the Mines and Minerals lying and being within and under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, 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 Undertaking, or any of the Works or Conveniencies belonging thereto.

Company's  
Agents may  
enter Lands  
or Mines to

LXXXIII. And be it further enacted, That it shall be lawful for the said Company, by themselves or their Agents or Servants, with the Consent of any Three or more of the said Commissioners herein-before mentioned (although



(although they shall not then be assembled together at a Meeting) at any Time or Times, upon reasonable Notice, in the Day-time, to enter upon any Lands or Grounds through or near which the said Canal, Cut, and Works hereby authorized to be made, shall be or pass wherein any Coal or other Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Coal or other Mines, and there to view, search, and measure hatch, dial, and use all other Means for the discovering the Distance of the said Canal, 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, Cut, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, and that such endangering or damaging of the said Canal and Cut, has been wilful, it shall be lawful for the said Company, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine or Mines to enter into and upon such Mine or Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, securing, and making safe the said Canal, Cut, Towing Paths, or other Works, and such Expence, Costs, and Charges shall, in case such Mines shall have been so worked or wrought subsequent to the Commencement of this Act, be recovered by the said Company 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, for the Use and Benefit of the said Company.

review the  
Works.

LXXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to restrain, hinder or prevent the Lord or Lords, Lady or Ladies of any Manor, and the Owner or Owners of any Estates or Lands containing any Mines, Seams or Veins of Coal, Culm or Clay, Iron, Iron Ore, Rotten Stone, Iron Stone, Lead or other Minerals, or any Quarries of Limestone, or other Stone or Slate from making any navigable Cut or Cuts with Locks, Stop Gates and Towing Paths, and with or without Rollers or Inclined Planes; and also to make any Railway or Tramroad, in such Manner he, she, or they shall think proper in, through, or upon his, her, or their Lands or Grounds to communicate with the said Canal, Cut, and Railways or Tramroads, so that the same be done without diverting any Water which shall be necessary for the working any Furnaces, Forges, Mill or other Works, and without doing any Injury or Damage to the said Canal and Cut, Railways or Tramroads, and other the Works authorized to be made by virtue of this Act.

Saving  
Rights of  
Lords of  
Manors.

LXXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company, their Successors or Assigns, or their Servants or Workmen, to make any Part of the said Main, Canal and Cut, Railways or Tramroads, or any Collateral Cut, Canal, Drain, Branch, Railway, Tramroad, Stone, or other Road over, through, to, or along, in, upon, or under any of the Lands or Grounds called *Penllergare Demesne*, belonging to *John Llewelyn Esquire*, or the following Messuages, Lands, and Hereditaments, which also belong to the said *John Llewelyn*; that is to say, a Messuage, Lands, and Hereditaments, called *Goedtremitig*, occupied by the said *John Llewelyn*;

Restriction as  
to Railways,  
&c. through  
the Lands of  
*John Llewelyn Esquire*.

a Messuage



a Messuage, Tenement, and Lands, called *Gellyewan*, occupied by the said *John Llewelyn*; a Messuage, Lands, and Hereditaments called *Nidwob*, in the several Occupations of the said *John Llewelyn* and *Rees David*; a Messuage, Lands, and Hereditaments, called *Glan yr Aver*, otherwise *Cadley*, occupied by *Thomas Morris*, and *Cadley Issa*, occupied by *John Pugh*, all which Premises are situate in the Parish of *Langevelach* in the said County; or across or through any private Road or Roads belonging to the said *John Llewelyn*, in or through any of the said several Messuages, Lands, and Hereditaments, or any Part thereof, for the Purpose of conveying Iron, Lead, Coals, Calm, Limestone, or any other Article whatsoever, without the Licence or Consent and Agreement in Writing of the said *John Llewelyn*, his Heirs or Assigns, first had and obtained.

Company  
may make a  
Railway or  
Tramroad  
instead of a  
Canal.

LXXXVI. And be it further enacted, That if the said Company shall think it necessary or expedient that the Whole of the Track or Line of the said Canal and Cut, Railway or Tramroad, should be a Railway or Tramroad only, and not a Canal and Cut, it shall and may be lawful to and for the said Company, at any General or Special General Assembly, to cause such Railway or Tramroad alone to be made and substituted instead of being only or partly a Canal and Cut, agreeable to the Powers herein contained for that Purpose; and such Railway or Tramroad shall be under, subject, and entitled to the same Powers, Privileges, Restrictions, Matters, and Things, as the Canal and Cut, Railway or Tramroad herein-before directed to be made is or are subject, liable, or entitled to, in every respect as if the same were here again repeated *verbatim*, any Thing herein-before contained to the contrary thereof in any wise notwithstanding.

For preserv-  
ing the Right  
of the Duke  
of Beaufort's  
Fisheries.

LXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, diminish, or take away any of the Rights of the Duke of *Beaufort*, his Heirs, and Assigns, in and to the Soil and Fisheries of his several Rivers, Weirs, Waters, Watercourses, and Streams within the Seignior and Manor of *Gower*, or Borough and Manor of *Loughor*, in the said Seignior; but that the same shall remain and be to him and them in the same State as if this Act had never passed, other than and except so far as respects the Power given by this Act for making and maintaining the said Canal, and supplying the same with Water under the Restrictions herein contained, and the Power hereby given for making and maintaining Railways or Tramroads, and Cuts (under the Restrictions herein contained) any Thing herein contained to the contrary notwithstanding.

Saving Rights  
of the Duke  
of Beaufort.

LXXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner whatsoever to deprive the Duke of *Beaufort* from receiving such Tolls, Dues, Duties, and Payments for all Coal which hereafter shall be raised in the Seignior and Manor of *Gower* or Borough and Manor of *Loughor* in the said Seignior by any Person or Persons whomsoever Owners or Occupiers of Lands or Grounds within the said Seignior as he is now entitled to receive, but that the said Coal shall be subject and liable to the Payment of such Duties to the said Duke of *Beaufort* as the same are now subject and liable to *per Weigh* for every Weigh of Coal which shall be raised within the said Seignior of *Gower* as aforesaid, or to affect, prejudice, alter, abridge, diminish,



diminish, or take away any Rights, Royalties, Liberties, Franchises, Powers, Jurisdictions, Authorities, Rents, Reservations or other Tolls, Dues, Duties, Payments, Advantages, Profits and Emoluments whatsoever of the said Duke of *Beaufort*, his Heirs and Assigns, within the said Seignior and Manor of *Gower* and Manor and Borough of *Loughor* in the said Seignior as Lord or Lords thereof, and in the Ports and Havens thereof, or into or over his several Forests, Wastes, Commons, Ways, Woods, Mines, Minerals and Quarries therein, or to, in, and over his several Rivers, Waters, Watercourses and Streams within the same respectively, but that the same shall continue and remain to him and them in the same State as if this Act had never passed; any Thing herein contained to the contrary notwithstanding (other than and except so far as respects the Power given by this Act for making and maintaining the said Canal, and supplying the same with Water under the Restrictions herein contained, and the Power hereby given for making and maintaining Collateral Branches, Railways or Tramroads and Cuts under the Restrictions also contained in this Act).

LXXXIX. And be it further enacted, That all Penalties or Forfeitures for Offences committed against this Act, or any Rule, Bye-Law, or Order to be made by any General Assembly as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Glamorgan*, or Place where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of any credible Witness or Witnesses, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is empowered and required to grant), and the Overplus after such Penalties and Forfeitures, and the Costs and Charges attending such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods or Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures, and all such Costs and Charges, shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Four Calendar Months, unless such Penalties, and all such Costs and Charges attending the Recovery thereof shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not hereinbefore particularly directed, shall go and belong to the said Company, and be applied for the Purposes of this Act.

Recovery of Forfeitures.

XC. 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 upon the Case.

Persons aggrieved by Irregularity in Distress to recover only Special Damages.

[*Loc. & Per.*]

24 R

XCI. And,



XCI. 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, or in any other Form to the same Effect, as the Case shall happen; (*videlicet*),

Form of Con-  
viction.

BE it remembered, that on the \_\_\_\_\_ Day of \_\_\_\_\_  
to wit. } B in the Year of our Lord \_\_\_\_\_ A. B. is convicted  
before me C. D. One of His Majesty's Justices of the Peace for the  
County of \_\_\_\_\_ [*specifying the Offence and the Time and Place*  
*when and where committed, as the Case may be*] contrary to an Act passed in  
the Fifty-first 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 written.

Compelling  
Payment of  
Subscription  
Money.

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

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

XCIII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Committee, 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 Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given, (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made, or to the Clerk to the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon) appeal to the Justices of the Peace at the next 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 next General Quarter Sessions, or if they think proper adjourn the Hearing thereof to the next following 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, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party in-  
jured



jured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

XCIV. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted, against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month's previous Notice shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company, or to their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, 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 it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Times so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same, as any Defendant hath for recovering Costs of Suit in any other Cases by Law.

Limitation  
of Actions.

Public Act.

XCV. 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 others, without being specially pleaded.



