ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCV.

An Act for making and maintaining a Navigable Canal from the *Glamorganſhire* Canal to or near the Village of *Aberdare* in the County of *Glamorgan*; and for making and maintaining a Rail Way or Stone Road from thence to or near *Abernant*, in the Pariſh of *Cadoxtone juxta Neath*, in the ſaid County.

Preamble.

WHEREAS the making and maintaining a Canal for the Navigation of Boats and other Veſſels, from the Glamorganſhire Canal in the Pariſh of Lanwonno, along the Valley of Aberdare, to or near the Village of Aberdare in the County of Glamorgan, and a proper Rail Way or Stone Road for the Paſſage of Waggons and other Carriages from ſuch Canal to or near Abernant in the Pariſh of Cadoxtone juxta Neath in the ſaid County, will open Communications

munications with several extensive Iron Works and Collieries, and be in other Respects of publick Utility; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 John Bartlett Allen, James Aspinall, William Bassett, Thomas Bassett Clerk, John Curre, Thomas Dadford, James Dadford, William Dalaway, Thynne Howe Gwynne, Samuel Glover, Samuel Homfray, Jeremiah Homfray, Richard Hill, Hardinge, Oakes, and Willington, Walter Jeffreys, John Knight, Hugh Lord, Wyndham Lewis, Edward Morgan, John Partridge, John Powell, George Shipton, William Thomson, Edward Thomason, Robert Wynter, Walter Wilkins, Thomas Wilkins, and Jeffreys Wilkins, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Bodies Politick or Corporate, 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, completing, and maintaining the said navigable Canal passable for Boats and other Vessels, and also the said Rail Way or Stone Road, according to the Rules, Orders, and Directions herein-after expressed and laid down, and shall for that Purpose be one Body Politick and Corporate, by the Name of The Company of Proprietors of the Aberdare Canal Navigation, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands for making the said Canal, and the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be, and are hereby authorized and impowered, by themselves, their Agents and Workmen, to make and complete a Canal, navigable for Boats and other Vessels, from the Glamorganshire Canal, at or near the Seventh Lock above the Aqueduct over the River Taff in the said Parish of Lanwonno, along the Valley of Aberdare, to any Place at or near the said Village of Aberdare, and also to make and complete a main Rail Way or Stone Road, from the Termination of the said intended Canal, at or near the said Village of Aberdare, to any

Company of Proprietors.

Their Stile.

Their Powers.

any Place at or near Abernant, in the said Parish of Cadoxtone juxta Neath, and to supply the said intended Canal with Water whilst the same shall be making, and when made, from all such Brooks, Springs, Streams, Rivulets, and Watercourses as shall be found in digging or making the said Canal, or within the Distance of Two thousand Yards thereof, or from any Reservoir to be made as herein-after mentioned for supplying the said Canal with Water; and the said Company of Proprietors are hereby also impowered, by themselves, their Agents and Workmen, to make such Reservoirs, and such and so many Feeders and Aqueducts, and also to erect and set up such Engines, and other Machines for supplying the said Canal and Reservoirs with Water, and for any other Purposes necessary for the said Canal, and to convey Water from any such Reservoirs to the said Canal, as to them shall seem necessary or proper; and also to make and complete such other Rail or Waggon Ways, or Stone Roads, to or from the said intended Canal, or from the said Main Rail Way or Stone Road before described, to any Iron Works already or hereafter to be established, or to any Limestone Quarries, Coal Mines, Veins of Iron Ore or Iron Stone, or other Minerals, Slate, Tile, or other Stone, Beds of Clay or Sand, within the Distance of Four Miles of the said intended Canal, and Main Rail Way, or Stone Road, as the said Company of Proprietors shall think proper; and for the Purposes aforesaid, the said Company of Proprietors, their Agents and Workmen, are hereby authorized and impowered to enter into and upon the Lands of any Person or Persons, Bodies Politick or Corporate, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said Canal, Rail or Waggon Ways, or Stone Roads, and all such other Works, Matters and Conveniences as they shall think necessary and proper for effecting, completing, maintaining, supporting, improving, and using the said Canal, Rail or Waggon Ways, or Stone Roads, and other Works, and also to bore, dig, cut, trench, sough, get, remove, and lay Earth, Stone, Soil, Clay, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in the making the said Canal, Rail or Waggon Ways, or Stone Roads, and other Works, or out of any Lands of any Person or Persons adjoining or lying contiguous or convenient thereto, and which may be thought proper,

requiſite, or convenient for making, carrying on, continuing, or repairing the ſaid Canal, Rail or Waggon Ways, or Stone Roads, and other Works, or which may hinder, obſtruct, or prevent the making, uſing, compleating, and maintaining the ſame, or in making, uſing, completing, and maintaining of ſuch Reſervoirs as aforeſaid, or of any ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as ſhall be neceſſary and proper to convey Water to and from the ſaid Canal and Reſervoirs, according to the Intent, Tenor, and Purport of this Act; and alſo to make, build, erect, and ſet up, in or upon the ſaid Canal, Rail or Waggon Ways, or Stone Roads, or upon the Lands adjoining or near thereto, and to repair, ſupport, vary, or alter ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reſervoirs, Drains, Wharfs, Quays, Toll Houſes, Ware-houſes, Watch-houſes, Landing Places, Weigh Beams, Cranes, Dry Docks, Fire Engines, or other Machines, Ways, Roads, Conveniences, and other Works, as and when the ſaid Company of Proprietors ſhall think requiſite and convenient, for the Purpoſes of the ſaid Navigation, and for the carrying and conveying of Goods and other Things to or from the ſaid Canal, Rail or Waggon Ways, or Stone Roads reſpectively, and for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, altering, repairing, or amending the ſaid Works, and alſo to place, lay, work, and manufacture the ſaid Materials on the Lands near 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, Roads, or Paſſages, over, under, or through the ſaid Canal, and Rail or Waggon Ways, or Stone Roads, or the Tunnels, Reſervoirs, Aqueducts, Soughs, Trenches, Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate with the ſaid Canal; and alſo to make, ſet up, and appoint ſuch Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, or other Veſſels, paſſing in, through, or upon the ſaid Canal, with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats and other Veſſels navigated upon the ſaid Canal to turn, lie, or paſs each other, and to conſtruct, make, erect, and do all other Matters and Things which the ſaid Company of Proprietors may think neceſſary and convenient for the making, extending, preſerving, improving, completing, and uſing the ſaid Canal, and Rail or Waggon Ways,

or

or Stone Roads, and other Works, in pursuance, and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, for all Damages to be sustained by the Owners or Proprietors of, and Persons interested in such Lands, Tenements, or Hereditaments, Waters or Watercourses, respectively, as shall be taken, used, removed, diverted, or prejudiced in or by the Execution of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Agents and Workmen, and all other Persons, for what they shall do by virtue of the Powers hereby granted.

Line to be according to a Plan deposited with the Clerk of the Peace.

II. And whereas a Map or Plan describing the Line of the said intended Canal, and the Lands through which the same is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners, or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of Glamorgan; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in Custody of the Clerk of the Peace for the said County, and all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said intended Canal, shall not deviate more than Two hundred Yards from the Line or Course thereof described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said intended Canal, on Account of any Error or Omission in the said Book of Reference, in case it shall appear to any Five or more of the said Commissioners, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake: Provided always, That no Deviation shall be made from the Line or Course of the said intended Canal, into Lands or Grounds not described in the said Plan or

Book of Reference, without the Consent in Writing of the Person or Persons through which Lands or Grounds such Deviation shall be made.

Power to make Inclined Planes.

III. Provided always, and be it further enacted, That in case the said Company of Proprietors shall judge it expedient that Boats or other Vessels, Waggons or other Carriages, should be conveyed over or along any Parts of the Line herein-before mentioned for making the said Canal, by Rollers, Inclined Planes, or in any other Manner than by Water, it shall be lawful for the said Company of Proprietors to cause any Rollers, Inclined Planes, or other Works to be made for that Purpose, at such Parts and Places within the Line herein-before mentioned for making the said Canal, as they shall think proper, and the same shall be considered to be Part of the said Canal, in like Manner as if such Parts or Places were made navigable.

Where Carriage Roads are injured, &c. others to be made.

IV. Provided also, and be it further enacted, That in all Cases where, in the Exercise of any of the Powers aforesaid, any Part of any Horse or Carriage Road, either publick 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 of Proprietors shall at their own Expence, before such Road be cut through, taken, or injured as aforesaid, cause a good and sufficient Horse or Carriage Road to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so cut through, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Repair and Condition.

Houses, &c. not to be injured.

V. Provided also, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to take or use, or to injure or damage any House or other Building, or any Ground, which upon the First Day of January One thousand seven hundred and ninety-three, was the Scite of any House, or other Building, or a Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or Lawn inclosed or adjoining to a House, without the Consent of the respective Owners and Occupiers thereof.

Lock to be erected to prevent Injury to the *Glamorganshire* Canal.

VI. Provided also, and be it further enacted, That the said Company of Proprietors shall, and are hereby required, at their own Costs and Charges, before the said intended Canal shall be made to join with the said Glamorganshire Canal, so as that Boats and other Vessels

sels may pass from One of the said Canals into or upon the other of the said Canals, to cause to be erected and made, and for ever afterwards supported and maintained, upon the said intended Canal, at or near the Place where the same shall join the said Glamorganshire Canal, a Lock and Weir or Weirs of such Dimensions and Construction as to prevent the Water from flowing from the said intended Canal into the said Glamorganshire Canal, in Times of Flood, to the Prejudice or Injury of the said Glamorganshire Canal.

Width of the Canal and Towing Paths.

VII. Provided also, and be it further enacted, That the Land to be taken or used for such Canal and Towing Paths, or any Cut or Towing Path to be made as hereinafter mentioned, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-six Yards in Breadth, measured horizontally, except where the said Canal, or any such Cut, shall be raised higher or cut above Five Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other, nor more than Sixty Yards in Breadth in any Place except in such Places where the said Canal shall pass through or over any Common or Waste Lands.

Corporations, &c. impowered to sell Land for the Purposes of this Act.

VIII. And be it further enacted, That after any Houses or other Buildings, Lands, Tenements, or Hereditaments, shall be set out and ascertained, or be intended to be taken or made Use of for making the said Canal, Rail or Waggon Ways, or Stone Roads, and other the Purposes and Conveniences herein-before mentioned, it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities, and other Purposes, Committees, Executors, and Administrators, 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, Lunaticks, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all other Persons who are or shall be seised, possessed of, or interested in any Houses or other Buildings, Lands, Tenements, or Hereditaments which shall be set out, ascertained, or be intended to be taken or made Use of for the Purposes aforesaid, to contract for, sell, and convey unto the said Company of Proprietors such Houses, or other Buildings, Lands, Tenements, or Hereditaments, which shall be set out and ascertained, or to be taken or made

Use of as aforesaid; and that all Sales and Conveyances to the said Company of Proprietors (except of Copyhold Estates) may be made and effected by a Deed in Writing according to the following Form, (videlicet);

Form of Conveyance of Lands to the Company.

I *A. B.* of [*or* we *A. B.* of and *C. D.* of] in Consideration of the Sum of to me [*or* to us] paid [*or* in Consideration of the Annual Rent of to me [*or* to us] to be hereafter yielded and paid] by the Company of Proprietors of the *Aberdare* Canal Navigation, do hereby [severally] grant, sell, release and convey [*or* sell and assign, *if Leasehold*] unto the said Company, all [*describing the Premises to be conveyed*], and all my [*or* our] Estate, Right, Title, and Interest, to and in the same, to hold to the said Company for ever, [*or if Leasehold, or for a particular Estate, state the Term to be granted or assigned*], by virtue and according to the Intent and Meaning of the Act of Parliament, passed for making and maintaining the said Canal: And I [*or* we] do hereby [respectively] warrant the said Premises unto the said Company of Proprietors for ever [*or* for the Term aforesaid] against all Persons whomsoever, and that free from all Incumbrances, [*or if a Leasehold*, subject to the Rents, Covenants, and Agreements on the Lessee's Part to be paid, observed, and performed, *making the necessary Variations, according to the Circumstances of the Case*]. In Witness whereof I [*or* we] have hereunto set my Hand and Seal, [*or* our Hands and Seals], the Day of in the Year

And that where, by making the said Canal, the Property of any Body Politick or Corporate, or other Land Owner, shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Body Politick or Corporate, and other such Land Owner, (by and with the Consent of the Commissioners herein-after mentioned, to be testified by Writing under their Hands and Seals), to contract for, sell, and dispose of, or to convey in Exchange, in lieu of other Lands, all or any Part of the Lands so separated into small Parcels as aforesaid, to any Person or Persons, for such Sum of Money, or other Equivalent, as to the said Commissioners shall seem reasonable, and all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes, and all Bodies Politick or Corporate, and other Persons so conveying and exchanging as aforesaid, are hereby indemnified for what they shall respectively

respectively do by virtue and in pursuance of this Act; and all such Conveyances and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners), shall, at the Expence of the said Company of Proprietors, be inrolled by the Clerk of the Peace for the County of Glamorgan.

IX. Provided nevertheless, That nothing in this Act contained shall intitle the said Company of Proprietors, on purchasing any Lands for making the said Canal, or for any other the Purposes aforesaid, to any Mines of Coal, Iron Stone, or other Minerals which shall be found in cutting or making the said Canal, and other Works aforesaid, or that shall be under the same, but that all such Mines shall appertain and belong to such Person or Persons as would have been intitled to the same in case this Act had not been made.

X. And be it further enacted, That all Persons seised of Freehold or Copyhold Estates of One hundred Pounds per Annum, within the County of Glamorgan, and all Persons residing within the said County, and having Personal Estates of the Value of Two thousand Pounds, shall be and are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors, and the several Proprietors of, and Persons interested in any Houses or other Buildings, Lands, Tenements, or Hereditaments that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, and the said Commissioners are hereby impowered, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby authorized to administer), and by any other lawful Ways and Means, by Writing under their Hands and Seals, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, either by an annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick or Corporate, Person or Persons, respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Houses or other Buildings, Lands, Tenements, or Hereditaments which shall be set out and ascertained, or intended to be taken or made Use of as aforesaid, for making the said Canal, and Rail or Waggon Ways, or Stone Roads, or any Part thereof, and other the Purposes of this Act; and also to adjust and determine what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors as a Recompence

Commissioners.

Recompence for any Damages which may or shall be sustained by any Bodies Politick or Corporate, or any other Persons, being Owners of, or interested in any Houses or other Buildings, Lands, Tenements, or Hereditaments, for or by Reason of the making, repairing, or maintaining the said Canal, and Rail or Waggon Ways, or Stone Roads, or any of the Works to be done in pursuance of this Act, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Reservoirs, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made by virtue of this Act for conveying Water to or from the said Canal, or by turning, diverting, or taking any Brooks, Springs, or Streams of Water into the said Canal, or by Reason or Means of exercising any other of the Powers given by this Act to the said Company of Proprietors, their Agents and Workmen, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, and such Proprietors of, and Persons interested in the said Houses, or other Buildings, Lands, Tenements, or Hereditaments as aforesaid; and if the said Company of Proprietors, or any such Body Politick or Corporate, or other Person or Persons so interested or intitled as aforesaid, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with their Determination therein, or if any such Body Politick or Corporate, Trustees or other Persons intitled or interested as aforesaid shall refuse to receive, upon due Tender thereof made, such Purchase Money or Annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick or Corporate, or to such Trustees or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Houses or other Buildings, Lands, Tenements, or Hereditaments for the Space of Ten Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, then, and in every such Case, the said Commissioners shall, and they are hereby impowered and required, from Time to Time to issue a Warrant under their Hands and Seals to the Sheriff of the County of Glamorgan, or in case such Sheriff or his Under Sheriff shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them,

or

or shall be interested in the Matter in Question, then to the Coroner of such County, not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impannel, 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 joined 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, not being less than Nine nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, qualified as aforesaid, to make up the said Jury to the Number of Twelve, 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 impowered to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in Question; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Matter in Controversy, and the said Jury upon their Oaths (which Oaths, and also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby authorized to administer) shall enquire of, assess, and ascertain the Money or Annual Rent to be paid for the Purchase of such Houses, or other Buildings, Lands, Tenements, or Hereditaments, and the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and the said Commissioners shall give Judgement for such Purchase Money, Rent, 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, upon and against all Bodies Politick or Corporate, and all other Persons; and if any such Sheriff or Coroner, 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 any such Jury shall not appear,

or shall in any 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 Five Pounds.

Expences of the Jury.

XI. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as or for any such Recompence or Satisfaction as aforesaid, than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined and assessed by the said Commissioners, then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if a Verdict shall be given for the same or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined and assessed by the said Commissioners as aforesaid, then the Costs and Expences of summoning such Jury, and taking such Inquest (to be settled by the said Commissioners as aforesaid) shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Controversy or Dispute.

Notice of Injury to Proprietors before Complaint.

XII. Provided always, That the said Commissioners, or any of them, shall not be obliged to receive or take Notice of any Complaint to be made by any Person or Persons for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, as aforesaid, unless Application be made in Relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Clerk or Treasurer, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Verdicts, &c. to be recorded.

XIII. 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 Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the Peace for the said County, 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

the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances as are hereinbefore mentioned, paying for each Inspection the Sum of One Shilling and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every Two hundred Words; and that upon Payment 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 be contracted or agreed for between the Parties, or determined and adjusted or assessed as aforesaid, for the Purchase of any such Houses or other Buildings, Lands, Tenements, or Hereditaments as aforesaid, to the Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietors or Persons, or the principal Officer of any such Body Politick or Corporate, or if such Proprietors or Persons cannot be found or ascertained, or shall refuse to accept such Money, or the Security for such Rent, then upon Payment and Delivery thereof to such Person or Persons as the said Commissioners shall by Writing under their Hands appoint, for the Use of and to be paid or delivered upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, such Houses and other Buildings, Lands, Tenements, and Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Benefit, Claim, and Demand, in Law and Equity, of the Persons for whose Use such Money or Rent shall be paid or secured as aforesaid, in, to, and out of the same, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes, as fully and effectually as if any Person having any Estate in the Premises had actually conveyed the same to them by any legal Conveyance whatsoever, and such Payment or Security shall not only bar all Right, Title, Interest, Claim, and Demand of the Persons to whose Use the same shall be made or granted, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates and Interests in Reversion and Remainder therein, against the Issue of every such Person, and against all other Persons, as effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by the proper Parties in due Form of Law.

Compensation to be made for the Tithes of the Lands to be taken.

XIV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes, both great and small, of the Lands which shall be taken or made Use of

of by them for the Purposes of this Act, to the several Persons entitled or to be entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated according to the annual Value they were of immediately before the taking or making Use of such Lands, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Lands or Hereditaments are herein-before directed to be ascertained.

Application of the Purchase Money belonging to Corporations, &c.

XV. And be it further enacted, That all Sums of Money which shall be paid to any Body Politick or Corporate, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict Settlement, for the Purchase of, or the Damage to be done to any Houses, or other Buildings, Lands, Tenements, or Hereditaments, by virtue of the Powers herein-before or herein-after contained, where the same shall exceed the Sum of Twenty Pounds, shall by such Body Politick or Corporate, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seised of Lands or Estates so limited in strict Settlement, be laid out as soon as conveniently may be in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, to be conveyed to or to the Use of such Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, and Limitations, as the Houses, or other Buildings, Lands, Tenements, or Hereditaments, for or in respect whereof such Money shall be paid were limited, settled, and assured at the Time such Money was so agreed for, ascertained, or assessed respectively as aforesaid; such Conveyances and Settlements (other than those which concern any Purchase or Exchange between any of the respective Landholders as aforesaid) to be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase shall be made, the said Money, and also such Sums of Money to be paid as aforesaid as shall not exceed Twenty Pounds, shall be placed out by such Body Politick or Corporate, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two Persons,

sons, the One to be nominated by the Parties interested therein, and the other by the said Commissioners, and the Interest arising or to be produced from any such Funds or Securities, and also the Annual Rent for such Houses, or other Buildings, Lands, Tenements, or Hereditaments, where a Rent shall be fixed upon in pursuance of this Act, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle Proportions to the several Persons interested.

XVI. And be it further enacted, That the said Commissioners may, and are hereby impowered to settle what Shares and Proportions of such Purchase Money or Recompence for Damages as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his or her Interest therein.

Annual Rents charged upon the Rates.

XVII. And be it further enacted, That such Annual Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged on the Rates herein-after granted to the said Company of Proprietors, and shall be paid by them as the same shall become due and payable; and in case any such Annual Rents or Sums shall not be paid within Twenty-one Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the said Rates, and to pay the same to such Person or Persons to whom such Annual Rents or Sums shall be due, 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 Rates, and shall have the same Power and Authority for collecting the same as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such Annual Rents or Sums, with the Costs and Charges of recovering and receiving thereof, shall be fully satisfied and paid; or such Person or Persons to whom such Annual Rents or Sums shall be due and owing, may sue for and recover the same, with Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at Westminster; or otherwise it shall be lawful for such Person or Persons, and he and they is and are hereby impowered to seize and distrain any Boats, Vessels, or other

Goods or Effects of the said Company of Proprietors which shall be found on the said Canal, or any such Rail or Waggon Ways, or Stone Roads as aforesaid, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Company of Proprietors, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold, in such Manner as the Law directs in Cases of Distress for Rent.

Persons requiring a Jury to give Security to prosecute.

XVIII. And be it further enacted, That all and every Person and Persons, with whom the said Company of Proprietors shall have any such Controversy or Dispute, and who shall refuse to submit any such Matter as aforesaid to the Determination of the said Commissioners, or who shall be dissatisfied with their Determination thereon, shall, before the said Commissioners shall be obliged to issue out their Warrant for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the said Company of Proprietors, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of the Calling and Meeting of such Commissioners, of summoning such Jury, and taking such Inquest, in case such Costs and Expences shall be payable by him, her, or them, by virtue of this Act.

Proprietors may raise 22,500 *l.* to carry on the Work;

XIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum and Sums of Money, for making and completing the said Canal, and Rail or Waggon Ways, or Stone Roads, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniences to the same belonging or requisite, as shall be judged sufficient, not exceeding in the Whole the Sum of Twenty-two thousand five hundred Pounds (except as herein-after mentioned), and the Money so to be raised is hereby directed to be laid out and applied in the first Place for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates incident thereunto, and all other Expences relating to the same, and

all

all the Residue of such Money, for and towards the making, completing, and maintaining the said Canal, and other the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever; and that in case the said Sum of Twenty-two thousand five hundred Pounds, herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Canal, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto, then and in such Case it shall be lawful for the said Company of Proprietors to raise by a new Subscription any further Sum of Money for the Purposes aforesaid, not exceeding the Sum of Eleven thousand Pounds.

if that Sum not sufficient, a certain Sum may be raised by themselves, or by Admission of new Subscribers.

XX. And be it further enacted, That the said Sum of Twenty-two thousand five hundred Pounds, or such Part thereof as shall be raised by the several Persons herein-before mentioned, and also the said Sum of Eleven thousand Pounds, or such Part thereof as shall be raised in Manner aforesaid, shall be divided into equal Parts or Shares, at One hundred Pounds per Share of the Money which is or shall be subscribed to be advanced; and all such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be appointed for the same, and that the said Shares shall be deemed to be Personal Estate, and shall be transmissible as such, and not of the Nature of Real Estate, and that the said Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sums they shall severally subscribe and pay thereunto; and all Bodies Politick and Corporate, and other Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, and other Works, shall be entitled to and receive, after the said Navigation, or any Part thereof, shall be completed, an entire and equal Distribution or Share of the Profits and Advantages that shall and may arise and accrue by the Rates and other Money to be raised, recovered, or received, by virtue of this Act, according and in Proportion to the Number of Shares to which they are entitled; and every Body Politick and Corporate, and every other Person having any such Share or Shares in the said Undertaking, shall bear and pay

Money to be divided into Shares, and to be deemed Personal Estate.

pay an adequate and proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein-after directed.

Company may borrow Money,

XXI. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Eleven thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company, to borrow and take up at Interest the said Sum of Eleven thousand Pounds, or any Part thereof, upon the Credit of the said Undertaking, as to them shall seem fit and convenient;

and assign the Navigation as a Security.

and to assign the Property of the said Navigation and other Works, and the Rates granted to the said Company of Proprietors by this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest for the same, to such Person or Persons as shall advance the same, or his, her, or their Trustee or Trustees, all which said Assignments shall be made under the Common Seal of the said Company, according to the Form following; (that is to say):

Form of Assignment.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, *(insert the Title of the Act)*; we, the Company Proprietors of the said Navigation, in Consideration of the Sum of to us paid by *A. B* do hereby bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns, all and singular our Property in the said Navigation, and other Works, and the Rates granted to us by the said Act, and all our Right and Interest therein respectively, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of together 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 Persons to whom such Assignments shall be made, shall be equally entitled, One with the other, to the Rates and Premises thereby assigned, in Proportion to the Sums by them respectively advanced and paid as aforesaid, without any Preference by Reason of the Priority of Date or otherwise; and a Memorial of every such Assignment, containing the Date, the Name or Names of the

Perſon or Perſons to whom made, the Sum lent, with the Rate of Intereſt, ſhall be entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, which ſaid Book ſhall and may be peruſed gratis, at all ſeaſonable Times, by all and every the Proprietors and Creditors of the ſaid Navigation and Rates; and all and every Perſon and Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, may from Time to Time transfer his, her, or their Right and Intereſt therein to any Perſon or Perſons, which Transfer may be made according to the Form following: Aſſignments may be tranſferred.

I *A. B.* do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Aberdare* Canal Navigation, to *C. D.* bearing Date the Day of for ſecuring the Sum of and Intereſt, and all my Right and Property therein, to *E. F.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of Form of Transfer.

And every ſuch Transfer ſhall, within Twenty-eight Days next after the Date thereof, be produced to the Clerk to the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof to the ſame Purport and Effect as the original Aſſignment; 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.

XXII. And be it further enacted, That every Perſon, Body Politick and Corporate, who ſhall by virtue of this Act have ſubſcribed for, or become entitled to One Share or more in the ſaid Undertaking, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote for every ſuch Share in the General and Special Aſſemblies to be held as herein-after appointed for carrying on the ſaid Undertaking, which may be given by him or her, or by his or her Proxy, duly conſtituted under his or her Hand and Seal, or the Common Seal of any ſuch Body Politick or Corporate, or (in Caſes of Infancy) under the Hand and Seal or Hands and Seals of his or her Guardian or Guardians; and every ſuch Vote by Proxy ſhall be as good, to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon, and (being an Infant) had been of full Age; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered in any General or Special Aſſembly of the ſaid Company of Proprietors, to be held by virtue of this Act, ſhall be Subſcribers to have a Vote for every Share.

determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person shall give or deliver more Proxies than for Five absent Proprietors; the Appointment of which Proxy shall and may be made according to the Form following:

Form of the Appointment of a Proxy.

I *A. B.* One of the Proprietors [*or* we *A. B.* and *C. D.* the Guardian or Guardians of *E. F.* One of the Proprietors] of the *Aberdare* Canal Navigation, do hereby nominate, constitute, and appoint *G. H.* to be my [*or* his] Proxy, in my [*or* his] Name, and in my [*or* his] Absence, to vote and give my [*or* his] Assent or Dissent to any Business, Matter, or Thing, relating to the said Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said *G. H.* 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 [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals], the Day of

XXIII. Provided also, That after the Expiration of Three Years from the Time of holding the first General Assembly of the said Company of Proprietors, no Person, or Body Politick or Corporate, shall be allowed or be capable to vote, either by himself, or by his, her, or their Proxy, for more than Ten of the said Shares, being his, her, or their own Property.

General Assemblies for choosing Committees.

XXIV. And be it further enacted, That the first General Assembly of the said Company of Proprietors, for putting this Act into Execution, shall be held at the Star Inn, in Merthyrtidvil aforesaid, on the First Tuesday in May One thousand seven hundred and ninety-three, and all future General Assemblies of the said Company of Proprietors shall be held on the First Thursday in July in every Year, or on some Day within Fourteen Days next after, which shall be fixed at the preceding Assembly, and be held at such Place as shall be then agreed upon, at or before Eleven of the Clock in the Forenoon on the said Days, at which said General Assemblies, the Proprietors assembled, together with such Proxies as shall be then present, shall choose Seven Persons, being Proprietors of Five or more Shares in the said Undertaking, out of whom any Three or more of them shall be a Committee to manage the Affairs of the said Company, in such Manner as is herein-after directed, and as shall from

from Time to Time be ordered by such General Assemblies as aforesaid; but if at any Time it shall appear to any Five or more Proprietors, possessed of Five Shares each, that for the more effectually putting this Act into Execution, or for any Purpose relating to the said Undertaking, a Special Assembly of Proprietors is necessary to be held, it shall be lawful for them to cause Notice to be given thereof in some Newspaper circulated in the said County, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, declaring in such Notice the Place where, and the Time when such Special Assembly is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Special Assembly, and the Proprietors are hereby authorized to meet pursuant to such Notice, and to proceed to the Execution of this Act, with respect to the Matters so specified only, and all such Acts of the said Proprietors at such Special Assemblies, shall be as valid, to all Intents and Purposes, as if the same were done at General Assemblies held in Manner herein-before appointed; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five.

Committees subject to Controul of General Assembly.

XXV. Provided always, That such Committees shall from Time to Time be subject to the Examination and Controul of the said General and Special Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises, as they shall from Time to Time receive from the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Persons disqualified from serving on Committees.

XXVI. Provided also, That no Person holding any Place, Office, or Employment under the said Company of Proprietors, shall be capable of being chosen to serve upon any Committee during the Time of his continuing in such Place, Office, or Employment.

Accounts to be kept by Committee.

XXVII. And be it further enacted, That proper Books of Accounts relating to the said Undertaking shall be kept, and that all such Books, and all other Matters relating to such Accounts, shall be deposited and kept, under the Direction of the Committee, at such Place or Places as the said Company of Proprietors shall from Time to

Time

Time direct; and every Proprietor shall, at all seasonable Times, have free Access to such Books, and may inspect and peruse the same without Fee or Reward.

General Assemblies to consist of 105 Shares.

XXVIII. Provided always, That if at any such General Assembly there shall not be Persons present, at the Hour of One in the Afternoon of the same Day, who have One hundred and five such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case, such General Assembly shall be adjourned to be held at the same Place upon that Day Three Weeks, and so from Time to Time until the Proprietors of such Number of Shares as aforesaid shall be present, and such Choice shall then be made of Persons to be of the Committee as ought to have been made on the Day for holding such General Assembly, had there been a sufficient Number of Votes present, and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen on the Day for holding such General Assembly; and in case of Failure of the meeting of the Persons having One hundred and five Votes as Principals or Proxies at any such General Assembly, all Principals who shall not be present at any Adjournment thereof, by themselves or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which they shall then have in the said Undertaking, the Sum of Five Pounds, to be deducted out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Other Powers of General Assemblies.

XXIX. And be it further enacted, That 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 Navigation, and other Works, by the Treasurer, Receivers, and other Officers to be by them appointed, or any other Persons employed by or concerned for or under them, in and about the said Undertaking, and for that Purpose shall have Power to adjourn themselves, from Time to Time, and from Place to Place, as shall be thought convenient by the Persons present, having, either as Principals or Proxies, a Majority of Votes; and every General Assembly, or such Committees as aforesaid, shall have Power, from Time to Time, to make such Call or Calls for Money from the Proprietors of the said Navigation, and other Works, to defray the Expences of or to carry on the same, as they shall from Time to Time find necessary for those

those Purposes, so that the First Call do not exceed the Sum of Five Pounds for every One hundred Pounds, and so as no such Calls be made but at the Distance of Two Months at least from each other, which Monies so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly or Committee shall, from Time to Time, appoint and direct for the Use of the said Undertaking; and such Committees shall, until the next General Assembly to be holden in Manner aforesaid, have full Power and Authority to direct and manage all the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Materials for the Use of the said Navigation, and other Works, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Officers, Clerks, Agents, and Workmen, and in making Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of Three or more of the said Committee then assembled; and every Owner of One or more Share or Shares in the said Undertaking shall pay his, her, or their Share and Proportion of the Money to be called for as aforesaid, at such Time and Place as shall be appointed, of which One Month's Notice at least shall be given by publishing the same in such Newspaper as aforesaid, or in such other Manner as the said Company of Proprietors shall direct or appoint; and if any Person, Body Politick or Corporate, shall neglect or refuse to pay his, her, or their rateable or proportionable Share of the said Money to be called for as aforesaid, at the Time and Place appointed by any General Assembly or Committee, he, she, or they so neglecting or refusing shall forfeit a Sum not exceeding Five Pounds for every One hundred Pounds of his, her, or their Share, Part, and Interest in the said Undertaking; and in case such Person, or Body Politick or Corporate, shall neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Three Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their Share, Part, and Interest in the said Undertaking, and all Profit and Advantage thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking, and all such Forfeitures shall be sold at publick Sale by the said Company of Proprietors, for the most Money they can get for the same, and the Produce thereof shall be equally divided among the

Proprietors not answering Calls subject to a Penalty, or Forfeiture of their Shares.

Rest of the Company of Proprietors, in Proportion to their respective Shares and Interests in the said Undertaking.

Shares not forfeited without Personal Notice.

XXX. Provided always, That no Advantage shall be taken of the Forfeiture of any Share of the said Undertaking until Personal Notice in Writing be given by the Treasurer or Clerk to the said Company of Proprietors to the Owner thereof, or to some principal Officer of such Body Politick or Corporate, nor unless the same shall be declared to be forfeited at the first General Assembly of the said Company of Proprietors to be held after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract, or other Agreement between such Proprietor so forfeiting, and the Rest of the Proprietors, with regard to carrying on the said Undertaking.

Company may remove Members of the Committee;

XXXI. And be it further enacted, That the said Company of Proprietors are hereby authorized and impowered to remove and displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer or Servant under them, and to revoke, alter, amend, or change any of the Rules or Directions herein-before prescribed and laid down, with regard to their Proceedings amongst themselves, as to them shall seem meet (the Method of calling General Assemblies, and their Time and Place of Meeting, and of voting and appointing Committees, only excepted); and the said Company of Proprietors are hereby also authorized and impowered to make such Rules, Bye Laws, and Orders for the good Government of the said Company, their Agents, and Workmen, and for making, maintaining, and using the said Canal, and other Works, and for the well governing of the Bargemen, Boatmen, Watermen, Waggoners, and others who shall be employed in the conveying of any Goods, Wares, Merchandize, and Things upon the said Canal, and Rail or Waggon Ways, or Stone Roads, and to impose and inflict such reasonable Fines or Forfeitures upon Offenders against such Rules, Bye Laws, or Orders, as to the said Company of Proprietors shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company of Proprietors, 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, pro-

and make Bye Laws.

vided

vided the same are not repugnant to the Laws of the Realm.

On the Death of Proprietors before Share completed Executors may do it.

XXXII. And be it further enacted, That if the Proprietor of any Share in the said Undertaking, shall die before Payment shall have been made of the full Sum to be advanced on each Share which he or she shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, for the Payment of the same, the Executors and Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians, of any Infant or other Person entitled to the Estate or Effects of such Proprietor, shall be indemnified against such Infant, and all other Persons, for paying any Money when called for as aforesaid, to complete every such Subscription; and if such deceased Proprietor shall not have left Assets sufficient, or in case any such Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and 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 Proprietor, 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 Proprietor, or the Trustee or Trustees, Guardian or Guardians, of any Infant or other Person entitled to his or her Effects, the full Money which shall have been paid by such deceased Proprietor in his or her Life Time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or so much Money as the same can be sold for.

Shares may be disposed of.

XXXIII. And be it further enacted, That it shall be lawful for any of the Proprietors of the said Navigation to sell or dispose of any Share or Shares he, she, or they shall be entitled to in the said Undertaking, in Manner, and subject to the Rules and Conditions herein mentioned, and for that Purpose Duplicates of the Deed of Bargain and Sale, or Transfer of such Share or Shares shall be executed by every Vendor and Vendee, and One Part thereof so executed shall be delivered to the said Committee or their Clerk, to be filed and kept for the Use of the said Company of Proprietors, and an Entry thereof shall be made in a Book to be kept by the Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until the Duplicate of such Deed or Transfer shall be so delivered to the said Committee, or the said Clerk as aforesaid, the Purchaser

chaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt paid him, her, or them for or in reſpect of ſuch Share or Shares ſo purchaſed, nor be entitled to vote as a Proprietor or Proprietors of the ſaid Navigation.

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

XXXIV. Provided always, That after any Call of ſuch Money ſhall be made by a General Aſſembly, or ſuch Committee as aforeſaid, no Perſon, or Body Politick or Corporate, ſhall ſell or transfer any Share which he, ſhe, or they ſhall then have in the ſaid Undertaking, until the Monies called for upon his, her, or their Share ſo to be ſold ſhall be paid, and every Perſon, or Body Politick or Corporate, making Default herein, ſhall forfeit ſuch his, her, or their Shares in the ſaid Undertaking to the ſaid Company of Proprietors for the Benefit of the Reſt of the ſaid Proprietors, unleſs the Perſon or Perſons, or Body Politick or Corporate, who ſhall be Vendor or Vendors ſhall, at the Time of ſuch Sale or Transfer, pay the Money called for upon every Share ſo ſold or transferred to the Treaſurer to the ſaid Company of Proprietors, ſuch Forfeiture having been firſt notified and declared at a General Aſſembly, in Manner above directed.

XXXV. And be it further enacted, That every Bargain and Sale, or Transfer of the ſaid Shares, ſhall be according to the Form following:

Form of Conveyance of Shares.

I *A. B.* in Conſideration of paid me by *C. D.* do hereby bargain, ſell, and transfer to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, Shares in the *Aberdare* Canal Navigation, being Number of the Shares in the ſaid Navigation, to hold to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame Conditions that I held the ſame, immediately before the Execution hereof. And I the ſaid *C. D.* do hereby agree to accept of the ſaid Shares, ſubject to the ſame Rules, Orders, and Conditions. Witneſs our Hands and Seals, the Day of

Five *per Cent.* to be paid to the Proprietors till the Works are completed.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid intended Canal, and all Things neceſſary for making, compleating, and maintaining the ſame, ſhall be carrying on, and until the ſame ſhall be compleated and finiſhed, to pay unto every

Body Politick, Corporate or Collegiate, or other Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who has or have subscribed, or shall hereafter subscribe and advance any Money towards carrying on and compleating the said Undertaking, Interest for the Money so advanced, after the Rate of Five Pounds per Centum per Annum, from the Time that such Money shall have been so advanced as aforesaid, unless the Majority of the said Proprietors present at any General Assembly shall resolve or determine that such Interest shall not be paid, or that a lower Rate of Interest shall be paid in respect of such Money.

Company may appoint Officers.

XXXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer and Clerk, and such Collectors of the Rates herein-after granted, and other Officers, as they shall think necessary, and to take such sufficient Security from every such Treasurer, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Treasurer, Clerk, or other Officer; and every such Clerk shall, in a Book to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation and Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of, or entitled to any Share therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, in the Execution of this Act; and that every Proprietor of the said Navigation and Undertaking shall and may at all convenient Times have Recourse to, and peruse and inspect the same, and also the Book to be kept by the Clerk to the said Commissioners, gratis, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every Two hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse to make any such Copy at the Rate aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and whenever any such Clerk or Treasurer shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the said Committee to appoint

some other fit Person in the Place of the Clerk or Treasurer so dying, being removed, or quitting the Service of the said Company of Proprietors, until the then next General Assembly, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his Stead.

Proceedings of the Commissioners to be entered.

XXXVIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book to be kept for that Purpose, and that such Entries (being signed by the said Commissioners) shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and are hereby required, at the First Meeting to be held by them for the Purposes of this Act, to appoint out of Three Persons to be nominated by the said Company of Proprietors, such One of the said Three Persons as they the said Commissioners shall think proper, to be Clerk to the said Commissioners, and from Time to Time to remove such Clerk, and appoint another in his Stead out of Three Persons to be again nominated as aforesaid; which Clerk shall be paid for his Care and Trouble in the Execution of such Office by the said Company of Proprietors.

Rates may be collected.

XXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover to and for their own proper Use and Behoof, for the Tonnage and Wharfage of all Goods, Merchandize and Things which shall be navigated, carried, or conveyed upon the said Canal, and Rail or Waggon Ways, or Stone Roads, the respective Rates following; (that is to say),

For all Iron, Timber, Goods, Wares, Merchandize, and other Things which shall be navigated, carried or conveyed upon the said intended Canal, and Rail or Waggon Ways, or Stone Roads, or any Part thereof, (except Stone, Iron Stone, Iron Ore, Coal, Lime Stone, Lime, Sand, Tiles, Bricks, Clay, and all Kinds of Manure), the Sum of Five-pence per Ton per Mile, and so in Proportion for any less Quantity than a Ton, or less Distance than a Mile; and

For all Iron Stone, Iron Ore, Coal, Coak, Charcoal, Bricks, Brick-Tile, and Slate, which shall be navigated, carried, or conveyed upon the said intended Canal, and Rail or Waggon Ways, or Stone Roads, or any Part thereof, the Sum of Two-pence

per

per Ton per Mile, and so in Proportion for any less Quantity than a Ton, or less Distance than a Mile:

For all Lime Stone, Building Stone, Stone, Tiles, Lime, Sand, Clay, and all Kinds of Manure, which shall be navigated, carried, or conveyed upon the said intended Canal, and Rail or Waggon Ways, or Stone Roads, or any Part thereof, the Sum of One Penny Halfpenny per Ton per Mile, and so in Proportion for any less Quantity than a Ton, or less Distance than a Mile; and

For all Cattle, Sheep, Swine, and other Beasts, which shall be conveyed on the said intended Canal, the Sum of Five-pence per Ton per Mile, and so in Proportion for any less Quantity or Distance.

Provided nevertheless, That in all Cases where any Boat or other Vessel, Waggon, or other Carriage, shall be navigated or pass by any Post or Mark, or Place where such Post or Mark shall have stood or been fixed, on the Side of the said Canal, or any such Rail or Waggon Way, or Stone Road, as aforesaid, describing and regulating the Length of a Quarter of a Mile, the full Tonnage shall be paid for a Quarter of a Mile, although such Boat 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 such Boat or any other Vessel, Waggon, or other Carriage, shall not make up an even Quarter of a Ton, yet One full Quarter of a Ton shall be paid for to the said Company of Proprietors.

Company impowered to take Rates for Horses, &c. passing on Rail Ways.

XL. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, to ask, demand, take, and receive to and for their own proper Use and Benefit, the several further Rates following; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass (not carrying or drawing any Goods, Wares, Merchandize, or Things in respect whereof any Rate is herein-before made payable) which shall go or travel upon any such Rail or Waggon Way, or Stone Road as aforesaid, and shall pass through or by any Stop Gate, or other Gate or Toll House, to be erected upon or across the same, by the said Company of Proprietors, and before such Horse, Mare, Gelding, Mule, or Ass shall be permitted to pass through or by the same, the Sum of One Penny; and

For all Cows and other Cattle, except Sheep, Swine, and Calves, which shall go or be driven upon any such

Rail

Rail or Waggon Way, or Stone Road, and shall pass through or by any such Stop Gate, or other Gate or Toll House as aforesaid, and before such Cows or other Neat Cattle shall be permitted to pass through or by the same, the Sum of One Halfpenny each; and

For all Sheep, Swine, and Calves, which shall go or be driven on any such Rail or Waggon Way, or Stone Road, and shall pass through or by any such Stop or other Gate or Toll House as aforesaid, before the same shall be permitted so to pass, the Sum of Five-pence per Score, and after the same Rate for any greater or lesser Number than a Score.

Collectors of such Rates to deliver Tickets.

XLI. Provided always, and be it further enacted, That the Collector or other Person appointed by the said Company of Proprietors to receive the said last-mentioned Rates, shall, on Payment thereof, give and deliver to the Person paying the same, a Ticket, specifying the Day when, and the Number of Horses or other Beasts or Cattle for which the same shall be paid; and such last mentioned Rates shall not be demanded or taken, or be payable more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) upon each Line of Rail or Waggon Way, or Stone Road, for the same Horse or other Beast or Cattle, which shall pass or repass through or by all or any of the Stop Gates, or other Gates or Toll Houses to be erected upon or across each distinct Rail or Waggon Way, or Stone Road, so that the Person who shall be travelling with or attending any such Horses, or other Beasts or Cattle, do and shall produce to the Collector, or other Person appointed by the said Company to receive such Rates at every such Stop Gate, or other Gate or Toll House through or by which the same shall pass or repass (if demanded), the Ticket which he shall have received at the Stop Gate, or other Gate or Toll House, on the same Rail or Waggon Way, or Stone Road, at which he shall have already paid such Toll.

Rates not payable more than Once a Day.

Recovery of Rates.

XLII. And be it further enacted, That the Rates herein-before authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places near to the said Canal, and Rail or Waggon Ways, or Stone Roads, in such Manner, and under such Regulations as the said Company of Proprietors shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rates, on Demand, to the Person or Persons

to be appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any Court of Record, or the Person or Persons to whom the said Rates ought to be paid, may and is and are hereby impowered to seize and distrain the Goods or other Things for or in respect whereof such Rates ought to be paid, or any Part of such Goods or Things, or the Boat, Barge, or other Vessel, Waggon or other Carriage, laden therewith, and detain the same until Payment of the said Rates, together with the reasonable Charges of such Distress, and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Payment of Wharfage for certain Articles.

XLIII. And be it further enacted, That if any Stone, Iron, Iron Stone, Coal, Lime, or other Goods, Merchandize, or Things which shall be so navigated, carried, or conveyed, shall remain upon any Wharf belonging to the said Company of Proprietors for above the Space of Two Calendar Months, then and in such Case the said Company of Proprietors shall be entitled to receive such reasonable Allowance, over and above the Tonnage Rates herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Iron, Iron Stone, Coal, Lime, or other Goods, Merchandize, or Things, or in case of Dispute concerning such Allowance, the same shall be ascertained and adjusted by the said Commissioners.

Proprietors may alter Rate.

XLIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly to be held for that Purpose (of which Three Calendar Months Notice at least shall be given in Manner herein-before mentioned), to lessen or reduce the said Rates as the said Company of Proprietors shall think proper, and afterwards, from Time to Time, at any General Assembly, of which such Notice shall be given as aforesaid, to advance and raise all or any of the said Rates so lessened: Provided always, That such Reduction shall be made in the same Proportion upon all the said Rates: Provided also, That the Rates so to be advanced, ascertained, and fixed as aforesaid, shall not in any Case exceed the respective Rates herein-before granted, and that no Reduction of the said Rates shall be made without the Consent of the Proprietors possessed of at least Two Thirds of the Shares in the said Undertaking; and that whenever

any such Alteration of the said Rates shall be made and take Place upon or in respect of any One Article or Kind of Goods, Wares, Merchandize, or Things, a like and proportional Alteration shall, at the same Time, and for the same Continuance, be made and take Place in respect of the like Article or Kind of Goods, Wares, Merchandize, or Things, upon all Parts of the said Canal, and such Rail or Waggon Ways, or Stone Roads, as aforesaid.

Company impowered to lease the Rates.

XLV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and impowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby granted, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, and Rail Ways, or Stone Roads, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Rates, or any Part thereof, be given, under the Hand of the Clerk to the said Committee, by Order of such Committee, in some Newspaper published or circulated in the said County, and continued in such Newspaper Three Times at least, Twenty-eight Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Masters of Boats to give Account of Particulars of Lading.

XLVI. And, for the more easy collecting the said Rates, be it further enacted, That the Master, Owner, or Person having the Care of any Boat, Barge, or other Vessel, Waggon or other Carriage, navigating upon the said Canal, or passing upon any such Rail or Waggon Way, or Stone Road as aforesaid, shall give an exact and true Account in Writing under his Hand, to the Collectors of the said Rates, at the Places where they shall attend for that Purpose, of what Quantities of Goods, or other Things, shall be in or upon such Boat, Barge, or other Vessel, or such Waggon or other Carriage, and from whence such Goods or other Things

shall

shall be brought, and where the same are intended to be landed; and in case any such Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of the Lading or Goods at any other Place than is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates, he shall forfeit and pay the Sum of Ten Shillings a Ton for every Ton of Goods, or other Things (and so in Proportion for any lesser Quantity than a Ton) which shall be in or upon such Boat, Barge, or other Vessel, Waggon or other Carriage, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, (as the Case shall be), and shall also be subject to the Payment of the said Rates herein-before granted and made payable for the same.

What Quantity of Timber to be deemed a Ton.

XLVII. And, for the better ascertaining the Tonnage of Timber to be charged with the Payment of the said Rates, be it further enacted, That Forty Feet of Oak, Ash, Elm, or Beech Timber; and Fifty Feet of Fir or Deal Balk, Poplar, or Birch, not cut into Scantlings, shall be deemed, rated, and estimated as and for One Ton Weight.

In case of Difference concerning Weight, Collectors may weigh Vessels.

XLVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Master or Person having Charge of any Boat, Barge, or other Vessel, Waggon, or other Carriage, or the Owner of any Goods, or other Things, concerning the Weight or Quantity of such Goods or other Things, 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, all such Goods or other Things as shall be therein contained; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Master, Owner, or Persons giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging, to be recovered by such Ways and Means, and in such Manner as the said Rates can or may be recovered; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring,

or

or gauging, and shall also pay to such Master or Person or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness, to have arisen from such Detention, and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors in like Manner as any Penalty is by this Act directed to be recovered.

Weight of the Lading of Vessels to be marked.

XLIX. And, for preventing Disputes touching the Weight of the Lading in any Boat, Barge, or other Vessel, Waggon or other Carriage, passing upon the said Canal, and Rail or Waggon Ways, or Stone Roads; be it further enacted, That the Masters or Owners of all such Boats, Barges, and other Vessels, shall, and they are hereby required, to fix on each Side thereof respectively, correct Indexes of Copper or Iron, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of Lading on Board may at all Times be thereby ascertained and shewn; and that the Names of the Owners, and proper Numbers of such Boats, Barges, or other Vessels, and of all Waggons and other Carriages which shall pass upon such Rail or Waggon Ways, or Stone Roads, shall be cut or carved in large Capital Letters, Three Inches long at the least, on both Sides of such Boats, Barges, or other Vessels, in some conspicuous Places, and on some conspicuous Part of every such Waggon or other Carriage, and if the Master or Owner of any Boat, Barge, or other Vessel, shall wilfully navigate the same upon the said Canal, without having such Index, Name, and Number thereon, or if any Person shall drive any Waggon or other Carriage upon any such Rail or Waggon Way, or Stone Road as aforesaid, without having such Name and Number thereon, or if any Person shall alter, deface, or destroy any such Index, Name, or Number, or any Part thereof, or shall fix any false Index, Name, or Number, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Boats to be gauged.

L. And be it further enacted, That the Owner or Master of every such Boat, Barge, or other Vessel, Waggon or other Carriage, shall permit and suffer the same to be gauged or measured at the Expence of the said Company of Proprietors, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose, provided that no such Boat, Barge, or other Vessel,

Waggon or other Carriage, shall be gauged or measured more than Four Times in any One Year, and every Owner, Master, or other Person having the Rule or Care of such Boat, Barge, or other Vessel, Waggon, or other Carriage, who shall refuse to permit and suffer the same to be gauged or measured as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Masters accountable for Damage done by the Crew.

LI. And be it further enacted, That the Master or Owner of every such Boat, Barge, or other Vessel, Waggon or other Carriage, as aforesaid, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by such Boat, Barge, or other Vessel, Waggon or other Carriage, or any Horses used in drawing the same, or any of the Boatmen or other Persons belonging to, or employed in or about the same respectively, unto any of the Locks, Bridges, Weirs, Banks, Dams, Engines, or other Works in, upon, or near to the said Canal, Rail or Waggon Ways, or Stone Roads, or the Trenches, Aqueducts, Sluices, and Passages belonging to the said Canal, or by loading or unloading any such Boat, Barge, or other Vessel, Waggon or other Carriage, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, or Tenements near or adjoining to the same, or any of them, and such Master or Owner shall and may be sued and prosecuted for the same in any Court of Record; and if a Verdict pass against him, or Judgement be given against him upon Demurrer, or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Treble Costs of Suit.

Navigation to be free upon Payment of Tolls.

LII. Provided always, and be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company of Proprietors (except the Towing Paths) for the conveying Goods and other Things to or from the said Canal, and Rail or Waggon Ways, or Stone Roads, and any Wharfs, Quays, or Landing Places belonging thereto, without paying for the same, and also to navigate and pass upon, and use the said Canal, and Rail or Waggon Ways, or Stone Roads, with any Boats, Barges, and other Vessels, Waggons and other Carriages, and to use the said Wharfs and Quays for the loading and unloading any Goods and other Things, and the said Towing Paths for the haling and drawing such Boats, Barges, and other Vessels, and also to use any such Rail or Waggon

Way, or Stone Road as aforesaid, for the passing and repassing of any Horses, and any Cows and other Cattle, upon Payment of the Rates herein-before granted.

No Waggons, &c. to pass on Rail Ways, unless constructed as directed by the Company,

LIII. Provided always, and be it further enacted, That no Person or Persons shall pass upon any Part of any such Rail or Waggon Way, or Stone Road as aforesaid, with any Waggon or other Carriage, unless the same shall be constructed agreeable to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be stuck up on a conspicuous Part of every Toll-house erected on such Rail or Waggon Way, or Stone Road, for collecting of the said Rates (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing on any publick or private Carriage Road which shall cross the said Rail or Waggon Ways, or Stone Roads, or any of them); and that if any Person shall pass upon any such Rail or Waggon Way, or Stone Road, with any Waggon or other Carriage not constructed in the Manner herein-before directed (except as aforesaid), he shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

except in crossing.

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

LIV. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Canal, Towing Paths, and Rail or Waggon Ways, or Stone Roads, to divide and separate, and keep constantly divided and separated, the Canal, Towing Paths, and Rail or Waggon Ways, or Stone Roads, on the Sides of the said Canal, and the Trenches, Feeders, or Passages hereby authorized to be made, or such Parts of such Trenches, Feeders, or Passages as shall be found necessary by the said Commissioners, from the Lands adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and shall, at their own Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so made as aforesaid, as the said Commissioners shall from Time to Time judge necessary and appoint; and the said Company of Proprietors shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles, in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also such Bridges, Arches, Culverts, Drains, and Passages,

sages, over, under, by the Side of, or into the said Canal, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint, and also make proper and convenient Watering Places for Cattle, where, by Means of the said Canal, or other the Works hereby authorized to be made, Cattle shall have been deprived thereof, and at all Times to supply the same with Water for the Use of the Owners and Occupiers of the Lands, Mills, or Hereditaments adjoining to the said Canal, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them respectively; and also make, support, and maintain such Fences upon the Side of such Parts of the said Canal as the said Commissioners shall think proper, and shall direct and appoint, for the Purpose of preventing Accidents happening to Sheep or Cattle kept or depastured in the adjoining Lands, and that the said Company of Proprietors shall not make the said Canal, or any Feeder, Trench, or Watercourse, in or across any common Highway, publick Bridle Way, or Foot Path, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches across such Highway, Bridle Way, or Path, and of such Dimensions, and in such Manner as the said Commissioners shall judge proper; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences to be made, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors: And in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of, or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle, or Fences for preventing Accidents to Sheep or Cattle, as hereinbefore directed, or to repair, maintain, and support such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and Fences when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands, Mills, or Hereditaments, who shall find themselves

themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences as aforesaid, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors, as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining the Works aforesaid, the said Canal, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than is absolutely necessary for the doing thereof, and all the reasonable Expences thereof, together with the Costs and Charges attending the same (to be settled and allowed by the said Commissioners) shall be repaid to such respective Owners or Occupiers as aforesaid by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of such Payment the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale; or otherwise, such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company of Proprietors, by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at Westminster.

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

LV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the said Canal shall be made, do or shall at any Time or Times find that any of the Gates, Stiles, Bridges, Passages, Arches, Culverts, Tunnels, Drains, or other Passages over, under, or by the Side of the said Canal, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any such Watering Places and other Conveniences which the said Commissioners shall have directed or appointed to be made by the said Company of Proprietors as aforesaid, are insufficient, either in the Number or Situation, for the commodious

Use

Use and Occupation of their respective Lands, Mills, or Hereditaments, then, and in every such Case, it shall be lawful for any of such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Company of Proprietors, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix and erect, at their own Costs and Charges, such 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 of Proprietors, in such Places as shall be found and judged most necessary and convenient for the better Use or Occupation of such Lands, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the Navigation of the said Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the doing of such Works will necessarily require.

Owners of Mines and Iron Works, &c. may make Rail Ways to the Distance of Eight Miles, in case the Company refuse so to do.

LVI. And be it further enacted, That if the Owner or Owners of any Manor, Estate, or Lands, containing any Mines, Seams or Veins of Iron, Iron Stone, Stone, Lead, Coals or other Minerals, or any Quarries of Lime Stone or other Stone, Slates, or Tiles, or the Proprietor or Proprietors of any Iron Furnaces, Forges, or other Works, or the Renters, Lessees, or Occupiers of the same, or of any of them, situate within the Distance of Eight Miles from any Part of the said Canal, or any Rail or Waggon Way, or Stone Road, herein-before authorized to be made, shall deem it expedient or necessary that any Rail Ways or Waggon Roads should be made over, through, to, along, in, upon, or under the Lands of any other Person or Persons, or across or under any Highways or private Roads, or that any Bridges should be erected over or under any Highways, Roads, Rivers, Brooks, or Watercourses, for the Purpose of conveying his, her, or their Iron, Lead, Coal, Culm, Lime, Lime Stone, Stone, or other Goods, Merchandize, or Things to or from the said Canal or Works, or main Rail Way, or any other Rail or Waggon Way, or Stone Road, herein-before authorized to be made, and if the said Company of Proprietors shall refuse to make any such Rail Way, or Waggon Road, or to erect any such Bridge for the Space of Three Calendar Months after an Application and Request in Writing shall have been made to them for that Purpose, at a General Assembly

to be held as herein-before mentioned, by the Person or Persons so deeming it expedient or necessary that such Rail Way, or Waggon Road, should be made, or such Bridge erected as aforesaid, then, and in every such Case, it shall be lawful for the Person or Persons making such Application and Request, at his or their own proper Costs and Charges, at any Time after the Expiration of such Three Calendar Months, without the Consent of the Owner or Owners of such Lands, Rivers, Brooks, or Watercourses, to make any such Rail Ways, or Waggon Ways, or to erect any such Bridges as shall be deemed expedient or necessary to be made or erected as aforesaid, he or they first paying or tendering Satisfaction for the Damages to be thereby occasioned to any such Lands, Rivers, Brooks, or Watercourses, in the Manner herein-before directed with respect to any Lands to be taken by the said Company of Proprietors for the Purposes herein-before mentioned; and it shall also be lawful for the Owner or Owners of, and Person or Persons interested in such Lands respectively, to treat and agree with the Person or Persons desiring to make any such Rail Way, or Waggon Road, or to erect any such Bridge as aforesaid, touching the Damages which such Owner or Owners of, and Person or Persons interested in such Lands, shall or may sustain thereby; and in case they cannot agree concerning the Amount of Value of such Damages, or in case the Owner or Owners of, or Person or Persons interested in such Lands, shall refuse or neglect to treat, or by Reason of Absence, or otherwise, shall be prevented from treating concerning the same, then the same shall be settled and ascertained by the said Commissioners, or assessed by a Jury if required, in such and the like Manner as any other Damages to be occasioned by the Exercise of any of the Powers granted by this Act are herein-before directed to be settled and ascertained, or assessed: Provided always, That the Person or Persons desirous of having any such Rail Way or Waggon Road, or Bridge, made or erected as aforesaid, shall, in the Application and Request to be made by him or them to the said Company of Proprietors for that Purpose as aforesaid, specify the Name or Names of the Person or Persons making such Application, and describe the Line along which any such Rail Way or Waggon Road is intended to pass, with the Distance, from Point to Point, where any such Rail Way or Waggon Road shall begin and end, or the precise Spot where any such Bridge is intended to be erected; and every such Rail Way or Waggon Road, and Bridge, so to be made and erected as last herein-

herein-before mentioned, shall, after the same shall be completed, be publick and open to all Persons for the Conveyance of any Minerals, Goods, Wares, Merchandizes, and Things, in Waggons and other Carriages, constructed as herein-before directed, and for the Passage of Horses, Cows, and other Neat Cattle, on Payment to the Person or Persons at whose Charge and Expence such Rail Way or Waggon Road, or Bridge, shall have been made or erected, and his, her, or their Heirs or Assigns, such and the like Rates as shall for the Time being be payable to the said Company of Proprietors for the Conveyance of the same Kind of Minerals, Goods, Wares, Merchandizes, or Things, and the Passage of such Horses, Cows, or other Cattle, upon any Rail or Waggon Way, or Stone Road, herein-before authorized to be made by them.

Persons desirous of having a Rail Way or Waggon Way hereafter, may agree for the same with the Company of Proprietors.

LVII. And whereas some Persons may be desirous of having such Rail Ways or Waggon Roads as aforesaid made by the said Company of Proprietors, and to pay to the said Company of Proprietors a higher Rate for the Conveyance of Goods and other Things thereon, than shall, for the Time being, be payable for the Conveyance of the like Articles upon the Rail or Waggon Ways, or Stone Roads, herein-before authorized to be made by them; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, in case they shall make any such Rail Way or Waggon Road, agreeable to the Desire of any Person or Persons, to demand and take, not only of and from the Person or Persons desiring the same to be made, but also of and from all other Persons, for the Conveyance of any Stone, Iron, Iron Stone, Iron Ore, Lead Ore, Coals, Culm, Lime, Lime Stone, and other Goods, Merchandize, and Things upon such Rail Way or Waggon Road, such Rates as shall be mutually fixed and agreed upon for that Purpose, between the said Company of Proprietors, and the Person or Persons so applying and requesting to have such Rail Way or Waggon Road made by them as aforesaid, so as the same do not exceed the Sum of Five-pence per Ton per Mile, any Thing herein-before contained to the contrary hereof notwithstanding: Provided always, That such last-mentioned Rates shall and may be altered and varied, from Time to Time, by the said Company of Proprietors, in such and the like Manner as they are herein-before impowered to alter and vary the Rates herein-before authorized to be taken.

Proprietors or private Persons may make

LVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make any navigable

Cuts to communicate with the Canal.

vigable Cut or Cuts, with a Towing Path or Towing Paths thereto, from the said intended Canal, to any Place or Places within the Distance of Four Miles from any Part of the said intended Canal; and such Cut or Cuts, when made and completed, shall be deemed and taken as Part or Parts of the said Canal, for and in respect of the Payment of the Rates thereon, and for every other Use and Purpose of this Act; and it shall also be lawful for the Proprietor or Proprietors of any Mines, Seams or Veins of Iron, Iron Stone, Iron Ore, Lead Ore, or other Minerals, Coals, Culm, or Clay, or Quarries of Lime Stone, Slate, Tiles, or other Stone, or of any Furnaces, Forges, Mills, Engines, or other Works, or any of them, situate within the Distance of Four Miles from the said intended Canal, to make any navigable Cut or Cuts, with Locks, Stop Gates, and Towing Paths, in such Manner as he, she, or they shall think proper, through his, her, or their own Lands, and also through the Lands of any other Person or Persons to communicate with the said intended Canal, so that the same be done without diverting any Streams of Water which shall be necessary for supplying the said Canal, or which are or shall be necessary for the working of any Furnaces, Forges, or other Works, and without doing any Injury or Damage to the said Canal, and so as the Person or Persons making any such Cut, shall (if thereunto required by the said Company of Proprietors) make, erect, and maintain a Stop Gate or Stop Gates on such Cut, in Order to prevent the Water being drained or wasted out of the said Canal, in Consequence of making any such Cut to communicate therewith as aforesaid, and so as the Person or Persons desirous of making any such Cut, shall first make or tender Satisfaction for the Damages to be thereby occasioned to any Lands, in the Manner herein-before directed with respect to Lands to be taken by the said Company of Proprietors for the Purposes herein-before mentioned, and it shall also be lawful for the Owner or Owners of, and Person or Persons interested in such Lands to treat and agree with the Person or Persons desirous of making any such Cut, touching the Damages which such Owner or Owners of, and the Person or Persons interested in such Lands shall or may sustain thereby, and in case they cannot agree concerning the Amount or Value of such Damages, then the same shall be settled and ascertained by the said Commissioners, or assessed by a Jury, if required, in such and the like Manner as the Value of the Lands to be taken by the said Company of Proprietors for making the said Canal,

is

is herein-before directed to be settled and ascertained, or assessed; and every such Cut, Lock, Stop Gate, and Towing Path so to be made as last-mentioned, shall be publick and open to all Persons for the Conveyance of any Minerals, Goods, Wares, Merchandize, or Things, in Boats, Barges, or other Vessels, upon Payment, to the Person or Persons at whose Charge and Expence any such Cut, Locks, Stop Gates, and Towing Path shall be made, and his, her, and their Heirs or Assigns, such and the like Rates as shall for the Time being be payable to the said Company of Proprietors, for the Conveyance of such Minerals, Goods, Wares, Merchandizes, and Things upon the said Canal.

But not without the Consent of the Owners of Lands.

LIX. Provided always, That no such navigable Cut shall be made into or from the said Canal, by the said Company of Proprietors, or any other Person or Persons, through any Commons or Waste Lands, without the Consent of the Lord of the Manor, or through the private Lands or Grounds of any Person or Persons, unless the Owner or Owners of, and Person or Persons interested in such Lands, or the Husbands, Guardians, Trustees, Committees, or Attornies of such Owners, or Persons interested as aforesaid, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability, or incapable of acting for themselves, shall consent thereto; and it shall be lawful for any Bodies Politick or Corporate, being Owners of or interested in any such Lands, and for any such Husbands, Guardians, Trustees, Committees, or Attornies as aforesaid, to give such Consent, and to agree with the Person or Persons desirous of making any such Cut, for the Land to be made use of for that Purpose, and the Damage to be occasioned thereby, and also to convey such Land to such Person or Persons accordingly; and every such Consent and Agreement being reduced into Writing, and signed and sealed by the respective Parties giving or making the same, and also every such Conveyance, shall be binding and conclusive upon all Bodies Politick and Corporate, and other Persons whomsoever, and the same shall be deposited with the Clerk of the Peace for the County of Glamorgan, and be by him kept amongst, and shall be deemed Part of the Records of the Quarter Sessions of the Peace for the said County.

Lords of Manors and Land Owners may erect Warehouses, &c. on the Lands.

LX. Provided always, and be it further enacted, That the Lords of any Manors, and the Owner or Owners of any Lands through which the said Canal, or any such Cut as aforesaid shall be made, may erect or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams,

Beams, or Warehouses, in or upon their respective Lands, or Wastes adjoining or near to the said Canal or Cut, and may land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal or Cut, and also may make and use proper and convenient Places for Boats, Barges, and other Vessels to lie in, turn, and pass by each other, so that the making or using thereof do not obstruct or prejudice the Navigation of the said Canal or Cut, or any Towing Paths on the Sides thereof; and all Rates that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby vested in the Lords of such Manors respectively, or the Owner or Owners of such Lands, who shall make and erect the same as aforesaid: Provided always, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him or them, by or on Behalf of the said Company of Proprietors, that any Part of such Lands or Wastes is necessary or proper to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Canal, or any such Cut as aforesaid, make, erect, and lay out, and from Time to Time maintain, and keep in good and substantial Repair, such proper and sufficient Warehouses, Buildings, and Roads, for the Use of the said Navigation, as the said Commissioners shall think necessary on the respective Part or Parts of the Lands described in such Notice, then the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of such Lands or Wastes, for erecting and building proper and sufficient Warehouses and Buildings, and making and laying out necessary and convenient Roads to and from the said Canal, and any such Cut as aforesaid, agreeable to such Notice as aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands which shall be taken or used for the Purposes of this Act.

Regulations as to private Wharfs.

LXI. Provided also, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to make Use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord of any Manor, or

or the Owner or Owners of any Lands adjoining or near to the said Canal, or any such Cut as aforesaid, for his, her, or their own private Use only, not to set up, erect, repair, or use any Cranes or Weighing Machines in or upon any such Wharf, Quay, or Landing Place; and that no more than the Sum of One Penny a Ton shall be demanded or taken by any such Lord or Land Owner, who shall or may make, erect, or build any Wharf or Quay, or make or lay out any Roads to or from the said Canal or Cut, in pursuance to the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Owner for that Purpose as aforesaid, for the Wharfage of Coal, Lime, Lime Stone, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, or Gravel, not more than Three-pence per Ton for the Wharfage of any other Goods or Things, where the same shall be respectively placed, and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Six Days, except Coal, Iron, and Lime Stone, which may remain thereupon for Six Calendar Months, and Timber, Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate, or Gravel, which may remain Thirty Days, upon Payment of the said One Penny per Ton: Provided nevertheless, that in case any of the said Articles shall be left and remain in or upon such Wharfs or Quays for the Space of Ten Days over and above the Time limited hereby, then the Owners of such Articles shall pay to the Proprietors of such Wharfs or Quays One Penny per Ton for such Ten Days, and One Penny per Ton per Day, for the Time such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Ten Days: Provided always, That it shall be lawful for the said Company of Proprietors to erect, repair, or use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading, and weighing of any such Coals or other Goods, in case the Proprietors of such Wharfs or Quays shall neglect or refuse to make and erect the same within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected, neglect or refuse to keep the same in Repair; any Thing contained in this Act to the contrary hereof notwithstanding.

Regulations for passing Locks, &c.

LXII. And be it further enacted, That all Boats, Barges, and other Vessels navigated upon the said Canal shall, upon meeting any other Boat, Barge, or Vessel, stop

stop at or go back to and lie in the Places to be provided for that Purpose as aforesaid, in such Manner as the said Company of Proprietors, or the said Committee shall from Time to Time direct and appoint; and it shall be lawful for the said Company of Proprietors from Time to Time to make such Rules and Regulations as they shall think proper for or relating to the passing of any Locks, and Inclined Planes, to be made by virtue of this Act, with any Boats, Barges, or other Vessels, Waggons or other Carriages, and all such Rules and Regulations (being published in such Manner as the said Commissioners shall direct) shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Boats, Barges, or other Vessels, upon Pain of forfeiting any Sum not exceeding Five Pounds for every Default; and if any Boat, Barge, or other Vessel shall be placed or suffered to remain in any Part of the said Canal, so as to obstruct the Navigation thereof, and the Person having the Care of such Boat, Barge, or Vessel, shall not immediately, upon Request made, remove the same, he shall, for every such Offence, forfeit any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request, and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Boat, Barge, or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to seize and distrain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid.

Penalty on Persons overloading and obstructing the Navigation.

LXIII. And be it further enacted, That if any Person shall float any Timber upon the said Canal, or shall suffer the Loading of any Boat, Barge, or Vessel to lie over the Sides of any such Boat, Barge, or Vessel, or shall overload any Boat, Barge, or Vessel navigating in or upon the said Canal, so as to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately, upon Notice given to him for that Purpose, remove such Obstruction, or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal, or any Trenches or Watercourses to be made by virtue of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on opening Locks, &c.

LXIV. And be it further enacted, That if any Person shall wantonly, carelessly, or negligently open or cause to be opened any Lock Gate, or any Paddle, Valve, or

Clough belonging to any Lock to be erected on the said Canal, or suffer any Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said Canal, or leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel shall have passed any such Lock, every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds; and if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation, and Undertaking, break, throw down, damage, or destroy any Banks or other Works to be erected or made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Canal not to be under the Power of Commissioners of Sewers.

LXV. Provided always, and be it further enacted, That the said Canal, or any Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers, any Thing in any former Law or Statute to the contrary notwithstanding.

Proprietors to be taxed for Lands, &c. in same Proportion as adjoining Lands, &c.

LXVI. And be it further enacted and declared, That the said Company of Proprietors shall, from Time to Time, be rated to all Parliamentary and Parochial Taxes and Assessments, for and in respect of the Lands to be purchased or taken by the said Company of Proprietors in pursuance of this Act, in the same Proportion as other Lands lying near the same are and shall be rated, and as the same Lands so to be purchased or taken would be rateable in case the same were the Property of Individuals in their natural Capacity; and that the Rates by this Act granted and authorized to be taken by the said Company of Proprietors as aforesaid, shall not be charged with, or be subject or liable to the Payment of any Parochial Rates, Assessments, or Impositions whatsoever.

Rights of Lords of Manors and Land Owners to Fishery preserved.

LXVII. Provided always, and be it further enacted and declared, That the Lord or Lords, Owner or Owners of every Manor through which the said Canal shall be made, shall have and be entitled to the Right of Fishery

of and in so much of the said Canal, Reservoirs, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within his, her, or their Manor, and also in, and over, or through any other Lands lying within any such Manor, wherein such Lord or Lords, Owner or Owners, now hath or have, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last-mentioned Lands respectively; and that the Owner or Owners of all other Lands through which the said Canal shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said Canal, Reservoirs, Trenches, and Sluices, as shall be made in, over, or through his, her, or their Lands respectively, so as in the Use and Exercise of the said Right of Fishery, the said Canal, Reservoirs, Trenches, and Sluices, and the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, Reservoirs, Trenches, or Sluices, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the taking or killing of any Fish in the said Canal, Reservoirs, Trenches, or Sluices, which shall be taken or killed through or by Means of the letting of the Water out of the said Canal, Reservoirs, Trenches, or Sluices, for or upon Account of Repairs or Works to be done in or about the same; and that it shall be lawful for the Lord or Lords of every such Manor, and the Owner or Owners of such Lands, being qualified by Law so to do, to take and kill Game upon so much of the said Canal, Trenches, Sluices, Towing Paths, and other Lands to be set out for the Use of the said Navigation, as shall be made through his or their Lands as aforesaid.

Owners and Occupiers of Lands may use Pleasure Boats and Husbandry Boats free of the Rates.

LXVIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal, to use upon the said Canal any Pleasure Boats, or any Boats for the Purpose of Husbandry only, or for conveying Cattle from one Farm, or Part of a Farm or Lands, to any other Farm or Lands of the same Owner or Occupier, without Interruption from the said Company of Proprietors, their Agents or Officers, and without paying any Rate for the same, so as such Boat be not above Five Feet in Breadth, or Twelve Feet in Length, and do not pass through any Lock to be made on the said Canal without the Consent of the said Company of Proprietors, or be employed for carrying

carrying any Goods, Wares, or Merchandizes to Market, or for Sale, or any Person or Persons for Hire, and so as the same shall not obstruct or prejudice the said Navigation or the Towing Paths, or obstruct any Boats passing upon the said Canal liable to pay the said Rates; and the Owner of every such Pleasure or other Boat, shall, in his own Lands, make convenient Places for such Boats to lie in, and shall not suffer them to be moored or remain upon the said Canal.

Commissioners to take an Oath.

LXIX. Provided always, and be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act, otherwise than in administering the following Oath, until he shall have taken and subscribed an Oath, to the Effect following, before any Five or more of the said Commissioners, who are hereby authorized and impowered to administer the same; (videlicet),

I *A. B.* do swear, that I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Insert the Title of the Act*], and that I am qualified to act as a Commissioner according to the Directions of the said Act.

Commissioners may act as Justices.

LXX. And be it further enacted, That such of the said Commissioners who shall be in the Commission of the Peace for the County of Glamorgan shall and may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners; but no Person shall be capable of acting as a Commissioner in the Execution of this Act in any Case where he shall be interested or concerned in the Matter in Question, or during the Time he shall hold any Place of Profit arising out of the Rates or other Money to be raised by virtue of this Act, or during the Time of his being a Proprietor of the said Navigation, or concerned in any Contract or Bargain to be made for the Purposes of this Act.

No Commissioner to act where interested, or holding Place of Profit.

Notice of Commissioners Meeting.

LXXI. Provided always, and be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given in some Newspaper published or circulated within the said Counties, or in such other Manner as the said Company of Proprietors shall

shall direct or appoint, at least Sixteen Days before such Meeting; and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act (except in such Cases as are hereby otherwise directed), shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all the Powers and Authorities by this Act given to or vested in the said Commissioners, shall and 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 Five.

General Meetings of Commissioners to be held upon Request.

LXXII. And be it further enacted, That upon Application to be made by any Five or more of the Proprietors of the said Navigation, or by the Owner or Occupier of any Lands, Tenements, or Hereditaments to be affected by the said Canal, or any of the Works to be made as aforesaid, unto any Five or more of the said Commissioners, requesting or desiring them to appoint a General Meeting of the said Commissioners, the Commissioners so requested or applied to (although not assembled at a Meeting to be held by virtue of this Act) may and shall, and they are hereby authorized and required, within Seven Days after such Request or Application made to them, to give Notice, in Manner aforesaid, of a General Meeting of the said Commissioners to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Sixteen Days, nor more than Twenty-one Days, from the Day on which such Request shall be made; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed, in order to put the Powers and Authorities hereby given to and vested in them in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case, the Clerk to the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on the Fourteenth Day next after the Day on which such Meeting was appointed to be held.

LXXIII. Provided always, and be it further enacted, That it shall be lawful for any Five or more of the said Commissioners, and they are hereby impowered (although not assembled at a Meeting to be held by virtue of this Act) at any Time, upon such Request made as aforesaid, by Notice in Writing, signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained by the said Commissioners, notwithstanding any Adjournment or Non-adjournment of the said Commissioners: Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors, and any other Person or Persons, shall be held at some Place within the Distance of Ten Miles of the Place where such Complaint, Controversy, Dispute, or Difference shall arise.

Special Meeting of the Commissioners.

No Meeting to determine Disputes, &c. but within Ten Miles of the Canal.

LXXIV. And be it further enacted, That the several Persons, and Bodies Politick or Corporate, who have subscribed or who shall hereafter subscribe to advance any Money for and towards making and maintaining the said intended Canal, and other Works, shall and are hereby required to pay the Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee, in Manner before mentioned; and in case any Person, or Body Politick, or Corporate, shall neglect or refuse to pay the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

LXXV. And be it further enacted, That all Penalties or Forfeitures for Offences herein-before specified, or for Offences against any Rule, Bye Law, or Order to be made by the said Company of Proprietors as aforesaid, shall, upon the Proof of the Offences respectively, before any Justice of the Peace for the County of Glamorgan, or the County wherein the Offenders shall be or reside, either by the Confession of the Party or Parties, 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 War-

Recovery of Forfeitures.

rant such Justice is hereby impowered and required to grant, and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to cause such Offender to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Penalties and Forfeitures (the Application whereof is not herein-before particularly directed), shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Appeal. LXXVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order, Judgement, or Determination shall have been made or given, complain to the Justices of the Peace at any General Quarter Session to be held in and for the County wherein the Cause of Complaint shall have arisen, first giving Ten Days Notice at the least in Writing, of such Intention to complain, to the Party interested in such Complaint, and the said Justices shall, in a summary Way, hear and determine the said Complaint at such Session, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for such County, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation of Actions. LXXVII. And be it further enacted, That if any Suit, Action, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought or commenced within Six Calendar Months next after

the Fact committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid and brought in the County of Glamorgan, 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 Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, 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, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law. General Issue. Treble Costs.

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

FINIS.