ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. CIX.

An Act for making and maintaining a Navigable Canal from the Town of *Swanſea*, in the County of *Glamorgan*, into the Pariſh of *Yſtradgunlais*, in the County of *Brecon*. [23d *May* 1794.]

Preamble.

WHEREAS the making and maintaining of a Canal for the Navigation of Boats and other Veſſels from or nearly from a certain Place called *Brewery Bank*, within the Borough of *Swanſea*, in the County of *Glamorgan*, to or near a certain Place called *Hen Noyadd*, in the Pariſh of *Yſtradgunlais*, in the County of *Brecon*, will open a Communication with ſeveral extenſive Mines, Quarries, Iron Works, Collieries, Culm Works, Lime Stone Quarries, and extenſive Tracts of Land, abounding with Iron Ore, Coal, Limeſtone, and other Minerals, in the ſaid County, whereby the Carriage and Conveyance of Coal, Lime, Iron, and other Minerals and Commodities, will be greatly facilitated, and will materially aſſiſt the Agriculture of the Country throughout the Line and Neighbourhood; and the ſaid Canal will be in other Reſpects of publick Utility; but the ſame cannot be effected without the Authority of Parliament: And whereas the ſeveral Perſons herein-after named are willing and deſirous, at their own Expence, to

make and maintain the ſaid Canal: 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 *James Gough Aubrey* Clerk, *Thomas Aynſworth*, *William Baſſett*, *Peter Du Buiſſon*, *William Chance*, *Charles Collins*, *Alexander Cuthbertſon*, *Rhys Davies*, *Arthur Davies*, *David Davies* M.D. *Jenkin Davies*, *David Davies*, the Reverend *Richard Davies*, *William David*, *Thomas Eaton*, *John Edmondes*, *David Evans* D.D. *George Crocker Fox*, *Robert Were Fox*, *Mary Fox*, *Samuel Freeman*, *Fleming Gough*, *Matthew Gwyn*, *William Gwyn*, *Daniel Harper*, *Samuel Hawkins*, *Coles* and *Haynes*, *Edward Homer*, *Thomas Hopkins*, *William Hopkins*, *John Houghton*, *Samuel Howell*, *Edward Hughes*, *Thomas Ingman*, *Gabriel Jeffreys*, *Rees Jeffreys*, *Morgan Jones*, *Theophilus Jones*, *Roger Landeg*, *John Landeg* ſenior, *John Landeg* junior, Sir *Watkin Lewes* Knight, *William Lewis*, *Wyndham Lewis*, *Thomas Lane*, *John Lucas*, Sir *Robert Humphrey Mackworth* Baronet, *John Williams Mansfield*, *Edward Martin*, *David Michael*, *Levi Michael*, *John Nathaniel Miers*, *John Morgan*, *William Morgan*, *Charles Nott*, *William Padley*, *William Padley* the younger, *Andrews Parſons*, *John Parſons*, *John Phillips*, *John Bennett Popkin*, *Howel Powell*, *John Place*, *Peter Price*, *Rice Price*, *Rowland Pritchard*, *Alexander Raby*, *Evan Rees*, *John Rees*, *Joſiah Rees*, *Edward Robſon*, *David Rogers*, *David Rowland*, *Jacob Rudhall*, *William Shewen*, *Thomas Thomas*, *Henry Smith Thomas*, *Morgan Thomas*, *Elizabeth Turberville* Widow, *John Voſs*, *Thomas Williams*, *William Wood*, *Walker*, *William Wade*, *Jeffreys Wilkins*, *Thomas Williams* Attorney, *Rees Williams*, *Henry William*, *Walter Wilkins*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they ſhall nominate and appoint under their Hands and Seals, are and ſhall be united into a Company, for the better carrying on making, completing, and maintaining the ſaid intended Canal navigable for Boats and other Veſſels, 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 Swanſea 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, from and after the Firſt Day of *July* One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, to purchaſe and hold Lands and Hereditaments to them, their Succeſſors, and Aſſigns, for making and maintaining the ſaid Canal, and the ſeveral Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and alſo to ſell the ſaid Lands and Hereditaments, or any Part or Parts thereof, again; and the ſaid Company of Proprietors ſhall be and are hereby authorized and empowered, by themſelves, their Agents, and Workmen, to make and complete a Canal, navigable and paſſable for Boats and other Veſſels, from and out of the River *Tawey* otherwiſe *Swanſea* River, near a Place called *The Brewery* at *Swanſea*, through the ſeveral Pariſhes of *Saint Mary* in *Swanſea* otherwiſe *Swanſea*, *Saint John*, near *Swanſea*, *Langefelach*, *Lanſamlet*, *Lanquick*, *Cadoxton juxta Neath*, and *Killebebill*, in the County of *Glamorgan*, and *Yſtradgunlais*, in the County of *Brecknock*, to end at or near a certain Place called *Hen*

Proprietors.

Their Powers.

Hen Noyadd, in the ſaid Pariſh of *Yſtradgunlais*, and County of *Brecknock*; and to ſupply the ſaid intended Canal whilſt making, and at all Times for ever after the ſame ſhall have been made, with Water, from all ſuch Brooks, Springs, Streams, Rivers, Rivulets, Waters, and Watercourſes, as are or ſhall flow or be found in digging or making the ſaid Canal, or within the Diſtance of Two thouſand Yards from the ſaid intended Canal; and alſo to make any Reſervoir or Reſervoirs, and to erect One or more Fire Engine or Fire Engines, or other Machines, for ſupplying the ſaid intended Canal, or any Part or Parts thereof, with Water; and alſo to make ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Fire Engines, Reſervoirs, and Canal, with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal, as by the ſaid Company of Proprietors ſhall be deemed neceſſary and proper; and alſo, for effecting the Purpoſes aforeſaid, to cleanſe, ſcour, and dig, open, deepen, enlarge, or ſtraighten the Streams, Brooks, or Watercourſes, which come or may be brought into or communicate with the ſaid Canal, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, or Watercourſes, for bringing Water into the ſaid Canal; and to make ſuch proper Trenches or Paſſages for Water in, upon, or through, the Lands or Grounds adjoining or near to the ſaid Canal, or ſuch Streams, Brooks, or Watercourſes as aforeſaid, or any of them, as the ſaid Company of Proprietors ſhall think fit; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for the making the ſaid intended Canal, and any ſuch Reſervoir or Reſervoirs, Feeders, and Aqueducts, and all ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary for making, effecting, preſerving, improving, completing, maintaining, and uſing the ſaid Canal, and other Works; and alſo to bore, dig, cut, trench, ſough, get, remove, take, carry away, lay, uſe, and manufacture any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in making the ſaid Canal, or other Works, or in making any Reſervoir or Reſervoirs, Feeders, or Aqueducts, or out of the Lands and Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be proper, requiſite, or neceſſary for making, carrying on, continuing, maintaining, or repairing the ſaid Canal or other Works, or which may hinder, prevent, or obſtruct the making, uſing, or completing, extending or maintaining the ſame reſpectively, or the making, uſing, completing, extending, and maintaining of ſuch Reſervoirs as aforeſaid, or of any ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid Canal, according to the Intent and Purpoſe of this Act; and to make, build, erect, and ſet up, in or upon the ſaid Canal, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry or

wet Docks, and other Works, Ways, Roads and Conveniencies, as and where the ſaid Company of Proprietors ſhall think neceſſary and convenient for the Purpoſes of the ſaid Navigation; and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Soughs, Tunnels, Reſervoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the ſaid Canal, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging, the ſaid Canal, and the Works of or belonging to the ſaid Navigation, or which may be uſeful for any the Purpoſes thereof; and alſo to place, lay, work, or manufacture, the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works or any of them ſhall be, or are intended to be made, erected, repaired, or done; and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Canal, or the Reſervoirs, Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, and other Veſſels paſſing upon the ſaid Canal, Cuts, and Trenches, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels navigated upon the ſaid Canal, Cuts, or Trenches, to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think convenient; and to conſtruct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and acroſs any Rivers or Brooks, for the making, uſing, maintaining, and repairing, of the ſaid Canal, Cuts, Trenches, Towing Paths, and other Works; and to conſtruct, erect, make, and do all other Matters and Things which they ſhall think convenient or neceſſary for the making, effecting, extending, preſerving, improving, completing, and uſing, of the ſaid Canal, and other Works to be made or conſtructed in purſuance of and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors of, and all Perſons intereſted in, the Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as are herein-after mentioned and contained.

Reſtrictions as to taking Water from Canal belonging to

II. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued, deemed, or taken to extend, to authorize or empower the ſaid Company of Proprietors to take, uſe,

uſe, or divert, any of the Waters ſupplying *Ynis Ked Win* Furnace and Mill, now or late the Property of *James Gough Aubrey* Clerk; or *Ynis Medw ycha* Mill, now or late the Property of the Right honourable *George* Lord *Vernon*; or *Pont ar Tawey* Tucking Mill, now or late the Property of *Elizabeth Tuberville* Widow; or *Clydach* Forges, now or late the Property of the ſaid Sir *Robert Humphrey Mackworth*; *Clydach* Mill, or *Landore* otherwiſe *Trewyddfa* Mill, both now or late the Property of his Grace the Duke of *Beaufort*; but that all ſuch Waters ſhall at all Times in like Manner be conveyed under the ſaid intended Canal. Meſſieurs *Lockwood* and Company, and from certain Mills.

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

IV. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Canal, or any other of the Purpoſes aforeſaid, any Houſe or other Building which was erected and built on or before the Firſt Day of *January* in the Year of our Lord One thouſand ſeven hundred and ninety-four, or any Land or Ground which on the ſaid Firſt Day of *January* was ſet apart and uſed as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof, other than and except the under-mentioned Cottages and Gardens; that is to ſay, A Cottage and Garden, now or late the Property of the Burgeſſes of the Borough of *Swanſea*, in the Poſſeſſion of *John Craven* as Tenant; and alſo Two other Cottages and Gardens, now or late the Property of the Right Honourable Lord *Vernon*, now or late in the Occupation of *Martha Fetly* otherwiſe *Morris*; and alſo a Garden, now or late the Property of *Gabriel Powell* Eſquire, in the Occupation of *Thomas Evans*; and alſo the *Strand* Turnpike Houſe, and Turnpike Gate, in the Occupation of *William Walker*; all which ſaid before-mentioned Houſes, Cottages, and Gardens, are ſituate in the Franchiſe of *Swanſea*, in the Pariſh of *Saint Mary* in *Swanſea* otherwiſe *Swanſea* aforeſaid; and alſo a ſmall Garden, now or late the Property of Sir *William Manſell* Baronet, in the Occupation of *John Smith* Eſquire, which ſaid Garden is ſituate in the Pariſh of *Saint John* near *Swanſea* aforeſaid; and alſo certain Gardens, in the Occupation Houſes, Gardens, &c. not to be injured, except ſuch as are mentioned.

cupation of *William Thomas*, *John Jenkin*, *Gwenllian David*, *Richard Matthew*, *William Jones*, and *John Layſhon*, now or late the Property of *John Morris* Eſquire; and alſo a Garden, now or late in the Occupation of *Robert Jones*, now or late the Property of *Elizabeth Southcote* Widow; alſo certain Gardens now or late the Property of *Edward Snead* Eſquire, and *Bowen* Widow, and now or late in the Occupation of *John Thomas*, *William Jenkins*, and *William Roberts*; and alſo a Garden and Orchard, now or late the Property of Sir *Robert Humphrey Mackworth* Baronet, in the Occupation of *John Jenkin*; all which ſaid laſt-mentioned Gardens, Houſes, and other Premiſes, are ſituate in the Pariſh of *Langefelach* aforeſaid; and alſo certain Gardens, now or late the Property of *James Gough Aubrey* Clerk, and now or late in the Occupation of *Joſhua Evans* and *Richard Lewis*, ſituate in the Pariſh of *Yſtradgunlais* aforeſaid, in the County of *Brecon*.

To prevent any Interruption to the Railways of Meſſrs. *Smith* and *Williams*.

V. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued, deemed, or taken to extend, to authorize or empower the ſaid Company of Proprietors to deſtroy, hinder, or interrupt, a certain Railed Way intended to be made by *John Smith* and *John Oliver Williams* Eſquires, for the Carriage of Coals from certain Coal Pits in Lands at or near *Landoor* aforeſaid, on the Weſtern Side of the ſaid intended Canal, down to the ſaid River *Tawey*, but the ſaid Canal ſhall be cut and made with a Bridge over the ſame, in ſuch Manner as that the ſaid Railed Way may run without Interruption in a regular Deſcent over the ſaid intended Canal.

To prevent any Injury being done to the Collieries near *Landoor*.

VI. And whereas Apprehenſions are entertained by the ſaid *John Smith* and *John Oliver Williams* that the ſaid intended Canal may injure their Colliery in the ſaid Lands at or near *Landoor*; be it further enacted, That if the ſaid intended Canal ſhall leak into, or ſhall cauſe a Fall of Ground in the Hollow from whence Coals have been, or in the ordinary Courſe of working ſhall be wrought, or ſhall, by any other Means, occaſion Damage to the ſaid Colliery, then and in ſuch Caſe all Damages done or occaſioned to the ſaid Colliery as aforeſaid, and the Recompence or Satisfaction for the ſame, ſhall be ſettled and adjuſted in the Manner herein preſcribed for ſettling and aſcertaining other Damages under this Act, and ſuch Recompence or Satisfaction ſhall be made and paid by the ſaid Company of Proprietors, together with Intereſt thereon at the Rate of Five Pounds *per Centum per Annum*, within the Space of Six Months next after the ſame ſhall be ſo ſettled and aſcertained; and if the ſame ſhall not be paid within the Time aforeſaid, the ſame, together with ſubſequent Intereſt, ſhall, and may be recovered from the ſaid Company of Proprietors in ſuch Manner as is herein directed with reſpect to other Damages under this Act.

To prevent Rubbiſh being laid on *Hafod Farm Bank*.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize the ſaid Company of Proprietors, or their Workmen, to lay, nor ſhall they on any Account lay or place any Earth or Rubbiſh on the Bank at *Hafod Farm*, within the Pariſh of *Saint John* near *Swanſea*, by the Side of the River *Tawey*, intended for a Ballaſt Bank, or place the ſame in ſuch Manner as to fall upon any Part of the ſaid Bank; and in caſe any Earth or Rubbiſh

ſhall be ſo laid or placed, the ſame ſhall be removed at the Expence of the ſaid Company of Proprietors.

For making a Bridge over the Canal at *Hafod Farm*.

VIII. And be it further enacted, That a proper Carriage Bridge over the ſaid intended Canal (beſides the ſaid Bridge for a Railed Way) ſhall be made, and at all Times maintained and kept in Repair by and at the Expence of the ſaid Company of Proprietors, at ſuch Place between the upper and lower Parts of the ſaid *Hafod Farm*, for the better Occupation thereof, as ſhall be fixed upon by the ſaid *John Smith*.

To prevent any Canal or Railway being made through the Lands at *Landoor* or *Hafod Farm*.

IX. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued, deemed, or taken to extend, to authorize or empower the ſaid Company of Proprietors to cut any Branch of any Canal, or to make any Railed Way or other Way whatſoever, (except a Towing Path along the ſaid Canal), in, over, or upon, any Part of the ſaid Lands at or near *Landoor*, in the Occupation of the ſaid *John Smith* and *John Oliver Williams*, or in, over, or upon, any Part of the ſaid Tenement, called *Hafod*, or to make any Erection or Building whatſoever upon any Part of the ſaid Lands and Tenements, (other than and except ſuch Lock or Locks as may be neceſſary to the ſaid Navigation):

For aſcertaining where the Waſte Water ſhall be diſcharged.

X. And whereas the Waſte Water from the ſaid Canal muſt be diſcharged at ſome Place below the loweſt Lock, which will be at or near ſome Part of *Hafod Farm*; be it further enacted, That the Outlet for ſuch Waſte ſhall be made in ſuch Manner as that the ſame ſhall diſcharge into a Reſervoir to ſupply the Wheel of the Foundry Mill near *Bank Evan*, in the Pariſh of *Saint John*, near *Swanſea* aforeſaid, and that no Outlet for Waſte Water ſhall be made between the Foundry Mill and *Brewery Bank*, within the Borough of *Swanſea*, or upon any Part of the ſaid Tenement called *Hafod* (except as aforeſaid).

To prevent Company of Proprietors from making the Canal through the Fee of *Trewyddva*.

XI. And whereas the ſaid Canal herein-before authorized to be made is intended to be carried through the Fee of *Trewyddva*, in the County of *Glamorgan*, belonging to his Grace the Duke of *Beaufort*, from a Brook called *Nantvellin* on the North, to a Brook called *Nantrydyvilaſt* on the South, and the ſaid Duke of *Beaufort* hath offered, and is ready to make and maintain the ſaid Canal through the ſaid Fee of *Trewyddva* at his own Expence; be it therefore further enacted, That nothing herein-before contained ſhall extend, or be deemed or conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Direction or Authority, to make or maintain any Part of the ſaid intended Canal from the ſaid Brook called *Nantvellin*, on the North Boundary of the ſaid Fee of *Trewyddva*, to the ſaid Brook called *Nantrydyvilaſt* on the South Boundary thereof, or to make, erect, build, or ſet up, any Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Flood Gates, Weirs, Reſervoirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Warehouſes, Toll Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, or any other Works whatſoever, in, upon, or through, any of the Lands or Grounds within the ſaid Fee of *Trewyddva*, or to make any Ways, Rail Roads, or other Roads, in or over the ſame, or any Part thereof, or to take, lead away, or divert, any Rivulets, Brooks, Streams, or Watercourſes, or to do any other Act, Matter, or Thing whatſoever, within the ſaid Fee of *Trewyddva*, or to

enter or come into or upon any Lands or Grounds within the ſame, for any Purpoſe or upon any Account or Pretence whatſoever, other than and except for the Purpoſe of navigating any Boats, Barges, or other Veſſels, as all other Perſons are herein-after authorized to do, upon ſuch Part of the ſaid Canal as ſhall be within the ſaid Fee of *Trewyddva*, when the ſame ſhall be made as herein-after mentioned; and alſo that nothing herein-before contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors to aſk, demand, receive, or take any Tolls, Rates, or Duties whatſoever, for the Tonnage of any Coals, Stone, Timber, Merchandize, or other Goods, Matters, or Things, which ſhall be carried or conveyed upon any Part or Parts of the ſaid Canal within the ſaid Fee of *Trewyddva*, upon any Account or Pretence whatſoever in reſpect of ſuch Part or Parts of the ſaid Canal.

To enable the Duke of *Beaufort* to make the Canal through the Fee of *Trewyddva*.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, and he and they is and are hereby authorized and required, at his and their own proper Coſts and Charges, to make and complete, and for ever afterwards maintain, the ſaid intended Canal through the ſaid Fee of *Trewyddva*, from the ſaid Brook called *Nantvellin*, to the ſaid Brook called *Nantrydyvilaſt*, of the ſame Dimenſions, in Depth and Width, as the other Parts of the ſaid Canal, and with ſuch and the like Banks, Towing Paths, and other Conveniencies for the Navigation of Boats, Barges, and other Veſſels thereon, as ſhall be made by the ſaid Company of Proprietors for the Navigation of Boats, Barges, and other Veſſels, on the other Parts of the ſaid Canal, ſave and except only that the ſaid Duke of *Beaufort*, his Heirs or Aſſigns, ſhall not be obliged to make that Part of the ſaid Canal which will be cut through *Morriſton*, within the Fee of *Trewyddva*, being about One hundred and fifty Yards, more or leſs, in Length, more than Twelve Feet wide at the Bottom, nor the Towing Path to the ſame more than Eight Feet wide; and that the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall have, and he and they is and are hereby accordingly veſted with ſuch and the ſame Powers and Authorities for the making and maintaining of the ſaid Canal through the ſaid Fee of *Trewyddva*, and for the ſupplying of the ſame with Water, and for the doing of all Acts, Matters, and Things whatſoever, neceſſary or relating thereto, as the ſaid Company of Proprietors would have had, or could or might have exerciſed for thoſe Purpoſes, in caſe they had not been reſtrained by the Clauſe next herein-before contained, and that the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall make Compenſation for the Damages to be done by him or them to any other Perſon or Perſons, in or by Means of the Exerciſe of ſuch Powers and Authorities, in ſuch and the like Manner as the ſaid Company of Proprietors would have been obliged to do in caſe ſuch Damages had been done by them, and ſuch Compenſation ſhall be ſettled and aſcertained, (in caſe of any Difference or Diſpute about the ſame), in ſuch and the ſame Manner as the Compenſation for Damages to be done by the ſaid Company, is herein-before directed to be aſcertained.

The Arches or Culverts to be made at the joint Expence of the Duke and the Company.

XIII. And be it further enacted, That the Arches or Culverts to be made for conveying the ſaid Brooks called *Nantvellin* and *Nantrydyvirlas* under the ſaid Canal, ſhall be made and for ever afterwards maintained and kept in Repair at the equal Coſts and Charges of the ſaid Duke

of *Beaufort*, his Heirs and Aſſigns, and of the ſaid Company of Proprietors.

For limiting the Time for making the Canal.

XIV. Provided always, and be it enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to make and complete that Part of the ſaid Canal which lies between the Town of *Swanſea* and the South Boundary of the Fee of *Trewyddfa* aforeſaid, and alſo between the North Boundary of the ſaid Fee of *Trewyddfa* aforeſaid and *Clydach Iſſaf Brook*, in the Pariſh of *Llangefelach* aforeſaid, within the Space of Two Years from the Commencement of this Act; and that the Duke of *Beaufort*, his Heirs and Aſſigns, ſhall, and they are hereby required to make and complete that Part of the ſaid Canal which is hereby directed to be made by the ſaid Duke, his Heirs or Aſſigns, within the Space of Two Years from the Commencement of this Act; and that the ſaid Company of Proprietors ſhall, and they are hereby required to make and complete that Part of the ſaid Canal which lies between *Clydach Iſſaf Brook* aforeſaid, to *Hén Noyadd* aforeſaid, within the Space of Four Years from the Commencement of this Act, or within the Space of Two Years from the Time of the ſaid Duke, his Heirs or Aſſigns, having completed the ſaid Part of the ſaid Canal herein-before authorized and required to be made by the ſaid Duke, his Heirs or Aſſigns, as aforeſaid; and if either of the Parties before mentioned ſhall neglect or refuſe to make and complete the ſaid Canal within the Times ſo limited as aforeſaid, then and in ſuch Caſe the ſaid Party ſo neglecting or refuſing ſhall pay to the other the Sum of Five hundred Pounds *per Annum* until the ſame ſhall be made and completed, and ſo in Proportion for any leſs Time than a Year.

Impowering the Duke to take Tolls for navigating the Canal through the Fee of *Trewyddva*.

XV. And, in conſideration of the Charges and Expences which the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, will be at in the making and maintaining of the ſaid Canal through the ſaid Fee of *Trewyddva*, in the Manner aforeſaid, be it further enacted, That it ſhall be lawful for the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, from Time to Time, and at all Times hereafter, to aſk, demand, take, recover, and receive, to and for his and their own Uſe and Benefit, for the Tonnage of all Coal, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be navigated, carried, or conveyed, upon that Part of the ſaid Canal which is to be made by him the ſaid Duke of *Beaufort*, his Heirs and Aſſigns as aforeſaid, or any Part thereof, ſuch Rates, Tolls, and Duties as he and they ſhall from Time to Time think proper, ſo that the ſame do not exceed the Rates, Tolls, and Duties, herein authorized to be taken by the ſaid Company of Proprietors, for the Tonnage of the ſame Articles upon the other Parts of the ſaid Canal, and that the ſaid Rates, Tolls, and Duties, which ſhall from Time to Time be payable to the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall be paid to ſuch Perſon or Perſons, and at ſuch Place or Places, upon or near to the ſaid Canal, as he and they ſhall from Time to Time direct and appoint, and the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall have ſuch and the ſame Powers and Remedies for the recovering and obtaining of ſuch Rates, Tolls, and Duties, as are herein-before given to the ſaid Company of Proprietors, for recovering the Rates, Tolls, and Duties hereby authorized to be taken by them.

XVI. And

Allowing free Liberty to all Perſons navigating the ſaid Canal upon Payment of the ſaid Tolls.

XVI. And be it further enacted, That upon Payment of ſuch Rates, Tolls, and Duties, to the ſaid Duke of *Beaufort*, his Heirs or Aſſigns as aforeſaid, all Perſons ſhall have free Liberty, with Boats, Barges, and other Veſſels, to navigate, paſs upon, and uſe, that Part of the ſaid Canal which ſhall be made by him, his Heirs or Aſſigns, as aforeſaid, and alſo to uſe the Towing Paths belonging thereto, in ſuch and the ſame Manner as the other Parts of the ſaid Canal, and the Towing Paths belonging thereto; and that all Perſons navigating and uſing that Part of the ſaid Canal which ſhall be made by the ſaid Duke of *Beaufort*, his Heirs or Aſſigns, ſhall be ſubject and liable to the ſame Rules, Orders, and Regulations, with reſpect to the Navigation and uſing of the ſame, as they will be ſubject and liable to with reſpect to any other Parts of the ſaid Canal, ſo far as the ſame ſhall be applicable thereto; and that the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall have the Benefit and Advantage of all Clauſes, Matters, and Things, contained in this Act, which ſhall be applicable to that Part of the ſaid Canal to be made by him and them as aforeſaid, or which would have been applicable thereto in caſe the ſame had been made by the ſaid Company of Proprietors, as fully and effectually, to all Intents and Purpoſes, as the ſaid Company would in ſuch Caſe have had the Benefit and Advantage thereof; and that all Fines, Penalties, and Forfeitures, to be incurred for any Matter or Thing to be done to or upon that Part of the ſaid Canal to be made by the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, and which would have gone to the ſaid Company of Proprietors, in caſe they had made the Whole of the ſaid Canal, ſhall go and be paid to the ſaid Duke of *Beaufort*, his Heirs and Aſſigns; and the ſaid Duke of *Beaufort*, his Heirs and Aſſigns, ſhall in all other Reſpects, Matters, and Things, and to all other Intents and Purpoſes whatſoever, ſtand and be in the Place and Stead of the ſaid Company of Proprietors, ſo far as regards that Part of the ſaid Canal which ſhall be made by him the ſaid Duke, his Heirs and Aſſigns as aforeſaid.

For preſerving the Water of the *Tawey* for the Benefit of the Mills belonging to the Duke of *Beaufort* and others.

XVII. And whereas certain Mills, Forges, and other Works, belonging to his Grace the Duke of *Beaufort*, ſituate at *Lower Foreſt*, and alſo certain other Mills called *Upper Foreſt Mills*, belonging to *John Bennett Popkin* Eſquire, all of which are ſituate in the Pariſh of *Lanſamlet*, and now in the Occupation of *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, are ſupplied with Water from the River *Tawey*, and the Springs, Brooks, and Streams of Water, which fall into the ſaid River, and the ſaid Mills, Forges, and other Works, wholly depend upon the ſame for their Supply of Water; be it therefore further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors to divert, take, or lead, into the ſaid Canal hereby authorized to be made as aforeſaid, or into any Reſervoir to be made by them above the ſaid Mills, Forges, and other Works, any Water whatſoever from or out of the ſaid River *Tawey*, or any of the ſaid Springs, Brooks, or Streams of Water, which now run or fall into the ſame any where above the ſaid Mills, Forges, and other Works, at any Time or Times whatſoever, other than and except from the Hour of Six of the Clock on *Saturday* Nights, to the Hour of Six of the Clock on *Sunday* Nights, the Pools or Ponds belonging to the ſaid Mills, Forges, and other Works, being firſt filled with Water; and alſo other than and except at ſuch Times as the Water ſhall run over the

Waſte Weir now erected acroſs the ſaid River *Tawey*, at *Lower Foreſt*, belonging to the ſaid Mills, Forges, and other Works, which ſaid Weir, and alſo the Waſte Gate at the Mill, and the Fiſhery Flood Gate, ſhall at all Times be kept in good and ſufficient Repair by the reſpective Owners or Occupiers of the Mills, Forges, and other Works to which the ſame belong, ſo that no Waſte Water ſhall paſs by the Mill of the Fiſhery Flood Gate, ſave only when the Water flows over the ſaid Weir at *Lower Foreſt* aforeſaid; and in caſe any Diſpute ſhall ariſe as to the Sufficiency of the Repairs of ſuch Weirs, then and in ſuch Caſe the ſame ſhall be determined by the Commiſſioners herein-after appointed by this Act; and in caſe the ſaid Company of Proprietors, or any of their Agents, Workmen, or Servants, ſhall at any Time divert, take, or lead away, any Water from the ſaid River, Springs, Brooks, and Streams, or any of them, contrary to the true Intent and Meaning of this Act, the ſaid Company of Proprietors ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds to the Occupiers of the ſaid Mills, Forges, and other Works reſpectively, for the Time being; and if the ſaid Company of Proprietors, or any of their Agents, Workmen, or Servants, ſhall at any Time continue to take any Water from the ſaid River, Springs, Brooks, and Streams, or any of them, contrary to the true Intent and Meaning of this Act, for the Space of One Hour or more, the ſaid Company of Proprietors ſhall forfeit and pay to the Occupiers of the ſaid Mills, Forges, and other Works, for the Time being, the Sum of Ten Pounds for every Hour that any Water ſhall be ſo taken; and that all ſuch Forfeitures or Penalties ſhall and may be recovered in ſuch and the ſame Manner as is herein-after directed and provided for with reſpect to the Recovery of the Annual Rents which ſhall or may be payable by the ſaid Company as a Compenſation for any Lands or Grounds to be taken by them for the Purpoſes of this Act.

To oblige the Proprietors to make a Waſte Weir or Weirs at *Ynys Tawey*.

XVIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, make and erect, and for ever afterwards maintain and keep in good Repair, One or more Waſte Weir or Weirs on the Side of the ſaid Canal, at or near a Farm called *Ynys Tawey*, for the Purpoſe of diſcharging all ſuperfluous Water therefrom, and ſhall conduct and convey all the Water which ſhall be diſcharged from the ſaid Canal at ſuch Weir or Weirs, or at any other Weir or Weirs which the ſaid Company may think proper to make above the ſame, into the River *Tawey*, at ſome Place above the Weir at *Upper Foreſt*, acroſs the ſaid River, belonging to the Mills, Forges, and other Works, now in the Occupation of the ſaid *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, ſo that the ſaid Occupiers may have the Benefit of ſuch Waſte Water; and that no other Waſte Weir ſhall be erected on the Side of the ſaid Canal, nor any ſuperfluous Water be diſcharged from the ſaid Canal by any Means whatever, (ſave only ſuch additional Water as ſhall be introduced into the ſaid intended Canal by any Fire or other Engines, and Pits, hereafter to be erected or made on the Side of the ſaid intended Canal, the ſame to be aſcertained by a Gauge), anywhere between the Weir or Weirs to be erected at or above *Ynys Tawey* aforeſaid, and the Firſt Lock which ſhall be erected on the ſaid Canal below the ſame, and which Lock is intended to be made oppoſite to a Place called *The White Rock*; and that ſuch Firſt Lock below, as well as the ſaid Weir or Weirs ſo to be made and erected at or

near or above *Ynys Tawey* as aforesaid, shall respectively at all Times be kept in good and substantial Repair and Condition by the said Company of Proprietors; and that if such Lock, and the said Weir or Weirs, or any of them, shall at any Time be out of Repair, or be insufficient for the Purpose of securing such Waste Water as aforesaid to the Occupiers of the aforesaid Mills, Forges, and other Works, according to the true Intent and Meaning of this Act, and the said Company of Proprietors shall not cause the same to be amended and put into good and substantial Repair and Condition, or to be made sufficient for the Purposes aforesaid, within the Space of Six Days next after Notice in Writing shall be given to them, or any of their Agents, for that Purpose, by the Occupier or Occupiers for the Time being of any of the said Mills, Forges, or other Works, then and in such Case, and when and as often as the same shall happen, it shall be lawful for such Occupier or Occupiers for the Time being to cause such Lock and Weir or Weirs respectively, to be forthwith amended and put into good and substantial Repair and Condition, or to be made sufficient for the Purpose aforesaid, and that all the Costs, Charges, and Expences, attending the same shall be paid and defrayed by the said Company of Proprietors on Demand; and if any Dispute shall arise respecting the Repairs of such Lock, or of such Weir or Weirs as aforesaid, or the Alteration thereof, so as to make the same sufficient for the Purpose aforesaid, or respecting the Amount of such Costs, Charges, and Expences, or the Payment thereof, the same shall be adjusted and settled by the Commissioners herein-after appointed.

For preserving the Waters in Fee of *Trewyddva* for the Use of the Works.

XIX. Provided always, and be it further enacted, That the said Duke of *Beaufort*, his Heirs and Assigns, in making the said Canal through the said Fee of *Trewyddva*, shall not lead or take any Water into or for the Use of the said Canal, from or out of any Rivulets, Brooks, Streams, Springs, or Watercourses, that are or may be found within the said Fee of *Trewyddva*, but that in all Cases where the said Canal shall be carried across any such Rivulets, Brooks, Streams, Springs, or Watercourses, the said Duke of *Beaufort*, his Heirs and Assigns, shall make and maintain, and keep in good Repair, proper and sufficient Culverts under the said Canal, so that the same may be preserved for the Use of *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, their Heirs and Assigns, during the Time of their Lease under the said Duke of *Beaufort*.

For preserving the Fishery of the River *Tawey*.

XX. And whereas the sole Right of Fishing in the River *Tawey*, from *Upper Forest* Mills to the Sea, is held by *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton* Esquires, by Lease from the Duke of *Beaufort* for a long Term of Years yet to come and unexpired: And whereas it is apprehended that the said Fishery may be damaged by the several Works to be erected and made by virtue of this Act, and by the Restrictions herein-before contained; be it further enacted, That the said Company of Proprietors and their Successors shall, if required so to do by the said *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, their Heirs, Administrators, and Assigns, pay such Annual Rent for such Fishery, and become Tenants thereof to the said *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, and their Heirs, Administrators, and Assigns, as

as ſhall from Time to Time be ſettled by Two indifferent Perſons, One to be choſen by each Party; and if they differ, then and in ſuch Caſe the ſaid Two Perſons ſo choſen as aforeſaid ſhall chooſe a Third, whoſe Determination ſhall be final.

To enable Mr. *Gough* and others to make Collateral Cuts at certain Places herein mentioned.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the Reverend *James Gough Aubrey* Clerk, his Heirs or Aſſigns, or the Perſon or Perſons entitled to the Freehold and Inheritance of and in the Premiſes for the Time being, or to or for the Rentors, Leſſees, or Occupiers of the *Ynyſkedwyn* Furnace for the Time being, with the Conſent of the ſaid *James Gough Aubrey*, his Heirs or Aſſigns, or the Perſon or Perſons entitled to the Freehold and Inheritance of the Premiſes for the Time being as aforeſaid, at their or any of their Coſts and Charges, and without any Hindrance, Moleſtation, or Oppoſition of the ſaid Company of Proprietors, their Succeſſors or Aſſigns, to make a Collateral Navigable Cut, Canal, or Branch, upon any Part of the Lands or Grounds now or late belonging to the Reverend *James Gough Aubrey* Clerk, ſituate on the North Side of the River *Tawey*, and on the South Side of the *Swanſea* Canal, and extending towards the Eaſt to *Yſtradgunlais* Bridge, and towards the Weſt to the River *Twrch*, in the County of *Brecon*, and to join and communicate ſuch Collateral Cut, Canal, or Branch, or any Part thereof, to and with the ſaid *Swanſea* Canal, at ſome convenient Place or Places between *Yſtradgunlais* Bridge and the River *Tawey*, or oppoſite to any Place or Places between the Numbers Fifty and Fifty-five, marked in the Map or Plan herein directed to be certified by the Right Honourable the Speaker of the Houſe of Commons, and alſo to lock into and out of, and to navigate and trade upon the ſaid *Swanſea* Canal.

For making a Weir to carry off Waſte Water near the River *Twrch*.

XXII. And be it further enacted, That a Waſte Weir to carry off the overflowing or ſurplus Water of the *Swanſea* Canal, at or near the Watercourſe leading from the River *Twrch* to *Ynyſkedwyn* Furnace, ſhall be made and conſtructed, and at all Times kept in good and ſufficient Repair, by and at the Expence of the Company of Proprietors, their Succeſſors and Aſſigns, ſo that the Water falling over and from the ſaid Weir ſhall paſs and flow into and along the ſaid Watercourſe to the *Yneſkedwyn* Furnace.

For making Arches and Tunnels near *Pengorove* Mines.

XXIII. And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, and they are hereby directed, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Culverts, Drains, Sewers, or other Paſſages under the ſaid Canal, and the Towing Paths thereof, at or near *Pengorove*, between the Places marked in the ſaid Map or Plan, Numbers Fifty-four and Fifty-five, in the Pariſh of *Yſtradgunlais*, in the County of *Brecon*, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water which may ariſe or be collected for the working of the *Pengorove* Mines, and diſcharging ſuch Water into the River *Tawey*.

For making Levels under the Canal for preſerving Mr. *Gough*'s Property.

XXIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to hinder or prevent the Reverend *James Gough Aubrey* Clerk, his Heirs or Aſſigns, or

or the Perſon or Perſons entitled to the Premiſes for the Time being, or for the Rentors, Leſſees, or Owners of the *Yneſkedwyn* Furnace for the Time being, from making or driving Cuts or Levels under the ſaid Canal, when the ſame ſhall paſs on any Part or Parts of the Lands and Grounds now or late belonging to the ſaid *James Gough Aubrey*, in the Pariſh of *Yſtradgunlais*, in the County of *Brecon*, the ſaid *James Gough Aubrey*, his Heirs or Aſſigns, or the Perſon or Perſons entitled to the Premiſes for the Time being, or the Rentors, Leſſees, or Owners, of the *Yneſkedwyn* Furnace for the Time being, doing no Injury or Damage to the ſaid Canal, or any of the Works belonging to the ſame, or in anyways obſtructing the Navigation thereof.

For making a Waſte Weir or Weirs at *Ynis Penllwch*.

XXV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, make and erect, and for ever afterwards maintain and keep in good Repair, One or more Waſte Weir or Weirs on the Side of the ſaid Canal at or near a Place called *Ynis Penllwch*, for the Purpoſe of diſcharging all ſuperfluous Water therefrom, and ſhall conduct and convey all the Water which ſhall be diſcharged from the ſaid Canal at ſuch Weir or Weirs, or at any other Weir or Weirs which the ſaid Company may think proper to make above the ſame, into the Cut or Reſervoir belonging to *Ynis Penllwch* Tin Works, at ſome Place above the Weir at *Ynis Penllwch*, oppoſite *Yniſymon*, acroſs the ſaid River, belonging to the Mills in the Occupation of the Executors of the late *John Miers* Eſquire deceaſed, ſo that the ſaid Occupiers may have the Benefit of ſuch Waſte Water, and that no other Waſte Weir ſhall be erected on the Side of the ſaid Canal, nor any ſuperfluous Water be diſcharged from the ſaid Canal by any Means whatever, any where between the Weir or Weirs ſo to be erected at or above *Ynis Penllwch* aforeſaid, and the Firſt Lock which ſhall be erected on the ſaid Canal below the ſame, and which Lock is intended to be made at or near *Clydoch*, and that ſuch Lock below, as well as the ſaid Weir or Weirs ſo to be made and erected at, near, or above *Ynis Penllwch* as aforeſaid, ſhall reſpectively at all Times be kept in good and ſubſtantial Repair and Condition by the ſaid Company of Proprietors; and that if ſuch Lock, and the ſaid Weir or Weirs, or any of them, ſhall at any Time be out of Repair, or be inſufficient for the Purpoſe of ſecuring ſuch Waſte Water as aforeſaid to the Occupiers of the aforeſaid Mills and other Works, according to the true Intent and Meaning of this Act, and the ſaid Company of Proprietors ſhall not cauſe the ſame to be amended and put into good and ſubſtantial Repair and Condition, or to be made ſufficient for the Purpoſe aforeſaid, within the Space of Six Days next after Notice in Writing ſhall be given to them or any of their Agents for that Purpoſe by the Occupier or Occupiers for the Time being of any of the ſaid Mills or other Works, then, and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, it ſhall be lawful for ſuch Occupier or Occupiers for the Time being to cauſe ſuch Lock, and Weir or Weirs reſpectively, to be forthwith amended and put into good and ſubſtantial Repair and Condition, or to be made ſufficient for the Purpoſe aforeſaid, and that all the Coſts, Charges, and Expences, attending the ſame, ſhall be paid and defrayed by the ſaid Company of Proprietors on Demand; and if any Diſpute ſhall ariſe reſpecting the Repairs of ſuch Lock, or of ſuch Weir or Weirs aforeſaid, or the Alteration thereof, ſo as to make the ſame ſufficient for the Purpoſe aforeſaid, or reſpecting the Amount

Amount of such Costs, Charges, and Expences, or the Payment thereof, the same shall be adjusted and settled by the Commissioners herein appointed.

For making a Weir across *Clydach* Brook.

XXVI. And whereas the Water of the Brook *Clydach Issaf*, which may not be wanted to be used for *Clydach* Grist Mill, may be of great Service as a Feeder to the intended Canal, be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby empowered to erect and make a Weir across the said Brook *Clydach*, at some Place to be fixed upon by *Richard Parsons*, higher up the Stream than *Clydach* Grist Mill, and in the said Weir to make a Waste for the Water (that would otherwise run to waste) to run and be conveyed to the intended Canal, when the said Brook or Stream of Water flows over the said *Clydach* Mill Weir.

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

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

Not to deviate without Consent.

XXVIII. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, without the Approbation and Consent in Writing signed by the Person or Persons to whom any Lands, Grounds, or Hereditaments do or shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the

ſaid Canal, in caſe all the Perſons to whom the Lands, Grounds, or Hereditaments to be cut through or made uſe of for the Purpoſes of ſuch Deviation ſhall belong, ſhall conſent thereto.

For varying the Line of the Canal.

XXIX. And whereas a Map or Plan, deſcribing ſuch Part of the Line of the ſaid Canal as lies within the Pariſhes of *Langefelach*, *Saint John* near *Swanſea*, and *Saint Mary* in *Swanſea* otherwiſe *Swanſea*, hath been already made and ſigned by *Edmund Eſtcourt* Solicitor for the Owners of the Lands within the ſaid Pariſhes, and alſo by *Rhys Davies* Solicitor for the Subſcribers to the ſaid Undertaking: Be it therefore further enacted, That the Map or Plan ſo ſigned as aforeſaid, or a Duplicate thereof ſigned in like Manner, ſhall, before the ſaid Company of Proprietors, or any other Perſon or Perſons, ſhall begin to make the ſaid Canal within the ſaid Pariſhes of *Langefelach*, *Saint John* near *Swanſea*, and *Saint Mary* in *Swanſea* otherwiſe *Swanſea*, or any of them, be depoſited with the Clerk of the Peace for the County of *Glamorgan*, and the ſame ſhall be kept by him, and ſhall be deemed Part of the publick Records of the ſaid County; and that the ſaid Canal from a Place called *Ynis Tawey Cottage*, through the ſaid Pariſhes of *Langefelach*, *Saint John*, near *Swanſea*, and *Saint Mary* in *Swanſea* otherwiſe *Swanſea*, ſhall be made and carried in the Line deſcribed in the ſaid Map or Plan ſo ſigned as aforeſaid, and in no other Line or Courſe whatſoever, and that no Deviation ſhall be made therefrom, unleſs the Owner or Owners of the Lands wherein ſuch Deviation ſhall be made ſhall conſent thereto; any Thing contained in this Act to the contrary hereof notwithſtanding.

For making Roads in Lieu of thoſe injured.

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

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

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

XXXII. And

XXXII. And be it further enacted, That the Lands or Grounds to be taken or uſed for the making of the ſaid Canal, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Twenty-ſix Yards in Breadth, except in ſuch Places where any Docks, Baſons, or Pens of Water ſhall be made, or where the ſaid Canal, or any Part thereof, ſhall be raiſed higher or cut more than Six Feet below the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels to turn, lie, or paſs each other, or where any Warehouſes, Cranes, or Weighbeams, may be erected, or where any Wharfs or other Places may be ſet out or appropriated for the Reception or Delivery of any Coals, Lime, Limeſtone, Minerals, Timber, or other Goods, Wares and Merchandize, which ſhall be conveyed on the ſaid Navigation, and not above Sixty Yards in Breadth in any Place, without the Conſent of the Owners of the Lands or Hereditaments adjoining to the ſaid Canal. Breadth of Canal and Towing Paths.

XXXIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid Canal, or any Part or Parts thereof, and for providing and conſtructing the Wharfs and other Works and Conveniencies herein-before mentioned, or any of them, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and for every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Company of Proprietors; and if it ſhall happen that by making the ſaid Canal, or by the Conveyance of Water thereto, or by making or conſtructing of any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, or Collegiate, and all ſuch other Perſon and Perſons ſo entitled or intereſted as aforeſaid, by and with the Conſent of the Commiſſioners hereby appointed, or any Five or more of them, to be teſtified by Writing under their Hands and Seals, although they may not be aſſembled at any Meeting of the ſaid Commiſſioners to be held by virtue of this Act, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land ſo ſeparated, to any Perſon or Perſons whomſoever, for ſuch Price or Conſideration in Money, or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for Bodies Politick empowered to ſell and convey Lands. Lands ſeparated into ſmall Parcels may be exchanged or ſold.

what they shall respectively do in relation to any such Sale or Exchange which he, she, they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form; *videlicet*,

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

Form of Conveyance to the Company.

'I *A. B.* of in Consideration of the Sum of to me paid, [*or*, in Consideration of the Annual Rent of to me to be hereafter yielded and paid, by Yearly or Half-yearly Payments, *as may be agreed upon*], by the Company of Proprietors of the *Swansea* Canal, do hereby grant and release to the said Company, all, [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said Company and their Successors for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament passed for making and maintaining the said *Swansea* Canal. In Witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

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

Form of Conveyance between Land Owners.

'I *A. B.* of do hereby, by virtue and in pursuance of a certain Act of Parliament, intituled, *An Act for making and maintaining a Navigable Canal from the Town of* Swansea, *in the County of* Glamorgan, *into the Parish of* Yltradgunlais, *in the County of* Brecon, and by and with the Consent and Approbation of or more of the Commissioners appointed under or by virtue of the said Act, testified by their Signature hereof, and in Consideration of the Sum of to me in Hand paid by *C. D.* of at or before the Sealing and Delivery of these Presents, the Receipt whereof I do hereby acknowledge, [*or*, in Exchange for certain Lands situate conveyed to me by the said *C. D.* by Writing under his Hand and Seal, bearing even Date herewith], grant and release to the said *C. D.* all, [*describe the Premises*], to hold to the said *C. D.* his Heirs and Assigns, for ever: As witness my Hand and Seal, this Day of

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

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

Satisfaction to be made.

If Parties cannot agree, Price to be ſettled by Commiſſioners or a Jury.

Yearly Rents charged on the Rates.

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

Commissioners, and their Qualification.

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

Commissioners not to act where interested, and to take an Oath.

Oath of Commissioners.

'I *A. B.* do swear, That I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act of Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the Town of* Swansea, *in the County of* Glamorgan, *into the Parish of* Ystradgunlais, *in the County of* Brecon; and that I am qualified to act as a Commissioner, according to the Directions of the said Act.'

Penalty on Commissioners acting, not being qualified.

And if any Person shall act as a Commissioner in the Execution of this Act, not being qualified as herein-before mentioned, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of

Suit, by Action at Law in any of His Majeſty's Courts of Record; and ſuch Perſon ſo ſued ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners may act as Juſtices of the Peace;

but not while they hold any Place of Profit under the ſaid Act.

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

First Meeting of the Commiſſioners.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company of Proprietors (to be held as herein-after appointed) by publick Advertiſement as herein-after mentioned; and the ſaid Commiſſioners ſhall, and they are hereby required, at ſuch their Firſt Meeting, to appoint, out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One or more of them as the ſaid Commiſſioners ſhall think proper to be their Clerk or Clerks; and the ſaid Commiſſioners ſhall have Power from Time to Time, at any of their ſubſequent Meetings, to remove any ſuch Clerk or Clerks, and appoint another or others in his or their Stead, out of Three Perſons to be nominated by the ſaid Company of Proprietors; and every ſuch Clerk or Clerks ſhall be paid for his or their Care and Trouble in the Execution of his or their Office by the ſaid Company of Proprietors; and all the Orders and Proceedings of the ſaid Commiſſioners, as well at their Firſt as at every ſubſequent Meeting, ſhall be regularly entered by their Clerk or Clerks, in a Book to be kept for that Purpoſe, and to be provided from Time to Time by the ſaid Company of Proprietors; and ſuch Entries, being ſigned by ſuch Number of Commiſſioners reſpectively as are empowered by this Act to make ſuch Orders or carry on ſuch Proceedings, or by their Clerk or Clerks by the Orders and Directions of ſuch Number of Commiſſioners as aforeſaid, who ſhall be aſſembled at any ſuch Meeting or Meetings, ſhall be deemed Originals, and ſhall be admitted as Evidence in all Courts of Law or Equity; but no ſuch Firſt or other Meeting whatſoever of the ſaid Commiſſioners, except ſuch Adjourned Meetings as herein-after mentioned, ſhall at any Time be had for putting into Execution any of the Powers or Authorities veſted in the ſaid Commiſſioners by this Act, unleſs Twenty-one Days previous Notice at leaſt of every ſuch intended Meeting ſhall be given in ſome Newſpaper uſually circulating in the County in which ſuch Meeting ſhall be propoſed to be held; and every Meeting of the ſaid Commiſſioners by virtue of this Act

Proceedings of the Commiſſioners to be entered.

ſhall

ſhall be held publickly; and no Order, Direction, or Determination of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid and effectual unleſs the ſame ſhall be made or done at ſome Meeting to be held in purſuance of this Act; and all the Powers and Authorities by this Act given to or veſted in the ſaid Commiſſioners (except ſuch as may be executed without their being aſſembled at any Meeting or Meetings) ſhall 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 Seven.

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

XXXVIII. And be it further enacted, That upon any Application to be made in Writing, by or on the Behalf of the ſaid Company of Proprietors, or by any Owner or Occupier of any Lands or Hereditaments to be affected by the making of the ſaid Canal, or any of the Works relating thereto, or upon any ſuch Application by or on the Behalf of any Body Politick, Corporate or Collegiate, or Perſon or Perſons intereſted in any Matter to be determined by the ſaid Commiſſioners, to any Five or more of the ſaid Commiſſioners, (although they ſhall not then be aſſembled together at a Meeting for the Purpoſes of this Act), requeſting or deſiring them to appoint a Special Meeting of the ſaid Commiſſioners, it ſhall be lawful for the ſaid Commiſſioners ſo requeſted or applied to, and they are hereby authorized and required within Fourteen Days next after ſuch Requeſt or Application made, to give publick Notice, in Manner aforeſaid, of ſuch Meeting, to be held at ſuch Time and Place as they ſhall think proper, ſuch Time not being leſs than Eight nor more than Fourteen Days from the Day on which ſuch Requeſt or Application ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized, empowered, and required, notwithſtanding any previous or intervening Adjournment of their Meetings, to aſſemble at the Time and Place ſo to be appointed, in order to put into Execution the Powers and Authorities hereby given to and veſted in them, reſpecting any Matter for which ſuch Special Meeting ſhall be required; and in caſe the Buſineſs to be tranſacted at any General or Special Meeting of the ſaid Commiſſioners, to be held in purſuance of this Act, ſhall not be concluded and finiſhed on or within the Day appointed for ſuch Meeting, or if a ſufficient Number of Commiſſioners ſhall not attend for that Purpoſe, then and in ſuch Caſe any One or more of the Commiſſioners who may be then preſent ſhall adjourn ſuch Meeting to ſuch Time and Place, or Times and Places as ſuch One Commiſſioner, or the major Part of ſuch Commiſſioners, if there be more than One preſent at any ſuch Meeting or Meetings, ſhall think proper and convenient, but no ſuch Adjournment ſhall be made for a longer Time than Two Calendar Months; and if it ſhall happen that there ſhall not appear at any Meeting to be held under the Powers of this Act any Commiſſioner or Commiſſioners to adjourn, or if they ſhall omit to make an Adjournment, then, and in ſuch Caſe, and as often as the ſame ſhall ſo happen, any Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in Manner aforeſaid, appoint the Commiſſioners to meet at the Houſe or Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, within Twenty-one Days next after the Day on which ſuch former

former Meeting was to have been held; or any Five or more of the ſaid Commiſſioners may at any Time or Times revive or continue the Meetings of the ſaid Commiſſioners, by calling another Meeting, to be held at ſuch Time or Times as any ſuch Five Commiſſioners ſhall appoint, and at any Place or Places within Two Miles of the ſaid Canal, publick Notice being given in Manner aforeſaid by the ſaid Commiſſioners of all ſuch Revivals and Continuations of the ſaid Meetings: Provided always, that every Special Meeting of the Commiſſioners, to be held upon ſuch Requeſt or Application as aforeſaid for hearing or determining any particular Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at ſome Place within Two Miles of the Place where ſuch Complaint or Diſpute ſhall ariſe.

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

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

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

XL. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or their General Committee for the Time being, or any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof in Writing to any Five or more of the ſaid Commiſſioners, within Twenty-one Days next after the ſame ſhall have been made, or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners; or if any ſuch Body Politick, Corporate, or

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

Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid; or ſhall, upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating, or through Diſability by Non-age, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement or Agreements as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not within the before-mentioned Space of Twenty-one Days produce and fully diſcloſe the State of the Title to the Premiſes which they are or ſhall be in Poſſeſſion of, and to the Intereſt which they claim therein; then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall, and are hereby empowered and required to iſſue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Queſtion ſhall ariſe; and in caſe any ſuch Sheriff, or his Under Sheriff, ſhall be One of the Company of Proprietors, or enjoy any Office of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to any One of the Coroners of ſuch County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of ſuch County ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County then in being, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon, to impannel, ſummon, and return, a Jury, and the ſaid Sheriff, Coroner, or other Perſon, 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 the Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Eight, nor more than Fourteen Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered and required, by a Summons or Notice to be ſigned by any Three or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion, and to hear and examine ſuch Witneſs or Witneſſes upon Oath;

and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Queſtion; which Jury, upon their Oaths, (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall inquire of, aſſeſs, and aſcertain, the Sum of Money or Annual Rent to be paid for the Purchaſe of ſuch Lands or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, 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 againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary notwithſtanding.

Fine upon Sheriffs, &c. making Default.

XLI. And be it further enacted, That if the Sheriff, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him the Overplus, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted; and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to be injured by the Default of ſuch Perſon.

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

XLII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments or Property, than

than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company of Proprietors, or where, by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from, the ſaid Company of Proprietors as herein-before mentioned, then, and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed; or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from, the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act or otherwiſe, legally capacitated to treat and convey or receive ſuch Compenſations as aforeſaid; then and in all ſuch Caſes, (except where, by Reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid), the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

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

XLIV. And

XLIV. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Treaſurer or Clerk, or to their known Agent or Agents, or to ſome Collector or Collectors of the Rates ariſing from the ſaid Navigation, reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, Fourteen Days at the leaſt before ſuch Complaint ſhall be made to the ſaid Commiſſioners, within the Space of Three Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

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

XLV. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both Great and Small, of the Lands which ſhall or may be taken or made uſe of by the ſaid Company, for the Purpoſes, and in purſuance of the Powers of this Act, to the reſpective Perſons entitled, or who would have been entitled to ſuch Tythes, in caſe ſuch Lands had not been ſo taken or made uſe of, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and eighty-nine, ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tythes belonging to Spiritual Perſons, ſhall be made to ſuch Perſons by an Annual Rent.

What Satisfaction to be made for Tythes.

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

Verdict of Value of Lands and Damages to be ſettled ſeparately.

XLVII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve, for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Waters, Mills, Tythes, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively,

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

reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed, or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, then upon the Inveſtment thereof in ſuch Publick Funds or Government Securities, bearing an Annual Intereſt, as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint, in caſe the ſame ſhall exceed the Sum of One hundred Pounds; and if the ſame ſhall not exceed the ſaid Sum, then on leaving or depoſiting the Money in the Hands of the Treaſurer to the ſaid Company of Proprietors, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid; and in all or any of the ſaid Caſes, as often as the ſame ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively, (or, before ſuch Payment or Tender, by Leave of the Owners and Occupiers thereof), and then and thereupon ſuch Lands and Grounds, Waters, Mills, and other Hereditaments, together with the Yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt, of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Company of Proprietors, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, Inveſtment, or Depoſit, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand, of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheleſs, that before ſuch Payment, Security, Tender, Inveſtment, or Depoſit as aforeſaid, it ſhall not be lawful for the ſaid Company of Proprietors, or any Perſon acting under their Authority, to dig or cut the Lands or Grounds of the Perſon or Perſons entitled to ſuch Payment or Security, for the Purpoſe of making the ſaid Canal, without the Leave and Conſent of ſuch Perſon or Perſons reſpectively.

Verdicts to be recorded.

XLVIII. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Judgements and Verdicts ſhall be tranſmitted to, and be kept by the reſpective Clerks of the Peace, or other Perſons having the Cuſtody of the Records of the Quarter Seſſions for the ſaid Counties of *Glamorgan* and *Brecon* reſpectively, wherein the Matter in Queſtion ſhall happen, and ſhall be deemed to be Records of ſuch Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

Purchaſe Money belonging to Corporations, &c. to be laid out to the ſame Uſes.

XLIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe

Lands or Eſtates are limited in Strict or other Settlement, for the Purchaſe or Exchange of, or the Damage to be done to any Lands or Hereditaments by virtue of the Powers herein contained, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be laid out as ſoon as conveniently may be by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, and Hereditaments, either in Fee Simple or ſuch other Tenure as the Owner or Owners of the Premiſes which may have been appropriated or made uſe of for the Purpoſes of this Act, had therein at the Time the ſame ſhall be ſo appropriated or made uſe of, and which ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements, or Hereditaments, for or in reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time when ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; and that ſuch Conveyances and Settlements ſhall be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or Real Securities, producing an Annual Intereſt, in the Names of Two or more Perſons, to be nominated by the Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from any ſuch Funds and Securities, and alſo the Annual Rent for ſuch Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled, for the Time being, to the Rents and Profits of ſuch Lands and other Premiſes ſo to be purchaſed, in caſe the ſame had been purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act; and the ſaid Commiſſioners ſhall, and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Money or Compenſation for Damages which ſhall be ſo agreed for, determined, and adjuſted, or aſſeſſed in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant, Tythe Owner, or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſt therein.

Commiſſioners to ſettle the Proportion of the Money to be paid to the ſeveral Perſons intereſted.

L. 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 they ſhall think proper, a competent Sum of Money for making and completing the ſaid Canal, and the Reſervoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniencies belonging or requiſite thereto, not exceeding in the Whole the Sum of Sixty thouſand Pounds, (except as herein-after mentioned), and that the ſame ſhall be divided into Shares of One hundred Pounds each; and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor

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

Proprietor of leſs than One Share, or of more than Twenty Shares, either in his own Name, or in the Name or Names of any other Perſon or Perſons in Truſt for him or her, (unleſs the ſame ſhall come to him or her by Will, Bequeſt, Deſcent, Right of Adminiſtration, or Marriage), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Twenty Shares; and that the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo raiſing and contributing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute; and all Bodies Politick, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or ſuch Sum or Sums as ſhall be demanded in Lieu thereof, towards carrying on and completing the ſaid Navigation, and other the Purpoſes of the ſaid Subſcription, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and net Diſtribution of an equal proportionable Part, according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received, by the ſaid Company of Proprietors by the Authority of this Act; and every Body Politick, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame, in Manner herein directed and appointed.

Shares to be Perſonal Eſtate.

LI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politick, Corporate, and Collegiate, and all other Perſon and Perſons, of and in the ſaid Navigation, or the Joint Stock or Fund of the ſaid Company of Proprietors, ſhall be deemed Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property.

Proprietors to receive Five Pounds *per Centum*, until Canal be finiſhed.

LII. 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 Canal, and all Things neceſſary for making, completing, and maintaining the ſame, ſhall be carried on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick, Corporate, or Collegiate, and to the ſeveral other Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in any Sum or Sums of Money towards carrying on and completing the ſaid Navigation, Intereſt for the Money ſo ſubſcribed and paid, after the Rate of Five Pounds *per Centum per Annum*, from the Time that each of ſuch Sums ſhall be reſpectively advanced and paid in purſuance of this Act, unleſs the Majority of the ſaid Company of Proprietors, preſent at any General Aſſembly of the ſame Proprietors, 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 Sum or Sums of Money.

Subſcribers to have a Vote for every one hundred Pounds.

LIII. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Perſon who ſhall, by virtue of this Act, have

have ſubſcribed or undertaken for One Share in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall have a Vote for every ſuch Share, but not exceeding Twenty Votes in the Whole, although poſſeſſed of more than Twenty Shares, in the ſtated and Special General Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her, Proxies or Proxy, conſtituted under the Seal of ſuch Body Politick, Corporate, or Collegiate, or the Hand and Seal of ſuch other Perſon, every ſuch Proxy being a Proprietor in the ſaid Undertaking, and every ſuch Vote by Proxy ſhall be as good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any ſtated or Special General Aſſembly of the ſaid Company of Proprietors, ſhall be determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share: Provided nevertheleſs, that no Perſon ſhall vote for more than Twenty Shares as aforeſaid, or ſhall act as Proxy for more than Five abſent Proprietors, ſuch Votes by Proxy or Proxies in the Whole not to exceed Twenty Votes or Shares; the Appointment of which Proxies may be made according to the Form following:

Form of Appointment of Proxies.

'I *A. B.* of One of the Proprietors of the *Swanſea* Canal Navigation, do hereby nominate, conſtitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Abſence to vote or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation, that ſhall be mentioned or propoſed at any Aſſembly of the Company of Proprietors of the ſaid Navigation, in ſuch Manner as he the ſaid *C. D.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation, or any Thing appertaining thereto. In Witneſs whereof, I have hereunto ſet my Hand and Seal, the Day of

And at every General Aſſembly of the Company of Proprietors, One of the Proprietors preſent ſhall be appointed Chairman, and ſhall not only vote as a Proprietor or Proxy, but in caſe of an Equality of Votes, ſhall have the deciſive or caſting Vote.

Proprietors may raiſe an additional Sum amongſt themſelves if neceſſary.

LIV. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining, of the ſaid Canal, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe, by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding the Sum of Thirty thouſand Pounds; and every Body Politick, Corporate, or Collegiate, or other Perſon, being a Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and ſhall have a like Vote by themſelves, himſelf, or herſelf, or their, his, or her, Proxies

or Proxy, in respect of every One hundred Pounds of the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Navigation, in Proportion to the Sum they, he, or she, shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum, hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Sixty thousand Pounds.

Power to raise Money by Mortgage.

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

'BY virtue of an Act of Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the Town of* Swansea, *in the County of* Glamorgan, *into the Parish of* Ystradgunlais, *in the County of* Brecon, We, the Company of Proprietors of the said Navigation, incorporated by and under the said Act, in Consideration of the Sum of to us in Hand paid by *A. B.* of do hereby bargain, sell, and assign, unto the said *A. B.* his Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest, of, in, and to the same, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this Day of

And all Persons to whom such Assignment shall be made shall be equally entitled, One with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall, within Thirty Days from the Date

Date of every such Assignment, be entered in One or more Book or Books, to be kept by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused, at all seasonable Times, by any of the Proprietors or Creditors of the said Navigation, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may, from Time to Time, transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form, or to the Effect following:

'I *A. B.* of in
'Consideration of the Sum of
'paid by *C. D.* of do
'hereby transfer a certain Mortgage made by the Company of Proprie-
'tors of the *Swansea* Canal to
'bearing Date the Day of
'for securing the Sum of and all Interest
'now due and to become due thereon, and all my Right and Property
'therein, to the said *C. D.* Executors, Administrators,
'and Assigns. Dated this Day of

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of One Shilling; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge, the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any Yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in Preference to Dividends.

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

Assignees not to vote on Account of having lent Money.

LVII. 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 *Mackworth Arms* Inn, in the Town of *Swansea*, upon the First Day of *July* in the Year of our Lord One thousand seven hundred and ninety-four, at the Hour of Twelve in the Forenoon; and all future General Assemblies of the said Company, except such Special General Assemblies as herein-after mentioned, shall be held on the First *Tuesday* in the Month of *July*, in every Year, at the Hour of Twelve in the Forenoon,

First and other General Assemblies.

noon, at ſuch Place or Places as the ſaid Company of Proprietors, at their preceding General Aſſemblies, ſhall from Time to Time direct and appoint; of which General Aſſemblies, Fifteen Days previous Notice at the leaſt ſhall be given, by publick Advertiſement in ſome Newſpaper uſually circulated in the Country through which the ſaid Canal ſhall paſs, or in ſuch other Manner as the ſaid Company of Proprietors, at their reſpective General Aſſemblies, ſhall direct; and the ſaid Company of Proprietors, at ſuch reſpective General Aſſemblies, ſhall chooſe and elect, out of ſuch of the ſaid Proprietors as at the Time of ſuch Election ſhall reſpectively be poſſeſſed in their own Right of Stock to the Amount of Five Shares at the leaſt in the ſaid Navigation, a Committee to manage the Affairs of the ſaid Company of Proprietors as herein directed, the ſaid Committee to conſiſt of Fifteen or more Perſons; and the ſaid Company of Proprietors ſhall have Power and Authority, at any ſuch General Aſſembly, to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of ſuch Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions which may have been preſcribed and laid down by virtue of this Act, with regard to their Proceedings amongſt themſelves, as they ſhall think proper, (the Method of calling General or Special Aſſemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted), and ſhall have Power to make ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company and the ſaid Committee, and their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the ſaid Navigation, and of the Bargemen, Watermen, Boatmen, and others, who ſhall carry any Goods, Wares, or Merchandize, upon any Part of the ſaid Navigation, as to the ſaid General Aſſemblies ſhall ſeem meet; and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons who ſhall offend againſt any ſuch Rules, Bye Laws, or Orders, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence; which ſaid Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and be obſerved by all Parties uſing or in any Way concerned in the ſaid Navigation, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that they be not inconſiſtent with or repugnant to the Laws of this Realm, or to the Proviſions and Directions in this Act contained, or to any of them; and every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Money received, laid out, and diſburſed, on Account of the ſaid Navigation, by the Treaſurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever, employed by or concerned for or under them in and about the ſaid Navigation, and the Works thereto belonging; but no Vote or Votes by Proxy ſhall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the ſaid Company of Proprietors ſhall have Power to adjourn themſelves from Time to Time to ſuch Place or Places as ſhall at ſuch General Aſſemblies be thought proper and convenient.

General Aſſemblies for chooſing Committees to con-

LVIII. Provided always, and be it further enacted, That if at any ſuch ſtated General Aſſembly there ſhall not be Perſons preſent who ſhall be poſſeſſed of or entitled unto at leaſt Three hundred Shares in the ſaid Navigation,

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

Fifth of Three hundred Shares.

LIX. And be it further enacted, That if it ſhall at any Time appear that for the more effectually putting this Act into Execution a Special General Aſſembly of the ſaid Company of Proprietors is neceſſary to be held, it ſhall be lawful for any Five or more of the ſaid Proprietors, who may each of them be poſſeſſed of or entitled unto Five Shares at the leaſt in the ſaid Navigation, to cauſe Twenty-one Days Notice at leaſt to be given thereof in ſome Newſpaper uſually circulating in the Counties of *Glamorgan* and *Brecon*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special Aſſembly, and the Time when and Place where the ſame ſhall be held, which Place ſhall be within Two Miles of the ſaid Canal; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or of the major Part of them, met together at every ſuch Special General Aſſembly (provided ſuch major Part ſhall be poſſeſſed of at leaſt Three hundred Shares in the ſaid Navigation, either as Principals or Proxies) ſhall be as valid, with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

Aſſembly of Proprietors may be ſpecially convened.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, and they are hereby authorized

General Aſſembly to elect and appoint Officers;

authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, or the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company of Proprietors, and also to such Committee, taking such Security for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books, to be provided by the said Company of Proprietors 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 of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committee respectively, and each of the said Proprietors of the said Navigation shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Four-pence; and if any such Clerk or Clerks to the said Company and Committee, or to the Commissioners, shall refuse to permit any Proprietor or Proprietors so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds; and in case any such Treasurer, Collector, or Clerk, shall die or quit the Service of the said Proprietors, or such Committee or Committees, or by Reason of any Negligence, Misconduct, or Inability in such Treasurer, Collector, or Clerk, to execute such Office or Offices, it shall be requisite to displace or remove him or them, then, and in every such Case, it shall and may be lawful for the Proprietors, assembled at any such stated or Special General Assembly as aforesaid, or for the Committee of the said Proprietors, to remove any such Treasurer, Collector, or Clerk; and in case any such Collector, Treasurer, or Clerk, shall so die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Committee, then it shall be lawful for the said Company of Proprietors, at their said stated or Special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors, or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such stated or Special General Assembly may think proper.

And take Security from them.

Powers of the Committees, and Regulations respecting the same.

LXI. And be it further enacted, That no Member of the said Committee (although he may be a Proprietor of many Shares in the said Navigation) shall have more than One Vote in any Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of an Equality of Votes upon any Question which may

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

Committee to make Calls.

Glamorgan and *Brecon*; and ſuch Committee ſhall (ſubject nevertheleſs to the Orders and Directions of ſuch General Aſſemblies as aforeſaid) have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in contracting for and purchaſing Meſſuages, Lands, Tenements, and other Hereditaments, and Materials for the Uſe of the ſaid Navigation, as, in employing, ordering, and directing the Works and Workmen, and in placing and diſplacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the ſaid Undertaking; and every Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall pay his, her, or their rateable Proportions of the Monies to be called for as aforeſaid to ſuch Perſon or Perſons, and at ſuch Time and Place, as the ſaid Committee ſhall from Time to Time appoint and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Fourteen Days next enſuing, he, ſhe, or they ſo neglecting or refuſing ſhall forfeit a Sum not exceeding Five Pounds for every Share; and in caſe ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their rateable Calls as aforeſaid, for the Space of Three Calendar Months next after the Time ſo appointed for Payment thereof, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid Navigation, and all the Profits and Benefits thereof; all which Shares ſo forfeited ſhall be veſted in the ſaid Company of Proprietors of the ſaid Navigation, in Truſt for and for the Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation, or ſhall, at the Diſcretion of the ſaid ſtated or Special General Aſſemblies, be publickly ſold for the Uſe of the Reſt of the ſaid Proprietors, whoſe Shares and Intereſts ſhall not have been forfeited as aforeſaid: Provided nevertheleſs, that no Advantage ſhall be taken of any Forfeiture of any Share or Shares in the ſaid Navigation, until Perſonal Notice ſhall have been given to or Notice left at the uſual Place or Places of Abode of the Owner or Owners of ſuch Share or Shares reſpectively; and the ſame Share or Shares ſhall likewiſe be declared to be forfeited at ſome ſtated or Special General Aſſembly of the Company of Proprietors, within Twelve Calendar Months next after ſuch Forfeiture ſhall have been incurred.

Shares may be forfeited, but no Advantage to be taken of Forfeiture without Perſonal Notice.

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

LXII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Navigation ſhall happen to die before ſuch Call or Calls ſhall have been made, for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors, for the Purpoſe of the ſaid Navigation, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees, of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner, ſhall be indemnified againſt all and every ſuch Infant or Infants, and againſt all and every other Perſon or Perſons whomſoever, for or on Account of his, her,

her, or their having paid any Sum or Sums of Money, when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians, of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Life Time, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Condition as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the Reſt of the Company of Proprietors of the ſaid Navigation, in Truſt for, and for the equal Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Shares may be ſold.

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

Form of Conveyance of Shares.

'I *A. B.* of in Conſideration of
'paid to me by *C. D.* of do hereby bargain, ſell,
'aſſign, and transfer, to the ſaid *C. D.* the Sum of
'Capital Stock of and in the Navigation called *The Swanſea Canal*, being
'Part [*or*, the Whole, *as the Caſe may be*] of my Share in the ſaid Na-
'vigation, to hold to the ſaid *C. D.* Executors, Ad-
'miniſtrators and Aſſigns, ſubject to the ſame Rules, Orders, and Re-
'ſtrictions, and on the ſame Conditions, that I held the ſame imme-
'diately before the Execution hereof: And I the ſaid *C. D.* do hereby
'agree to take and accept the ſaid Capital Stock, or Share of
' ſubject to the ſame Rules, Orders, Reſtrictions, and Con-
'ditions. As witneſs our Hands and Seals, the
'Day of

And on every ſuch Sale, the ſaid Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk or Clerks to the ſaid Company of Proprietors ſhall have entered, in a proper Book or Books to be kept for that Purpoſe, a Memorial of ſuch Transfer and Sale, for the Uſe of the ſaid

Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than One Shilling ſhall be paid; and the ſaid Clerk or Clerks is or are hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

After a Call, no Share to be ſold until ſuch Call ſhall be paid.

LXIV. And be it further enacted, That after any Call of Money ſhall have been made by ſuch General Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Navigation, on Pain of forfeiting his, her, or their reſpective Share or Shares therein to the ſaid Company of Proprietors, in Truſt for the Benefit of all the ſaid Proprietors, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer, ſhall have paid and diſcharged to the Treaſurer of the ſaid Company of Proprietors, the whole and entire Sum of Money which ſhall have been called for upon each Share ſo ſold or transferred, ſuch Forfeiture nevertheleſs to be notified and declared at a General Aſſembly, in Manner before directed.

Regulations as to the Acquiſition of Shares;

by Marriage,

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

or Will, or in Courſe of Adminiſtration.

Eſtate and Effects, (as the Caſe may happen to be), before One of the Judges at *Weſtminſter*, One of His Majeſty's Juſtices of the Courts of Great Seſſion for the ſaid Counties of *Glamorgan* and *Brecon*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted (Poſt or Carriage free) to the ſaid Clerk or Clerks, who ſhall file and enter the ſame in Manner herein-before mentioned.

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

LXVI. And, for the better Security of the ſeveral Proprietors of the ſaid Undertaking to their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required, at their Second or ſome ſubſequent General Aſſembly, to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall then be entitled to the Shares in the ſaid Undertaking, with the Number of the Shares, or the Amount of all the Subſcriptions which they are then reſpectively entitled to hold, and alſo the proper Number by which every Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, and after ſuch Entry to cauſe their Common Seal to be affixed thereto; and ſhall alſo cauſe a Ticket or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk Two Shillings and no more for every ſuch Ticket or Inſtrument, and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified, but the Want of ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof.

LXVII. And, in Conſideration of the great Charge and Expence which the ſaid Company of Proprietors muſt incur and ſuſtain in making and maintaining the ſaid Canal, and other Works hereby authorized to be made and maintained, 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, recover, and receive, to and for the Uſe and Benefit of the ſaid Company, the ſeveral Rates herein-after mentioned, for the Tonnage and Wharfage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon any Part of the ſaid Canal; (that is to ſay),

Rates of Tonnage.

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

And

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

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

And for all Iron Stone, calcined Iron Ore, Iron Ore, Rotten Stone, Coals, Culm, Stone Coal, Coaks, Cinders, Charcoal, Timber, Stone, Tiles, Bricks, and Clay, which ſhall be navigated, carried, or conveyed, upon the ſaid intended Canal, any Sum not exceeding Three-Halfpence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

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

Which ſaid reſpective Rates ſhall be equal throughout the whole Length of the ſaid intended Canal; all which ſaid Rates ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, at or near to the ſaid Canal, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors at ſome General Aſſembly or Aſſemblies ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, or any Part thereof, on Demand to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid Company of Proprietors may ſue for the ſame by Action of Debt or upon the Caſe, in any of His Majeſty's Courts of Record; or the Perſon or Perſons to whom ſuch Rates ought to have been paid, may, and he or they is and are hereby empowered to ſeize the Goods or other Things for or in reſpect whereof any ſuch Rates ought to have been paid, or any Part thereof, and the Boat or other Veſſel laden therewith, and detain the ſame until ſuch Payment ſhall be made, and alſo until Payment of all Arrears of the ſaid Rates which may be due from the Owner or Owners of ſuch Boat or Veſſel to the ſaid Company of Proprietors, together with reaſonable Charges for ſuch Seizure and Detention; and if ſuch Goods ſhall not be redeemed within Seven Days next after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent; and the ſaid Company of Proprietors ſhall have full Power, from Time to Time, at any General Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame, as they ſhall think proper, not exceeding the Rates before-mentioned, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Navigation.

Rates may be altered.

Fractions of Miles and Tonnage, how to be charged

LXVIII. Provided nevertheleſs, and be it further enacted, That in all Caſes where any Boat, Barge, or other Veſſel, ſhall be navigated or paſs by any Poſt or Mark, or Place where ſuch Poſt or Mark ſhould have ſtood or have been fixed on the Side of the ſaid Canal, deſcribing and regulating

regulating the Length of a Quarter of a Mile, the full Tonnage ſhall be paid for a Quarter of a Mile, (Lime Stone, Lime, and all Kinds of Manure excepted), although the ſaid Boat, Barge, or other Veſſel, ſhall not paſs the full Quarter of a Mile; and that in all Caſes where the Weight of Lading in any Boat, Barge, or other Veſſel, ſo to be navigated on the ſaid Canal, 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, except with reſpect to Lime, Lime Stone, and Manure.

Only One Halfpenny *per* Ton to be paid for Lime or Manure at the Fee of *Trewyddfa*.

LXIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend to enable or authorize the ſaid Company of Proprietors to take or receive more than One Halfpenny *per* Ton *per* Mile for any Lime, Lime Stone, or Manure, to be carried and conveyed on ſuch Part of the ſaid intended Canal as lies between the *Brewery Bank* at *Swanſea*, and the South Boundary of the Fee of *Trewyddfa* aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Company empowered to leaſe the Rates.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, at any of their ſtated or Special General Aſſemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the ſaid Canal, unto any Perſon or Perſons, for any Time or Term they ſhall think proper, not exceeding One Year from the Commencement of any Leaſe; and every ſuch Leaſe ſhall be valid and effectual; and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall, during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame as if they had been appointed for that Purpoſe by the ſaid Company of Proprietors, provided publick Notice of the Intention to let the ſaid Tolls, or any Part thereof, be given by Writing by the Committee, or any Five or more of them, or their Clerk, by Advertiſements publiſhed and continued in ſuch Newſpapers as aforeſaid, at leaſt Twenty-one 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 an Account of their Lading.

LXXI. And, for the better aſcertaining, and more eaſy and effectual collecting of the ſaid Rates hereby directed to be paid to the ſaid Company of Proprietors, be it further enacted, That the Maſter, Owner, or other Perſon or Perſons having the Care of any Boat, Barge, or other Veſſel, navigating upon the ſaid Canal, or upon any Part or Parts thereof, ſhall give to the Collectors of the ſaid Rates, or to any other Officers to be appointed for ſuch Purpoſe by the ſaid Company of Proprietors, at the Place or Places where he or they ſhall attend for that Purpoſe, a juſt Account in Writing, ſigned by the Maſter, Owner, or other Perſon or Perſons having the Care of ſuch Boat, Barge, or other Veſſel, of the Quantities, Qualities, and Weight, of the Goods and other Things which ſhall be embarked in or upon each ſuch Boat, Barge, or other Veſſel, from whence brought, and where the ſame is intended to be landed; and if the Goods or other Things contained in any ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter,

Owner, or other Perſon or Perſons, ſhall ſpecify the Quantities liable to the Payment of each of the ſaid Rates; and in caſe he or they ſhall neglect or refuſe to give ſuch an Account, or ſhall refuſe to produce his or their Invoice or Bill of Lading to the Officer demanding the ſame, or ſhall, with Intent to avoid the Payment of the ſaid Rates or Duties, or any Part of them, give a falſe Account, or ſhall deliver out any Part of ſuch Lading or Goods at any other Place or Places than what is or are mentioned in ſuch Invoice or Bill of Lading, every Perſon ſo offending ſhall forfeit and pay the Sum of Ten Shillings for every Ton of Goods or other Things, and ſo in Proportion for any leſs Quantity than a Ton, which ſhall be in or be conveyed by ſuch Boat, Barge, or other Veſſel reſpectively, of which or of whoſe Lading ſuch Account ſhall be refuſed, or ſuch falſe Account given, or whoſe Lading ſhall be delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the aforeſaid reſpective Rates which ſhall be payable for the ſame.

What Quantities of Timber and light Goods ſhall be deemed a Ton.

LXXII. And, for the better aſcertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of ſuch Rates as aforeſaid, and the Contents and Burthen of the Boats, Barges, and other Veſſels, carrying and conveying ſuch Stone, Timber, and other Goods, Matters, and Things, on the ſaid Canal, be it further enacted and declared, That Fifty Cubick Feet of round, and Forty Cubick Feet of ſquare, Oak, Aſh, Elm, or Beech Timber, and Forty Cubick Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, ſhall, for the Purpoſes of this Act, be reſpectively deemed, rated, and eſtimated, as and for One Ton Weight, and that One hundred and twelve Pounds Weight Avoirdupoiſe of Coal, Coak, Culm, Lime, Freeſtone, Limeſtone, and all other Commodities, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One hundred Weight, and Twenty hundred Weight of all Commodities whatſoever ſhall, for the Purpoſes of this Act, be deemed One Ton; any Uſage of rating or eſtimating the ſame to the contrary hereof notwithſtanding: And if any Difference ſhall ariſe between any Collector of the ſaid Rates and the Maſter, Owner, or other Perſon having the Care or Charge of any Boat, Barge, or other Veſſel, or the Owner of any Goods, Wares, Merchandize, or other Things, loaded or embarked therein, concerning the Meaſure of ſuch Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things, therein embarked or contained, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, and all ſuch Timber, Goods, Wares, and Merchandize, or other Matters or Things as ſhall be therein embarked or contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Meaſure, Weight, or Quantity, than the Account given thereof by ſuch Maſter, Owner, or other Perſon having the Care or Charge of ſuch Boat, Barge, or other Veſſel, then the ſame Maſter, Owner, or other Perſon, giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; all which Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied in the ſame Manner as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Timber, Goods, Wares, Merchandize, or ſuch other Matters and Things, ſhall appear to be of the ſame

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

ſame or of leſs Weight or Quantity than the Account given thereof by the ſaid Maſter, Owner, or other Perſon, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter, Owner, or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandize, or other Things, ſuch Damages as ſhall appear to the ſaid Commiſſioners, upon the Oath of any credible Witneſs, (which Oath the ſaid Commiſſioners are hereby empowered and required to adminiſter), to have ariſen from ſuch Detention; and in Default of immediate Payment thereof, the ſame ſhall be recovered from the ſaid Company of Proprietors, by Action of Debt in any of His Majeſty's Courts of Record, or in ſuch other Manner as any of the Penalties or Forfeitures hereby impoſed upon the ſaid Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Power to fix the Price of ſmall Parcels.

LXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Aſſembly, (with the Conſent of the major Part of the ſaid Commiſſioners preſent at any General Meeting of the ſaid Commiſſioners), to aſcertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the ſaid Canal, or upon any Part thereof; and the ſaid Company of Proprietors ſhall, from Time to Time, cauſe to be printed and affixed upon every publick Wharf on the ſaid Canal, in ſome conſpicuous Place, a Liſt or Account, aſcertaining and particularizing the Price, or Sum or Sums of Money, ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid, upon the ſaid Canal; and in caſe any Owner or Maſter, or other Perſon having the Care of any Boat, Barge, or other Veſſel, navigating or paſſing upon the ſaid Canal, or upon any Part or Parts thereof, after ſuch Liſt or Account, ſo aſcertaining and particularizing the Price, or Sum or Sums of Money, at which every ſuch Parcel ſhall be ſo carried and conveyed, ſhall be ſo fixed up as aforeſaid, ſhall demand or take, for the Carriage of any ſuch Parcel as aforeſaid, more than the Price, or Sum or Sums of Money, in ſuch Liſt or Account aſcertained and particularized for that Purpoſe, ſuch Owner, Maſter, or other Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Twenty Shillings, at the Diſcretion of the Magiſtrate before whom ſuch Perſon ſhall be convicted.

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

LXXIV. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the Roads, Ways, and Paſſages, (except the Towing Paths), to be made by virtue of this Act, for the Purpoſe of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the ſaid Canal, and every Part thereof, without paying any Thing for the Uſe of ſuch Roads, Ways, and Paſſages, and alſo to navigate and paſs upon and uſe the ſaid Canal with any Boats or Veſſels, and to employ the ſaid Wharfs and Quays for loading and unloading ſuch Merchandize, Timber, and other Goods and Things, and alſo to uſe the ſaid Towing Paths with Horſes and other Cattle, for haling and drawing ſuch Boats and Veſſels, upon Payment of ſuch Rates as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the reſpective Sums herein mentioned, and ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Company of Proprietors by virtue of the

the Powers herein granted, provided the ſaid Boats or other Veſſels ſhall not, without the Conſent of the ſaid Company of Proprietors, or their General Committee, paſs upon the ſaid Navigation at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November*, *December*, *January*, and *February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March*, *April*, *September*, and *October*; and between the Hours of Four in the Morning and Ten in the Evening, during the Months of *May*, *June*, *July*, and *Auguſt*, in every Year.

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

LXXV. And be it further enacted, That no Boat, Barge, or other Veſſel, of leſs Buthen than Fifteen Tons when the Water does not, or of leſs than Ten Tons when the Water does flow over the Weirs of any of the Locks of the ſaid intended Canal, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Company of Proprietors, or their principal Agent for the Time being, in Writing, firſt had and obtained, or unleſs the Owner or Navigator of ſuch Boat, Barge, or other Veſſel, ſhall pay Tonnage equal to a Boat, Barge, or other Veſſel, of Fifteen or Ten Tons reſpectively as aforeſaid.

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

LXXVI. And, to the End that the ſaid Navigation may be carried on with as little Damage to private Property as poſſible, be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required at their own proper Coſts and Charges, to make, or cauſe to be made, ſuch Arches, Tunnels, Culverts, Drains, Sewers, or other Paſſages, over, under, by the Side of, or into the ſaid Canal, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal without obſtructing or impounding the ſame; and likewiſe to make, or cauſe to be made, ſuch Back Drain or Drains as may be neceſſary and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto; and alſo to make proper Watering Places for Cattle in all Caſes where by Means of the ſaid Canal, or any other of the Works hereby authorized to be made, any Perſon or Perſons occupying Lands adjacent thereto ſhall be deprived of their ancient Watering Places, and to ſupply the ſame at all Times with Water; and that all ſuch Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times after Twenty-one Days Notice in Writing ſhall, by or on the Behalf of any of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid Canal, or any other of the Works hereby authorized to be made, be given to the ſaid Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, or any of them, is or are not made, cleanſed, maintained, and repaired, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons to apply for and obtain an Order in Writing from any Five or more of the ſaid Commiſſioners, though not aſſembled at any

and Watering Places for Cattle.

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

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

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

ers shall, at any of their publick Meetings, from Time to Time, judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments, adjoining to such Canal and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any Trench or Watercourse belonging to the same, in or across any common Highway, publick Bridle Way, or Foot Path, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the same Highway, publick Bridle Way, or Foot Path, of such Dimensions and in such Manner as the said Commissioners shall at some publick Meeting from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies, so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors: And in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation in Manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles, in, over, and through, the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, over, under, or by the Sides of, or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle, as herein-before directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments, adjoining or near to the said Canal, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect; then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniencies, 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 such Works as aforesaid the said Canal and Navigation, 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 shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, (to be settled and allowed by the said Commissioners), shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired or maintained, such Works as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months

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

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

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

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

LXXIX. And

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

LXXIX. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal, or any Cuts, Trenches, or Paſſages, to be made by virtue of this Act, all and every Perſon or Perſons opening any ſuch Draw Bridge or Swivel Bridge ſhall, and he and they is and are hereby required and directed, ſo ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame, (except ſuch Bridges as may be erected for the private Uſe of Occupiers of Land); and every Perſon neglecting ſo to do, or wilfully opening any ſuch Swivel Bridge or Draw Bridge, when no Veſſel is to paſs through the ſame, ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings; and in caſe any ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Neglect or Careleſsneſs of any Perſon belonging to any ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings, One Moiety of which ſaid reſpective Penalties ſhall go to the Informer.

Works damaged by Floods to be repaired by the Company.

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

Enabling the Company to cleanſe the adjoining Watercourſes at the Land Owners Expence.

LXXXI. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid Canal and other Works, or any of them, ſhall, by Reaſon of their being not ſufficiently cleanſed or opened, hinder and obſtruct the free Paſſage of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Navigation, and if the ſame ſhall not be perfectly cleanſed and opened within Two Calendar Months after

after Notice in Writing ſhall have been given thereof to ſuch Owner or Occupier, by the Clerk or any Agent of the ſaid Company of Proprietors, it ſhall then be lawful for the ſaid Company of Proprietors, (an Order in Writing for that Purpoſe having been firſt obtained from any Five or more of the ſaid Commiſſioners, although not aſſembled at any Meeting), from Time to Time, as often as there ſhall be Occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches and Drains; and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors by the Owners or Occupiers of ſuch Lands and Grounds to which the ſaid Ditches and Drains ſo opened and cleanſed ſhall belong; and in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of Three Calendar Months next after Demand ſhall have been made thereof from the reſpective Owner or Owners, Occupier or Occupiers of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as the Forfeitures and Penalties are herein-after directed to be recovered.

Lords of Manors and Land Owners may erect Wharfs, &c.

LXXXII. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the ſaid Canal ſhall be made by virtue of this Act, may build, conſtruct, or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective own proper Lands, Grounds, or Waſtes adjoining or near to the ſaid Canal, with neceſſary Ways and Roads to the ſame, and may land any Goods or Merchandize, Coal, Lime, or other Things, upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal, and may make and uſe proper and convenient Places for Boats and other Veſſels to lie and turn in, and paſs by each other, ſo that the making, conſtructing, or uſing thereof reſpectively, do not obſtruct or prejudice the Navigation of the ſaid Canal, or any Towing Path on the Sides thereof reſpectively; and all Rates which ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be ſubject to the Power herein contained for the ſaid Commiſſioners to limit, aſcertain, and make Regulations of and concerning ſuch Rates of Wharfage, and are hereby veſted in ſuch Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, or in the Owner or Owners of ſuch Lands, Grounds, or Waſtes, who ſhall make, conſtruct, and erect the ſame reſpectively as aforeſaid, and his, her, and their Repreſentatives, ſo that the Rates and Powers herein granted to the ſaid Company of Proprietors ſhall not be thereby reduced, altered, or infringed.

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

LXXXIII. Provided always, and be it further enacted, That if any Lord or Lady of any Manor, or Land Owner, ſhall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on Behalf of the ſaid Company of Proprietors, that any Part or Parts of ſuch Lands, Grounds, or Waſtes is or are neceſſary or proper to be uſed for the Purpoſe of making and erecting Warehouſes, Buildings, or other Conveniencies as aforeſaid, for the Uſe of the ſaid Navigation, or for laying out and making neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal,

lay out, conſtruct, and make, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Warehouſes, Buildings, Roads, and other Conveniencies as aforeſaid, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners ſhall think neceſſary, on the reſpective Parts of the Lands, Grounds, or Waſtes deſcribed in ſuch Notice, then and in ſuch Caſe the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, (not being the Ground whereon any Houſe or other Building ſtands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nurſery of Trees, or an Avenue to any Houſe), for erecting and conſtructing proper and ſufficient Wharfs, Warehouſes, Buildings, and other Conveniencies as aforeſaid, and for laying out and making neceſſary and convenient Roads to and from the ſaid Canal, agreeably to ſuch Notice to be delivered as aforeſaid, they the ſaid Company of Proprietors firſt making Satisfaction for the ſame in ſuch Manner as is and hath been herein-before directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

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

LXXXIV. And be it further enacted, That if any Coals, Stone, Timber, or any other Matters or Things whatſoever, which ſhall be carried and conveyed on the ſaid Navigation, ſhall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the ſaid Company of Proprietors, or to any other Perſon or Perſons, and adjoining to the ſaid Canal, for above the Space of Forty-eight Hours, then and in ſuch Caſe the ſaid Company of Proprietors, or ſuch other Perſon or Perſons, ſhall be entitled to receive ſuch reaſonable Rates or Allowance, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, or ſuch other Perſon or Perſons, and the Owner or Owners of ſuch Coals, Stone, Timber, Goods, Wares, Merchandize, or other Things; and in caſe of any Diſpute concerning the ſame, it ſhall be aſcertained and adjuſted by the ſaid Commiſſioners, who are hereby authorized and empowered to make ſuch Regulations, from Time to Time, as they may think fit, for limiting and aſcertaining the Rates of Wharfage to be taken by the ſaid Company of Proprietors, and all and every ſuch other Perſon or Perſons, being the Owners of any ſuch Wharfs or Quays as aforeſaid.

Company of Proprietors not to uſe private Wharfs.

LXXXV. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made, by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the ſaid Canal, for his, her, or their private excluſive Uſe only, nor to ſet up, erect, repair, or uſe, any Crane or Weighing Machine in or upon any ſuch Wharf, Quay, or Landing Place, without the Conſent of the Owners or Occupiers thereof reſpectively; any Thing herein contained to the contrary notwithſtanding.

Maſters to put their Names on the Outſide of Boats.

LXXXVI. And be it further enacted, That every Owner or Maſter of any Boat, Barge, or other Veſſel, not being a Pleaſure Boat, paſſing upon

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

Weight of the Lading of Veſſels to be marked.

LXXXVII. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating upon the ſaid Canal, ſhall be, and is hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or by any of the Boatmen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or belonging to the ſaid Canal, or to any of the Trenches, Aqueducts, Sluices, Paſſages, or other Works or Conveniencies to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Veſſel, or by any other Means whatſoever, or to the Owners or Proprietors of any Building, or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the ſame Canal, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatſoever; and the ſaid Maſter or Owner of ſuch Boat or other Veſſel may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record, and if a Verdict or Judgement ſhall be given

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

given againſt him, either on Proof made, or by Default or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit, to be taxed as between Attorney and Client.

Maſters to recover from their Servants any Sums for their Defaults.

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

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

LXXXIX. And be it further enacted, That the ſaid Company of Proprietors ſhall and may, in ſuch Parts of the ſaid Canal as ſhall not be of ſufficient Breadth for admitting a Boat, Barge, or Veſſel, to turn about or lie whilſt another Boat, Barge, or Veſſel, ſhall paſs by, or to admit Two Boats, Barges, or other Veſſels, to paſs each other, and they are in ſuch Caſes hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the ſaid Canal, at convenient Diſtances from each other, for the turning, lying, or paſſing, of any ſuch Boats, Barges, and other Veſſels; and all ſuch Boats, Barges, and other Veſſels, which ſhall be haled or navigated upon the ſaid Canal, ſhall, upon meeting any other Boat, Barge, or other Veſſel, navigating thereon, ſtop at, or go back to, and lie in, the ſaid Spaces or Openings, in ſuch Manner as the ſaid General Committee ſhall from Time to Time direct and appoint; and if any Boat, Barge, or other Veſſel, ſhall be placed or ſhall lie abreaſt in any Part of the ſaid Canal, or any Trench, Sluice, or Paſſage, belonging thereto, not being moored at both Ends, or if any Perſon or Perſons, navigating and having the Care of any Boat, Barge, or other Veſſel, ſhall wilfully obſtruct the Navigation of the ſaid Canal, by Means of the miſplacing, or otherwiſe miſconducting ſuch Boat, Barge, or other Veſſel, and ſhall not immediately, upon Requeſt made, moor the ſame at both Ends, or alter the Situation of ſuch Boat, Barge, or other Veſſel, or otherwiſe ſtop or effectually ſecure the ſame, as the Caſe ſhall require, ſo as that the ſaid Obſtruction ſhall ceaſe and be removed, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings, and alſo the Sum of Ten Shillings for every Hour during which ſuch Obſtruction ſhall continue, after the making of ſuch Requeſt; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe any ſuch Boat, Barge, or other Veſſel, to be unloaded if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing or removing

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

ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Unloading and Removal ſhall be paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in any Part of the ſaid Canal, or in any ſuch Trench or Sluice as aforeſaid, and the Owner or Owners, or other Perſon or Perſons having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or other Veſſel, to be weighed or drawn up; and in caſe the ſame ſhall not be redeemed, and all Expences paid, within the Space of Seven Days, to detain, keep, and uſe the ſame, or otherwiſe to ſell and diſpoſe thereof, for the Satisfaction of all the Expences neceſſarily incurred and occaſioned in and about the weighing or drawing up the ſame.

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

XC. And be it further enacted, That if any Perſon or Perſons ſhall ſloat any Timber upon the ſaid Canal, or if any Perſon or Perſons ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel navigating thereon, to lie over the Sides thereof, or ſhall overload any Boat, Barge, or other Veſſel, navigating thereon, ſo as by ſuch loading or overloading to obſtruct the Paſſage of any other Boat, Barge, or Veſſel, and ſhall not immediately, upon Notice given of ſuch Obſtruction, hale ſuch Boat, Barge, or Veſſel, into ſuch Place or Places, Opening or Openings, as ſhall be proper, or be made for the Purpoſe of enabling Boats, Barges, and other Veſſels, to paſs each other, or ſhall not otherwiſe remove the ſame Obſtruction, ſo as to make a free Paſſage for other Boats, Barges, or Veſſels, navigating thereon, every ſuch Owner or Owners, or other Perſon or Perſons floating ſuch Timber, or having the Care of ſuch Boat, Barge, or other Veſſel, ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds; and if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal, Trenches, or Watercourſes, to be made by virtue of this Act, or ſhall wantonly or unneceſſarily open, or cauſe to be opened, any Lock, Gate, Paddle, Valve, or Clough, belonging to the ſaid Canal, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or if any Perſon or Perſons ſhall wilfully fluſh or draw off, or cauſe to be fluſhed or drawn off, the Water from any Part of the ſaid Canal, or ſhall leave any of the ſaid Valves or Cloughs open and running, after any Boat, Barge, or other Veſſel, ſhall have paſſed any Lock belonging to the ſame, or ſhall draw, or cauſe to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the ſaid Navigation, ſo as to miſpend or waſte the Water thereof, or ſhall wilfully obſtruct, hinder, or prevent, any Perſon in the Execution of this Act, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks, or other Works to be erected and made by virtue of this Act, every ſuch Perſon ſhall be adjudged guilty of Felony, and every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be

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

Penalty on deſtroying the Works.

punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted, on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices; such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender; or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Four Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

Regulations of Vessels passing the Locks.

XCI. And be it further enacted, That no Boatman, or other Person navigating or having the Care of any Boat, Barge, or other Vessel, upon the said Canal, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through the same; and also that every such Boatman, or other Person as aforesaid, in going down the said Canal, shall, previous to his bringing his Boat, Barge, or other Vessel, into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof; and after he shall have brought such Boat, Barge, or other Vessel, through the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof; and in going up the said Canal, towards the Head Level or Head Levels thereof, such Boatman, or other Person, so soon as he shall have passed, with his Boat, Barge, or other Vessel, through the said Lock, shall shut the Upper Gates of the same before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel, coming down the said Canal, in Sight of the said Boatman, or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal, the Boat, Barge, or other Vessel, so going up the same, (if within Sight of a Boat, Barge, or other Vessel, so coming down), and at a Distance not exceeding Five hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel, shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels, than One below and above any Lock, at the same Time, in any such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Boats, Barges, or other Vessels, shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels, so going up or coming down, shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; and any Person or Persons acting contrary to these Directions, in passing any such Lock or Locks, shall forfeit the Sum of Five Pounds for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of

of such Offence committed, such Question shall be determined by the said Commissioners.

Lock Keepers not to give Preference.

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

Canal not to be under the Power of Commissioners of Sewers, and how to be rated.

XCIII. And be it further enacted, That the said Canal, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order, of any Commission of Sewers, or to any Law or Statute relating to Sewers whatsoever; and the said Company of Proprietors shall or may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance of this Act, in the same Proportion as other Lands, Grounds, and Buildings, adjoining to or lying near the same, are or shall be rated and charged; but it shall and may be lawful to and for the said Company of Proprietors to agree with any Owner or Owners of any Lands or Hereditaments of sufficient Yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchased or taken for the Purposes of this Act, for an Exemption from all Rates and Taxes in respect of such last-mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands or Hereditaments of the Person or Persons from whom any Lands or Hereditaments shall be so purchased or taken, for the Purposes of this Act; and in all such Cases, all the Parochial and other Rates, Taxes, Charges, and Assessments, which might be thereafter charged upon or payable in respect of the Lands or Hereditaments to be so purchased or taken for the Purposes of this Act, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchased for the Purposes of this Act shall be exempted and discharged therefrom.

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

XCIV. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors, through or in which the said Canal, Cuts, Reservoirs, Trenches, and Sluices, or any of them, shall be made, shall have and be entitled to the exclusive Right of Fishery of and in so much of the said Canal, Cuts, Reservoirs, Trenches, and Sluices, thereto belonging, as shall be made over, under, or through the Common or Waste Lands, within his, her, or their Manors respectively, and as shall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters, whereof such Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds, through or in which the said Canal, Cuts, Reservoirs, Trenches, and Sluices, or any of them, shall be made, shall also have and be entitled to the like

Right

Right of Fiſhery of and in ſo much of the ſaid Canal, or other Works, as ſhall be made in, over, under, or through his, her, or their Lands or Grounds reſpectively, ſo as that in the Uſe and Exerciſe of ſuch Rights of Fiſhery the ſaid Canal, or other Works hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſame, 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 deſtroying of any Fiſh in the ſaid Canal or other Works, or any of them, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting the Water out of them reſpectively, for the Purpoſes of the ſaid Canal or other Works, or on Account of any Repairs or Works to be done in and about the ſame Canal, or other Works reſpectively; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and for the Owner or Owners of ſuch Lands or Grounds, (being qualified by Law ſo to do), to take and kill Game upon ſo much of the ſaid Canal and other Works as ſhall be made in or through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Power for Land Owners to uſe Pleaſure Boats.

XCV. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands or Hereditaments adjoining to the ſaid Canal to uſe any Pleaſure Boat or Boats upon the ſaid Canal, (not paſſing through any Locks, unleſs they ſhall firſt pay Tonnage and Lock Dues equal to the Tonnage for One Mile on a Boat or Veſſel carrying Ten Tons, or obtain the Conſent of the ſaid Company of Proprietors), without any Interruption from the ſaid Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the ſame, ſo as the ſame Pleaſure Boat or Boats be not made uſe of for carrying any Goods or other Things, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid Canal, or the Towing Paths or other Works belonging thereto, provided that ſuch Boats do not in any Caſe paſs through any Lock, except when the Water ſhall be running over the Waſte Weirs of ſuch Lock.

Mines reſerved to Lords of Manors and other Proprietors.

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

XCVII. And

XCVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves or their Agents or Servants, with the Consent of any Five or more of the Commissioners herein-before mentioned, at any Time or Times, upon reasonable Notice, in the Day Time, to enter upon any Lands through or near which the said Canal and Works, hereby authorized to be made, shall be or pass, wherein any Coal or other Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Coal or other Mines, and there to view, search, and measure, latch-dial, and use all other Means for the discovering the Distance of the said Canal and Towing Paths from the Working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, and that such endangering and damaging of the Canal has been wilful, it shall be lawful for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges, of the Owners or Proprietors of such Mine or Mines, to enter into and upon such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe, the said Canal, Towing Paths, or other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so worked or wrought subsequent to the Commencement of this Act, be recovered by the said Company of Proprietors, in case of Non-payment thereof upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered, and shall be paid into the Hands of the Treasurer to the said Company of Proprietors, for the Use and Benefit of the said Company.

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

XCVIII. And be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggons, or other Carriages, or any Merchandize, Goods, Wares, or other Matters or Things should be conveyed over or along any Part or Parts of the intended Track or Line of the said Canal, by Rollers, Inclined Planes, Rail Ways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, it shall be lawful for the said Company of Proprietors, or their General Committee, to cause any such Rollers, Rail Ways, Inclined Planes, or other Works before mentioned, to be made for that Purpose, at such Place or Places, in, upon, or near to the said Canal, as they shall think proper; and the same, when so made, shall be taken and considered as Part or Parts of the said Canal, in like Manner as if such Place or Places had been made navigable.

Power to make Rollers or Inclined Planes, &c.

XCIX. 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 Ore, Rotten Stone, Iron Stone, Lead, Coals, or other Minerals, or any Quarries of Limestone, Slates, or Tiles, or the Proprietor or Proprietors of any Iron Furnaces, Forges, or other Works, or the Rentors, Lessees, or Occupiers of the same, or any or either of them, situate and lying within the Distance of Eight Miles from any Part of the said Canal, shall deem it expedient or necessary that any Drains should be cut or made for conducting the Water from such Mine, or that any Railways or Waggon Roads shall be made over, through, to, along, in, upon, or under, the Lands or Grounds of any other Person or Persons, or

Owners of Mines, Iron Works, &c. may make Rail Ways if the Company refuse.

 across

acroſs any Highway or Highways, or private Road or Roads, or that any Bridges ſhould be erected over and acroſs any Rivers, Brooks, or Watercourſes, for the Purpoſe of conveying his, her, or their Iron, Rotten Stone, Lead, Coals, Culm, Limeſtone, or other Stone, Slate, Tiles, or Minerals, or any Goods, Wares, or Merchandize, to or from the ſaid Canal; and if the ſaid Company of Proprietors ſhall refuſe to make any ſuch Drains, Railways, or Waggon Roads, or to erect any ſuch Bridges, which they are hereby authorized and empowered to do, for the Space of Three Months, after an Application and Requeſt in Writing ſhall have been made to them for that Purpoſe, at a General Meeting or Aſſembly to be held as herein-before is mentioned, by the Perſon or Perſons ſo deeming it expedient that any ſuch Drain, Railway, or Waggon Road, ſhould be made, or any ſuch Bridge erected as aforeſaid; then, and in ſuch Caſe, and from Time to Time, as often as the ſame ſhall happen, it ſhall be lawful for the Perſon and Perſons making ſuch Application and Requeſt, at his or their own proper Coſts and Charges, at any Time after the Expiration of Three Calendar Months, without the Conſent of the Owner or Owners of ſuch Lands or Grounds, Rivers, Brooks, or Watercourſes, to make any ſuch Drains, Railways, or Waggon Roads, or to erect any ſuch Bridge or Bridges, as ſhall be deemed expedient 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 or Grounds, Rivers, Brooks, or Watercourſes, in the Manner herein-before directed with reſpect to any Lands or Grounds 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 or Grounds reſpectively, to treat and agree with the Perſon or Perſons deſiring to make any ſuch Railways or Waggon Roads, 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 or Grounds, ſhall or may ſuſtain yearly; and in caſe they cannot agree concerning the Amount or Value of ſuch Damages, or in caſe the Owner or Owners of, or Perſon or Perſons intereſted in ſuch Lands or Grounds, 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 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 Drains, Railway, 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 Drains, Railway, or Waggon Way is intended to paſs, with the Diſtance from Point to Point where any ſuch Drains, Railway, or Waggon Way, ſhall begin and end, or the preciſe Spot where any ſuch Bridge is intended to be erected; and all and every ſuch Drains, Railways, or Waggon Roads, and Bridges, ſo to be made and erected as laſt herein-before is mentioned, ſhall, after the ſame be made and completed, be publick and open to all Perſons for the Conveyance of any Minerals, Goods, Wares, Merchandize, or Commodities whatſoever, in Waggons or other Carriages properly conſtructed,

and

and for the Paſſage of Horſes, Cows, and other Beaſts or Cattle, on Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Drains, Railways, or Waggon Roads or Bridges ſhall have been made or erected, and his, her, and their Heirs or Aſſigns, ſuch and the like Tolls, Rates, or Duties, as ſhall for the Time being be payable to the ſaid Company of Proprietors for the Conveyance of ſuch Minerals, Goods, Wares, Merchandize, and Commodities, on the ſaid intended Canal.

To prevent Injury by Railways.

C. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Railways or Roads, or for any other of the Purpoſes aforeſaid, any Houſe or other Building which was erected and built on or before the Firſt Day of *January* in the Year of our Lord One thouſand ſeven hundred and ninety-four, or any Land or Ground which on the ſaid Firſt Day of *January* was ſet apart and uſed as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof firſt had and obtained.

Reſtrictions with reſpect to the Rail Roads.

CI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Directions or Authority, or any other Perſon or Perſons whomſoever, to make any Drains, Railways or Waggon Roads, or other Roads, over, through, to, along, in, upon, or under, any of the Lands or Grounds to the South of the North Boundary of the Fee of *Trewyddva*, or to the South of a ſtraight Line to be drawn from the End of the ſaid Boundary of the Fee of *Trewyddva*, at a Place called *Tyrdoynaw*, to *Cadley River*, and ſo on to *Loughor* River, along the *Cadley River* aforeſaid, or ſo much of the Pariſh of *Lanſamlet* as lies to the South of the Turnpike Road leading from *Wych Tree Bridge* towards *Neath*, down to the Sea; or over, through, to, along, in, upon, or under, any of the Lands or Grounds called *Claſemont Demeſne*, otherwiſe *Penywern Penrhywvelen*, and *Tyr Griffith Roch*, and *Kevengevelach* and *Tyrbach*, belonging to *John Morris* Eſquire; or the Meſſuages, Lands, and Tenements called *Penderry*, *Tredegar*, *Maeſmellin*, and the Farms called *The Claſes*, and *Bean-Bool*, and *Glanbrane*, in the Pariſhes of *Langefelach* and *Lanſamlet*, the Property of *Thomas Morgan* of *Penderry* Eſquire, *Daniel Jones* Eſquire, *Robert Morris* Eſquire, and *Jane Vaughan*, or the Lands or Grounds of *Thomas Morgan* Eſquire, of *Birch Grove*, ſituate in the Pariſhes of *Lanſamlet* and *Cadoxton*, or acroſs or through any private Road or Roads belonging to them or either of them reſpectively, for the Purpoſe of conveying Iron, Lead, Coals, Culm, Limeſtone, or any other Articles whatſoever, without the Licence, or Conſent and Agreement in Writing of the reſpective Owner or Owners of ſuch Lands or Grounds, or their Heirs or Aſſigns, firſt had and obtained reſpectively; or to take, lead, divert, or uſe any Water, from the Brooks, Streams, Rivers, Rivulets, or Watercourſes, or any Water whatſoever that ſhall ariſe, flow through, or be found in or upon ſuch Lands or Grounds, or to make any Bridge or Bridges, Aqueduct or Aqueducts, over the River *Tawey*, from the ſaid Bridge called *Wych Tree Bridge*, Southward to the Port of *Swanſea*, without

out the Licence or Conſent in Writing from the Duke of *Beaufort* firſt had and obtained.

To preſerve *Pentre* Colliery Railway.

CII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued, deemed, or taken to extend, to authorize or empower the ſaid Company of Proprietors to deſtroy, hinder, or interrupt, a certain Railway belonging to the ſaid *Edward* Lord *Elliot*, *Thomas Lockwood*, *John Morris*, and *Henry Calveley Cotton*, and now uſed by them for the Carriage of Coals and other Things from certain Coal Pits at *Pentre Colliery* to the *Foundery Bank* near *Swanſea*, but the ſame Company of Proprietors ſhall, at their own proper Coſts and Charges, before ſuch Railway ſhall be cut through, make a Bridge and a good and ſufficient Railway to and over the ſaid Canal, in ſuch Manner as the ſaid Railway may run without Interruption in a regular Deſcent over the ſaid Canal, and as convenient and uſeful, to all Intents and Purpoſes, as the Railway ſo to be cut through as aforeſaid; and at all Times after the ſaid Bridge ſhall be ſo made, the ſaid Company of Proprietors ſhall ſupport and maintain the ſame with all needful and neceſſary Repairs; any Thing herein contained to the contrary thereof notwithſtanding.

Proprietors or private Perſons may make Cuts to communicate with the Canal.

CIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to make any Navigable 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 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, Rotten Stone, Iron Stone, Iron Ore, Lead Ore, or other Minerals, Coals, Culm, or Clay, or Quarries of Limeſtone, Slate, Tiles, or other Stones, or of any Furnaces, Forges, Mills, Engines, or other Works, 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 or Grounds, and alſo through the Lands or Grounds of any other Perſon or Perſons, to communicate with the ſaid Canal, ſo that the ſame be done without diverting any 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 ſuch Cut or Cuts ſhall (if thereto required by the ſaid Company of Proprietors) make, erect, and maintain, a Stop Gate or Stop Gates on every ſuch Cut, in order to prevent the Water being drained or wafted out of the ſaid Canal in conſequence of making any ſuch Cut to communicate therewith as aforeſaid; and all ſuch Cuts, Locks, Stop Gates, and Towing Paths, 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 ſuch Cuts, Locks, Stop Gates, and Towing Paths, 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 the like Articles upon the ſaid Canal.

Private Perſons not to make Cuts to communicate with the Canal without the Conſent of the Land Owners.

CIV. Provided always, and be it further enacted, That no ſuch Navigable Cut or Cuts ſhall be made into the ſaid Canal by any Perſon or Perſons, through the Lands or Grounds of any other Perſon or Perſons, unleſs the Owner or Owners of, and Perſon or Perſons intereſted in ſuch Lands or Grounds, or the Huſbands, Guardians, Truſtees, Committees, or Attornies, of ſuch Owners or Perſons intereſted as aforeſaid, 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 or Grounds, 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 or Cuts, for the Land or Ground to be made uſe of for that Purpoſe, and the Damage to be occaſioned thereby, and alſo to convey ſuch Land or Ground 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 Clerks of the Peace for the ſaid Counties of *Brecon* and *Glamorgan*, or One of them, as the Caſe may be, and be by him or them kept amongſt, and ſhall be deemed Part of, the Records of the Quarter Seſſions of the Peace for the reſpective Counties.

To prevent any Collateral Cut or Railway being made on the Lands of Lord *Vernon* and others, in the Pariſhes of *Lanſamlet* and *Cadoxton*.

CV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or their Servants or Workmen, to make any Collateral Cut, Canal, Branch, Railway, Stone or other Road, upon the Lands or Grounds which are now the Property of the Right Honourable *George* Lord *Vernon*, in the Pariſhes of *Lanſamlet* and *Cadoxton juxta Neath*, in the County of *Glamorgan*, or in or upon the Lands and Grounds of any other Perſon or Perſons whatſoever in the ſaid Pariſhes, which are now in the Poſſeſſion or Holding of *John Smith* and *John Oliver Willyams* Eſquires, or either of them, or to dig, take, and carry away, any Soil, Clay, Gravel, Stone, or other Materials, from any of the ſaid laſt-mentioned Lands or Grounds.

To prevent any Collateral Cuts being made on Lord *Dynevor*'s Lands.

CVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or their Servants or Workmen, to make any Collateral Cut, Canal, Branch, Railway, Stone or other Road, upon the Lands or Grounds which are now the Property of the Right Honourable *George* Lord *Dynevor*, *John Compton* Eſquire, the Right Honourable *Welbore Ellis*, and *Chriſtopher D'Oyley* Eſquire, or either of them, ſituate in the Pariſhes of *Cadoxton juxta Neath*, and *Llangefelach*, in the County of *Glamorgan*, or either of them, or to dig, take, and carry away, any Soil, Clay, Gravel, Stone, or other Materials from any of the ſaid laſt-mentioned Lands or Grounds, ſave and except only

only the Canal ſet forth in the Map or Plan herein directed to be certified by the Right Honourable the Speaker of the Houſe of Commons.

To empower Lord *Dynevor* to make a Collateral Cut.

CVII. And be it further enacted, That it ſhall and may be lawful to and for the Right Honourable *George* Lord *Dynevor*, *John Compton* Eſquire, the Right Honourable *Welbore Ellis*, and *Chriſtopher D'Oyley* Eſquire, their Heirs or Aſſigns, or any or either of them, at their, any, or either of their Coſts and Charges, to make any Navigable Collateral Cut, Canal, Branch, Railway, Stone or other Road, from *Ynyſymwyn* and *Graigolla*, or either of them, in the Pariſh of *Cadoxton juxta Neath*, in the ſaid County of *Glamorgan*, and to join and communicate ſuch Cut, Canal, Branch, Railway, Stone or other Road, on any Part thereof towards the ſaid *Swanſea* Canal, at ſome convenient Place or Places oppoſite to or between thoſe Places marked Number Thirty-five and Number Thirty-ſix, in the Pariſh of *Llangefelach*, in the Map or Plan herein directed to be certified by the Right Honourable the Speaker of the Houſe of Commons; ſo that any ſuch Collateral Cut or Railway ſhall not communicate with any Canal, Railway, or Inclined Plane to the South, South-weſt, or Weſt, of their ſaid Premiſes.

CVIII. Provided neverthelefs, and be it further enacted, That no Power, Clauſe, Matter, or Thing, in this Act contained, ſhall enable or empower any Perſon or Perſons whomſoever, to make any Collateral or other Cut, Canal, or Branch, to communicate with the ſaid intended Canal, ſo as thereby to do any Injury or Damage to the ſaid Canal by Waſte or Expenditure of Water, and that any Perſon or Perſons making ſuch Cut or Cuts, ſhall, if thereto required by the ſaid Company of Proprietors, make, erect, and maintain, a Stop Gate or Stop Gates on every ſuch Cut or Cuts, 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.

Inclined Planes may be made upon ſuch Cuts.

CIX. And be it further enacted, That if ſuch Proprietor or Proprietors of any Mines, Seams, or Veins, of Iron, Rotten Stone, Iron Stone, Iron Ore, Lead Ore, and other Minerals, Coal, Culm, or Clay, or Quarries of Limeſtones, Slates, Tiles, or other Stone, or of any Furnaces, Forges, or other Works, deſirous of making any ſuch Cut as aforeſaid, ſhall judge it expedient that Boats, Barges, or other Veſſels, Waggons, or other Carriages, ſhould be conveyed towards the ſaid Canal by Rollers and Inclined Planes, or in any other Manner than by Water, then and in ſuch Caſe it ſhall be lawful for ſuch Proprietor or Proprietors to cauſe any ſuch Rollers, Inclined Planes, or other Works, to be made for that Purpoſe, at ſuch Parts and Places as he, ſhe, or they ſhall think proper, and the ſame ſhall be conſidered to be Part of the ſaid Canal, Cut or Cuts, in like Manner as if ſuch Parts and Places were made navigable.

Perſons deſirous of a Railway or Waggon Way may agree for the ſame with the Company.

CX. And whereas it may be for the Intereſt and Advantage of ſome Perſon or Perſons who may hereafter be deſirous of having any ſuch Railway or Waggon Way, or Stone Road, or Inclined Planes, Navigable or Collateral Cuts as aforeſaid, to have the ſame made by the ſaid Company of Proprietors, upon paying to the ſaid Company a fair Rate or Toll for the Conveyance of his or their Goods and other Things thereon,

thereon, inſtead of making the ſame himſelf; be it therefore further enacted, That in caſe the ſaid Company of Proprietors ſhall, by a Majority of Two Thirds of the ſaid Company of Proprietors at any General Aſſembly, approve of ſuch intended Railway, Waggon Way, or Stone Road, Inclined Planes, or Navigable Cut or Cuts, as proper and profitable for the Navigation, to make any ſuch Rail or Waggon Way or Stone Road, Inclined Planes, or Navigable Cuts, agreeable to the Requeſt of any ſuch Perſon or Perſons as aforeſaid, at their own Expence; and it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time, and at all Times after the ſame ſhall be made, to demand and take, not only of and from the Perſon or Perſons who ſhall have made ſuch Requeſt, but alſo of and from all other Perſons, for the Conveyance of any Iron, Rotten Stone, Iron Stone, Iron Ore, Lead Ore, Coals, Culm, Lime, Limeſtone, and all other Goods, Wares, Merchandize, and Things whatſoever, upon any ſuch Rail or Waggon Way, or Stone Road, Inclined Planes, or Navigable Cut or Cuts, ſuch Rates and Tolls as ſhall be mutually fixed and agreed upon for that Purpoſe between the ſaid Company of Proprietors and the Perſon or Perſons who ſhall have made ſuch Requeſt as aforeſaid, ſo as the ſame do not exceed the Sum of One Penny Halfpenny *per* Ton *per* Mile; any Thing herein-before contained to the contrary thereof notwithſtanding: Provided always, that ſuch laſt-mentioned Rates and Tolls 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 empowered to alter and vary the Rates and Tolls firſt herein-before mentioned and authorized to be taken.

For preſerving the Right of the Duke of *Beaufort's* Fiſheries.

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

For preſerving the Duke's Rights to the Duties at *Cilvey*.

CXII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any Manner whatſoever, to deprive the Duke of *Beaufort* from receiving the Tolls, Dues, Duties, and Payments, for all Coal which hereafter ſhall be raiſed in the Manor of *Cilvey* by *John Bennett Popkin* Eſquire, his Heirs or Aſſigns, or any other Perſon or Perſons whomſoever, Owners or Occupiers of Lands or Grounds within the ſaid Manor, but that the ſaid Coal ſhall be ſubject and liable to the Payment of ſuch Duties to the ſaid Duke of *Beaufort* as the ſame are now ſubject and liable to *per* Weigh, for every Weigh of Coal which ſhall be raiſed within the ſaid Manor of *Cilvey* as aforeſaid, and which ſhall be carried over the River *Tawey*, by Means of any Bridge or Bridges, Aqueduct or Aqueducts, to be erected or built over the

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

For preſerving the Right of the Corporation.

CXIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any Manner whatſoever, to affect, prejudice, alter, abridge, leſſen, or take away, or add to any of the Rights, Tolls, Dues, Benefits, Privileges, Emoluments, Liberties, Franchiſes, or any former or other Juriſdictions which the Portreeve, Aldermen, and Burgeſſes of the ſaid Town of *Swanſea* for the Time being, and their Succeſſors, were poſſeſſed of or had a Right to by Charter, Preſcription, Cuſtom, or otherwiſe howſoever, before the paſſing of this Act, but that the ſaid Portreeve, Aldermen, and Burgeſſes, for the Time being, and their Succeſſors, ſhall have full Power, Liberty, and Authority, to take and receive all Quayage, Tolls, and Duties on Goods, Wares, and Merchandize, and other Things diſcharged from or loaded into any Ship or Veſſel within the ſaid River of *Swanſea*, and all other Dues and Profits whatſoever, in the ſame Manner as if this Act had never paſſed, any Thing herein contained to the contrary notwithſtanding (other than and except ſo far as reſpects the Powers given by this Act for making and maintaining the ſaid Canal, and ſupplying the ſame with Water, under the Reſtrictions herein contained, and the Power hereby given for the making and maintaining Rail Roads and Cuts, under the Reſtrictions herein contained).

For preſerving the Rights of Freeholders or Cuſtomary Holders in the Hundreds of *Llangevellach* and *Swanſea*.

CXIV. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be deemed or taken to extend, to alter, impeach, vary, or in any reſpect take away, leſſen, or reſtrain the Rights, Remedies, Privileges, Eſtate, or Intereſt, of the Freeholders or Cuſtomary Holders in the Hundreds of *Llangevellach* and *Swanſea*, or of the Cuſtomary or Copyholders of the Fee of *Trewyddva*, ſaving and except as is neceſſary for making, completing, and at all Times uſing, ſuch Part of the ſaid Canal as ſhall paſs through and over the ſaid Fee of *Trewyddva*, and for effecting the Purpoſes aforeſaid, in ſuch Manner as is herein-before mentioned, and not further or otherwiſe.

Preſerving Rights of Sir *Watkin Lewes*

CXV. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be deemed or taken to extend, to alter, take

take away, leſſen, or reſtrain the Rights, Remedies, Privilgees, Eſtate, or Intereſt of the ſaid Sir *Watkin Lewes*, and *John Benn it Popkin* Eſquire, either as Cuſtomary or Copyholders of the Manor of the Fee of *Trewyddva*, or as Owners or Proprietors of Lands in, through, and over which the ſaid Canal is intended to paſs, ſaving and except ſo far as is neceſſary for making, completing, and at all Times uſing ſuch Part of the ſaid Canal as ſhall paſs through and over the ſaid Fee of *Trewyddva*, or the ſaid Lands of the ſaid Sir *Watkin Lewes* and *John Bennett Popkin*, and for effecting the Purpoſes of this Act in ſuch Manner as is herein-before mentioned, and not further or otherwiſe.

and Mr. *Popkin* in the Fee of *Trewyddfa*.

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

For making Recompence for Damages not herein-before particularly provided for.

CXVII. And be it further enacted, That the reſpective Perſons who have ſubſcribed, or who ſhall hereafter ſubſcribe to advance any Money for and towards making and maintaining the ſaid Canal, and the other Works hereby authorized to be made, ſhall and are hereby required to pay the Sum or Sums by them reſpectively ſubſcribed, (or ſuch Parts and Proportions thereof as ſhall from Time to Time be called for by the ſaid General Committee, by virtue of the Powers and Directions of this Act), at ſuch Times and Places and in ſuch Manner as ſhall be directed by the ſaid General Committee; and in caſe any of ſuch Subſcribers ſhall neglect or refuſe to pay the ſame at the Time and Place and in Manner ſo required for that Purpoſe, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity.

Subſcribers compelled to pay their Subſcriptions.

CXVIII. And whereas the major Part of the ſaid Company of Proprietors may hereafter judge it expedient to make Application to Parliament for Power to make other navigable or other Communications with the ſaid intended Canal than ſuch as are authorized by this Act; but by Reaſon of Infancy or otherwiſe may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore enacted, That in caſe the Perſons entitled to a greater Number of Shares in the ſaid intended Canal ſhall at any General Aſſembly of the ſaid Company of Proprietors think it proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this Act to be applied in defraying

Majority of Proprietors may make future Applications to Parliament for Power to open other Communications with the Canal.

the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, and as fully and effectually as if every One of the said Proprietors had been capable of acting for himself or herself, and had attended such General Assembly, and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees, of the Proprietors of any such Shares, being Minors, Lunaticks, or under any Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietor or Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Share of the Expences incurred by and in consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares, which Mortgage they are hereby authorized to make by Writing under their Hands and Seals.

Fines and Forfeitures.

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

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

CXX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons

aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and the Time and Place when and where committed, as the Case may be*] contrary to an Act of Parliament, passed in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of the Act*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Persons aggrieved may appeal to the Quarter Sessions.

CXXII. 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 any Order, Judgement, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgement, or Determination shall have been made or given, (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, nor removeable by *Certiorari*.

Limitation of Actions.

CXXIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of

of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, 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 Double Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Publick Act. CXXIV. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as 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.

FINIS.