ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXIX.

An Act to amend an Act of the Thirtieth Year of His present Majesty, for making and maintaining a Navigable Canal from *Merthyr Tidvile*, to and through a Place called *The Bank*, near the Town of *Cardiff*, in the County of *Glamorgan*, and for extending the said Canal to a Place called *The Lower Layer*, below the said Town.

[26th *April* 1796.]

Preamble, recites Act 30 *Geo.* III, Cap. 82.

WHEREAS an Act of Parliament was made in the Thirtieth Year of the Reign of His present Majesty, for making and maintaining a Navigable Canal from *Merthyr Tidvile*, to and through a Place called *The Bank*, near the Town of *Cardiff*, in the County of *Glamorgan*, and by the said Act several Persons are united and made One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Glamorganshire Canal Navigation*, and are authorised to make the said Canal, with the several Works relating thereto, and to raise any Sum of Money for defraying the Expences thereof, not exceeding Ninety thousand Pounds: And whereas the said Company of Proprietors have raised the said Sum of Ninety thousand Pounds, and the same hath been expended in carrying on the said Canal and other

Works, but find it will require a further Sum of Money to enable them to finiſh and complete the ſame: And whereas the ſaid Company of Proprietors are extending the ſaid Navigation from the ſaid Place called *The Bank*, to a Place called *The Lower Layer*, below the ſaid Town, which Extenſion, when completed and made Part of the ſaid Navigation, will be of publick Utility: But the Purpoſes aforeſaid cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the ſaid Company of Proprietors, to cauſe the ſaid Extenſion of the ſaid Navigation to be carried on and completed, and to defray the Expences already incurred, and which ſhall be incurred on Account thereof, out of the Money to ariſe by virtue of the ſaid recited Act and this Act, and ſuch Extenſion ſhall be deemed and taken to be Part of the ſaid Canal; and the ſaid recited Act, and the ſeveral Powers, Proviſions, Directions, Rules, Regulations, and other Matters and Things therein contained (ſo far as the ſame are applicable, or the Nature and Circumſtances of the Caſe will admit), ſhall extend and be put in Execution with reſpect to the ſaid Extenſion, for the making, completing, maintaining, and uſing the ſame, and for making, erecting, and maintaining Towing Paths, Wharfs, Warehouſes, and other Works and Conveniencies at or near the Sides thereof, and for collecting, receiving, and recovering Rates of Tonnage and Wharfage for all Goods, Merchandizes, and Things, which ſhall be navigated, carried, or conveyed upon or along the ſame; and in all other reſpects in like Manner, and as fully and effectually as if the ſaid Extenſion had been Part of the Canal authorized or directed to be made and completed by virtue of the ſaid recited Act.

The Extenſion to be completed and deemed Part of the Canal, and the former Act to extend thereto.

II. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered to raiſe and contribute amongſt themſelves any Sum or Sums of Money for the Purpoſe of enabling them to complete and finiſh the ſaid Canal, and the ſaid Extenſion to the lower Layer, in Manner herein-after mentioned, not exceeding in the Whole the Sum of Ten thouſand Pounds, any Thing contained in the ſaid recited Act to the contrary notwithſtanding, ſuch Money to be advanced by the reſpective Proprietors upon the ſame Intereſt, and in Proportion to the Number of Shares they are reſpectively poſſeſſed of in the ſaid Undertaking, in Addition to the Sums already advanced upon or in reſpect of ſuch Shares, and the Money ſo to be raiſed ſhall be applied in defraying the Expences preparatory to, and attending the obtaining and paſſing of this Act, and alſo the Expences of finiſhing and completing the ſaid Extenſion, and the ſeveral Works in and upon the ſame, and the ſaid Canal herein-after particularly mentioned, and for no other Purpoſe whatſoever; (that is to ſay), for erecting Flank Walls on each Side of the Tide Lock, to ſecure the ſame from Damage of the Sea; for completing the Weirs, Sluices, Flood Gates, and Tumbling Bays; for erecting Cranes and Wharfs; for building Lock-keepers Houſes; for Feeders, Bridges, and Locks, and additional Sills and Securities to Lock Gates; for lining, puddling, and making the Canal water-tight; for Compenſation due to Occupiers of Land for temporary Damages in making the Canal and Extenſion, and

The Company may raiſe a Sum not exceeding 10,000*l.* for certain Works.

Sums remaining unpaid to Owners of Lands; alſo for completing the Fences and Towing Paths, deepening the Canal from the South Gate to the Sea Lock, and ſuperintending the aforeſaid Works.

Time for completing the Works limited.

III. Provided always, and be it further enacted, That the ſaid ſeveral Works aforeſaid, and the ſaid Extenſion, and all other Works whatſoever incident to the Canal and Extenſion to be made and done by virtue of the ſaid recited Act and this Act, ſhall in all Things be finiſhed and completed within the Space of Two Years next after the paſſing of this Act; and no Part of the ſaid Sum to be raiſed as aforeſaid ſhall be applied in or towards defraying the Expences of doing or performing any of the Works aforeſaid, which ſhall not be done and made within the ſaid Space of Two Years.

Company may raiſe a further Sum, if found neceſſary.

IV. And be it further enacted, That in caſe the ſaid Sum of Ten thouſand Pounds, herein-before authorized to be raiſed, ſhall be found inſufficient for the Purpoſes aforeſaid, or in caſe the ſaid Company of Proprietors ſhall find it neceſſary and expedient to raiſe and contribute amongſt themſelves any further Sum or Sums of Money for the further Purpoſes of the ſaid recited Act and this Act, then it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves any further Sum of Money, not exceeding the Sum of Ten thouſand Pounds; but it is hereby declared, that on ſuch laſt-mentioned Sum of Ten thouſand Pounds, the clear Profits paid to the ſaid Company of Proprietors ſhall never exceed the Rate of Five Pounds *per Centum per Annum*, and the ſaid Company of Proprietors ſhall keep in proper Books a diſtinct Account of the ſaid laſt-mentioned Sum of Ten thouſand Pounds, the Times when, and by whom advanced, and how the ſame ſhall be from Time to Time applied.

Company to lay their Accounts before the Quarter Seſſions within a limited Time.

V. And be it further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required to lay before the Juſtices of the Peace, at their Quarter Seſſions to be holden for the ſaid County, next after the Expiration of Twelve Months from the paſſing of this Act, an Account of the Expences of obtaining and paſſing the ſaid recited Act and this Act, and of all Money which ſhall have been laid out and expended in or relating to the ſaid Canal and Extenſion, and the Works thereto belonging, and afterwards annually; but the Amount of any ſuch Account which ſhall be laid before the ſaid Juſtices, previous to the ſaid Canal being completed, ſhall not be the Sum by which the ſaid Juſtices are to be guided in aſcertaining the clear Profits ariſing to the ſaid Company of Proprietors from the ſaid Navigation in purſuance of the ſaid recited Act and this Act.

The Marquis and Marchioneſs of *Bute* allowed to uſe a certain Towing Path, and Part of the Canal, free of any Rates.

VI. Provided always, and be it further enacted, That it ſhall be lawful for the Moſt Honourable the Marquis of *Bute*, and the Moſt Honourable the Marchioneſs of *Bute*, their Stewards, Agents, and Servants, or the Occupier for the Time being of the Lands and Grounds of the ſaid Marquis and Marchioneſs, ſituate on the Weſt Side of the ſaid Canal and Extenſion, below the South Gate of the ſaid Town of *Cardiff*, to make uſe of the Towing Paths made or to be made below the ſaid South Gate for the Paſſage of any Horſes or other Beaſts and Cattle, (but not any Carriage), to and from any ſuch Lands and

Grounds, and alſo to make uſe of the ſaid Canal and Extenſion below the ſaid South Gate, with Boats and other Veſſels for carrying any Hay, Manure, or other Matters or Things, to or from any ſuch Lands and Grounds as aforeſaid, without Hindrance or Interruption from the ſaid Company of Proprietors, or any Perſon acting under their Authority, and without paying any Rate of Tonnage for the ſame.

Conſent to be obtained before Extenſion is made.

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting under their Authority, to make or cut any Part of the ſaid Extenſion without the Conſent of the ſaid Marquis of *Bute* and Marchioneſs of *Bute*, or the Perſon or Perſons entitled for the Time being to the Land through which the ſaid Extenſion paſſes, teſtified in Writing under their or his Hand and Seal, or Hands and Seals, or until ſuch Conſent be depoſited with the Clerk of the Peace for the ſaid County, to be kept by him amongſt the publick Records in his Cuſtody.

Form of Conveyance of Lands to the Company.

VIII. And be it further enacted, That the Conveyances and Aſſurances hereafter to be made to the ſaid Company of Proprietors of any Lands or Grounds for the Purpoſes of the ſaid recited Act and this Act, ſhall be made according to the following Form; *videlicet*,

'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 *Glamorganſhire* Canal Navigation, do hereby grant and releaſe to the ſaid Company, all [*deſcribing the Premiſes to be conveyed*] and all my Right, Title, and Intereſt, in and to the ſame, and every Part thereof, to hold to the ſaid Company for ever, by virtue and according to the true Intent and Meaning of an Act of Parliament, paſſed in the Thirtieth Year of the Reign of King *George* the Third, for making the ſaid Canal [*or*, an Act of Parliament, paſſed in the Thirtieth Year of the Reign of King *George* the Third, for making the ſaid Canal; and an Act of the Thirty-ſixth Year of the Reign of King *George* the Third, for amending the firſt-mentioned Act, and extending the ſaid Canal]. In Witneſs whereof, I have hereunto ſet my Hand and Seal, this Day of

And every ſuch Conveyance and Aſſurance to be made according to the Form and in Manner aforeſaid, ſhall be valid and effectual.

Compenſation for Tythes.

IX. 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, which would have been iſſuing from or out of any of the Lands which have been or ſhall be taken, or made uſe of for the Purpoſes of the ſaid recited Act and this Act, to the ſeveral Perſons who now are or at any Time hereafter might have been entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated with reſpect to ſuch Lands as have been already taken at the Average Value of Four Years next preceding the taking of ſuch Lands, and with reſpect to ſuch Lands as ſhall be hereafter taken at the Average Value of Four Years commencing at *Michaelmas Day* One thouſand

thouſand ſeven hundred and ninety-one, and ending at *Michaelmas Day* One thouſand ſeven hundred and ninety-five, ſuch reſpective Values to be aſcertained, in caſe of any Difference concerning the ſame, in like Manner as the Value of any Lands or other Hereditaments is by the ſaid recited Act directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons by an Annual Rent.

Proceſſes may be ſerved on the Clerk to the Company.

X. And, to the End that all Perſons who may be deſirous of bringing any Action, Suit, or Complaint, againſt the ſaid Company of Proprietors, may have an eaſy and effectual Means of doing and enforcing the ſame; be it further enacted, That the Clerk for the Time being to the ſaid Company of Proprietors ſhall be the Perſon upon whom all Writs, Proceſſes, or Summons againſt the ſaid Company of Proprietors ſhall be ſerved, and that the Service of any Writ, Proceſs, or Summons, upon ſuch Clerk, ſhall be deemed good and ſufficient Service upon the ſaid Company of Proprietors.

Expences of the Act.

Publick Act.

XI. And be it further enacted, That the Charges and Expences attending the obtaining and paſſing of this Act, ſhall and may be paid by the ſaid Company of Proprietors out of any Money to be raiſed as aforeſaid; and that this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

FINIS.