

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

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extended to this Act, except as altered.

Matters, and Things contained in the said recited Act (save and except so far as the same are altered, repealed, or varied by this Act, or are in anywise inconsistent with the Provisions herein contained,) shall extend to this Act, and shall be in force for the Purposes and Objects of this Act, as fully and effectually to all Intents and Purposes as if the same Powers, Provisions, Matters, and Things had been re-enacted in this Act, and been made Part hereof, and the said recited Act and this Act shall, as to the Powers, Provisions, Matters, and Things not repealed or altered by this Act, be construed together as One Act.

Appointment of additional Commissioners.

II. And be it enacted, That in addition to the Commissioners appointed by the said recited Act, the resident Superintendent for the Time being of the *Kidwelly* and *Llanelly* Canal and Tramroad Company, and also the Harbour Master and resident Clerk for the Time being of the *Burry* Port Company, and also the resident Superintendent and Dock Master for the Time being of the *Llanelly* Railway and Dock Company, shall be and they are hereby constituted and appointed Commissioners for executing the Purposes of the said recited Act and of this Act.

Commissioners not to be personally liable.

III. And be it enacted, That nothing in any Deed or Contract by the said recited Act or this Act authorized to be made by or on the Behalf of the Commissioners, for any of the Purposes of the said recited Act or of this Act, shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of the said recited Act and this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Liability of their Funds.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

IV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Goods of the Commissioners.

V. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

VI. And

Indemnity to Commissioners and Clerk.

VI. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners, or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Service of Notice on Commissioners.

VII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

VIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document, under this Act, may be in Writing or Print, or partly in Writing or Print, and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

Proof of Debts in Bankruptcy.

IX. And be it enacted, That if any Person against whom the Commissioners shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Treasurer of the Commissioners, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Commissioners and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk or Treasurer, and not of the Commissioners.

Releases to Witnesses.

X. And be it enacted, That in all legal Proceedings under the said recited Act or this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases, for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Expences of Act.

XI. And be it enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of

making

making the Surveys and Plans, and all other Costs, Charges, and Expences relating to or concerning the same, or in any Way or Manner incident thereto, shall (but subject and without Prejudice to the Claims of existing Mortgagees for any Interest which may be due to them on their Advances) be borne and defrayed by the said Commissioners out of the first Monies to be received under or by virtue of the said first-recited Act or of this Act, from the Rates and Duties to be levied upon the Import and Export of Goods to and from the Harbour of *Llanelly*.

Qualification given to Shareholders in Llanelly Railway and Dock Company and the Burry Port Company.

XII. And be it enacted, That every Person being a registered Proprietor of Five or more Shares of One hundred Pounds each, either in "The *Llanelly* Railway and Dock Company," or in "The *Burry* Port Company," shall, so long as he continues to be a Holder of such Shares, be eligible, and, if elected, shall be qualified, to act as a Commissioner in the Execution of this Act and of the said recited Act.

So much of former Act as relates to the Navigation of the Lliedi beyond a certain Point, and to the Application of particular Funds to that Purpose, repealed.

XIII. And whereas by the said recited Act it is required that the said Commissioners should improve, deepen, widen, and maintain the Navigation of the said River *Lliedi* up to a certain Ford or Place across the same River about Fifty Yards below the Iron Bridge: And whereas it is by the said recited Act also enacted, that all and every the Rates and Duties thereby directed to be taken and received upon Goods, Wares, Merchandize, and other Commodities and Things exported or imported over the Bar of the said Rivers of *Burry* and *Loughor* into or from the Port of *Llanelly* should be solely and exclusively applied to such Improvements as were thereby directed to be made in or upon the said River *Lliedi*, and at such Place or Places only within the said Port of *Llanelly* where such Rates or Duties were payable and paid: And whereas the Maintenance of the Navigation of the said River *Lliedi* up to the Point specified in the said recited Act, and the exclusive Application of the said Rates and Duties at the Places where the same are payable and paid, would be incompatible with the Objects and Purposes of this Act; be it therefore enacted, That so much of the said recited Act as requires the said Commissioners to improve, deepen, widen, or maintain the Navigation of the said River *Lliedi* beyond a certain Place or Point called the Drawbridge, at or near the *Carmarthenshire* Railway or Tramroad Company's Dock, and to apply such Rates and Duties as last aforesaid in such specific Improvements of the said River *Lliedi*, and at such Places as aforesaid, shall be and is hereby repealed; and that henceforth it shall be lawful for the said Commissioners to exercise their own Discretion as to the Nature and Extent of the Improvements to be made by them in the Navigation of the said River *Lliedi* above the said Place or Point called the Drawbridge aforesaid, and to apply so much of the said Funds as shall not be necessary or proper to be expended in deepening, widening, improving, and maintaining the Navigation of the said River *Lliedi* in or towards the general Improvements of the said Harbour, and the several other Purposes of this Act and of the said recited Act, in such Manner as they shall think proper.

XIV. And

Annual Accounts to be made up, and a Copy transmitted to the Clerks of the Peace of Glamorgan and Carmarthen.

XIV. And be it enacted, That the said Commissioners shall and they are hereby required in each and every Year to cause annual Accounts in Abstract to be prepared, showing the total Receipts and Expenditure of each distinct Fund levied under or by virtue of this or the said recited Act for the Year ending on the Thirty-first Day of *December* in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance upon each distinct Head of such Accounts respectively, duly audited and certified by the Secretary or Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Accounts, free of Charge, to the Clerks of the Peace of the Counties of *Glamorgan* and *Carmarthen* respectively, on or before the Thirty-first Day of *January* then next, who shall be entitled to a Fee not exceeding Five Shillings for filing the same, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection; the first of such annual Accounts to be made up to the Thirty-first Day of *December* One thousand eight hundred and forty-three, and to include the Balances of such Accounts respectively for the preceding Year: Provided always, that if the said Commissioners shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Accounts as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Ten Pounds.

Accounts to be published.

XV. And be it enacted, That an Abstract of such Accounts, showing the Balance thereof, shall be by such Commissioners published annually in the Month of *February* in some Newspaper circulated in the Counties of *Carmarthen* and *Glamorgan*, or either of them.

Provisions of former Act as to certain Rates collected at Swansea made applicable to the same Rates, though now collected at Llanelly.

XVI. And whereas at the Time of the passing of the said recited Act all the Places within the Limits of the said Act which are situate in the County of *Glamorgan* were within the Jurisdiction or Control of the Collector of Customs at *Swansea*, and all Rates and Duties payable at such Places in respect of Vessels trading over the Bar of *Burry* are referred to in the said recited Act as being collected at the Port of *Swansea*: And whereas since the passing of the said Act all such Places have, by Order of the Commissioners of Her Majesty's Customs, or other proper Authority, been made Branches of the Port of *Llanelly*, and been brought within the Jurisdiction or District of Her Majesty's Collector of Customs at *Llanelly*; be it therefore enacted, That the Provision or Provisions of the said Act which relate to the Application of the said Rates or Duties therein referred to as to be collected at the Port of *Swansea* shall henceforth be deemed and taken to extend or relate to the same Rates and Duties, notwithstanding that the same shall, by reason of the said Order of Her Majesty's Customs, or other proper Authority, be henceforth collected at the said Port of *Llanelly*.

Declaration to be substituted in lieu of Oath.

XVII. And be it enacted, That so much of the said recited Act as directs that the said Commissioners shall, before they proceed to act in the Execution of the said recited Act, as therein mentioned, take

and subscribe the Oath therein set forth, shall be and the same is hereby repealed; and that instead thereof every Person who shall be hereafter elected or claim to act as Commissioner in the Execution of the said recited Act and of this Act shall, before he proceeds to act as such Commissioner, make and subscribe a Declaration to the Effect of such Oath in the Form and Manner required and authorized by the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths;* and every such Declaration shall be made before such Persons as are by the said first-recited Act authorized to administer such Oath.

5 & 6 W. 4. c. 8.

Proceedings and Entries not to be invalid for Want of Form.

XVIII. Provided always, and be it enacted, That no Order or Proceeding to be made or taken by virtue of the said recited Act or of this Act shall be vacated or questioned for Want of Form only, and all Orders and Proceedings made or taken by the said Commissioners previously to the passing of this Act shall be valid and unimpeachable.

Commissioners may borrow a further Sum of Money.

XIX. And be it enacted, That the said Commissioners shall and may and they are hereby authorized, from Time to Time, by the Means prescribed by the said first-recited Act, to borrow any Sum or Sums of Money not exceeding the Sum of Twenty thousand Pounds, in addition to the Sum of Two thousand Pounds authorized to be borrowed by virtue of the said recited Act, and also from Time to Time to repay such borrowed Monies, or any Part or Parts thereof, and to borrow other Monies in lieu thereof: Provided always, that no greater Sum than Five thousand Pounds shall at any one Time be a Charge upon the said Rates and Duties by the said first-recited Act authorized to be levied on the Tonnage of Shipping; and that not more than Two thousand Pounds, Part of the said Sum of Five thousand Pounds, shall be expended upon any Part of the River *Loughor* situate above the Point of Junction for the Time being of the River *Lliedi* with the Channel of the said River *Loughor* at Low Water.

Mortgages, &c. to be stamped.

XX. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer thereof to be granted or made by virtue of this Act or of the said recited Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Act contained to the contrary notwithstanding.

Mortgages under former Act to have Priority.

XXI. Provided also, and be it enacted, That all Mortgages already entered into by the said Commissioners under the Authority of the said first-recited Act shall, during the Continuance thereof, have Priority over any Security by this Act authorized to be given by the said Commissioners.

XXII. And

Application of Monies.

XXII. And be it enacted, That after defraying the Rents, Taxes, Salaries of all permanent Agents, Officers, Workmen, and Servants employed or to be employed by the said Commissioners, and all current Expences of carrying on the general Business of the said Commissioners, the Monies which shall come to the Hands of the said Commissioners by virtue of the said recited Act or of this Act shall be laid out and applied in the Manner following; (that is to say,)

First, The Monies which shall arise from the Rates and Duties by the said first-recited Act authorized to be levied on the Tonnage of Shipping, or on the Credit of the Rates and Duties on the Tonnage of Shipping, shall be applied exclusively to the Purposes to which the same are made applicable by the said recited Act:

Secondly, The Monies which shall arise from the Rates and Duties by the said recited Act authorized to be levied upon Goods, Wares, Merchandize, and other Commodities and Things, exported or imported over the Bar of the said Rivers *Burry* and *Loughor* into or from the said Port of *Llanelly*, or which shall be raised on the Credit of such last-mentioned Rates and Duties, shall be applied in manner following; (that is to say,) first, in keeping and maintaining the Approaches or Entrances to the Channel or Channels leading to the said Harbour in such a State as to afford a free Navigation for all Vessels not exceeding Three hundred Tons Register Measure, entering or departing from the said Harbour of *Llanelly*, and afterwards in improving the Navigation of the said River *Lliedi*, and in doing and executing the several Works and Things hereby authorized for the general Improvement or Accommodation of the said Harbour of *Llanelly*:

Provided always, that the said Rents, Taxes, Salaries, and other current Expences of the said Commissioners shall be paid out of the respective Rates and Duties herein-before authorized to be levied and raised, rateably and in proportion to the Amount which the Rates and Duties annually received from the Tonnage of Shipping shall bear to the Amount of the Rates and Duties annually received upon Goods, Wares, Merchandize, and other Commodities exported or imported over the Bar of the Rivers *Burry* and *Loughor*, or to or from the said Port of *Llanelly*, and to the Value of the Services rendered by the several Agents, Officers, Workmen, and Servants in performing the Duties required of them respectively in reference to the Two several particular Branches of Expenditure authorized by the said first-recited Act: Provided also, that nothing in this Act contained shall render any Person or Persons lending Money to the said Commissioners under the Powers of the said first-recited Act or of this Act liable to see to the Application of such Money, or any Part thereof, or responsible for the Misapplication or Non-application thereof, or affect in any way any Security which has been or shall hereafter be taken by such Person or Persons upon the said Rates and Duties generally.

Commissioners may reward Pilots, &c.

XXIII. And be it enacted, That the Commissioners may and they are hereby authorized to reward or grant Gratuities to retired Officers, or

or to Pilots, or any Person or Persons licensed for or employed in or about the Navigation of Vessels in or upon the said Rivers or either of them, and to provide Boats, Skiffs, or Vessels for the Use of or to assist the Pilots and other Persons employed or licensed by the said Commissioners to navigate the said Rivers or either of them, under the Powers of the said recited Act or of this Act, as to the said Commissioners shall from Time to Time appear advisable or expedient, and to charge all such Reward, Gratuity, and Assistance in or to the Account only of the Rates and Duties arising under the said recited Act from Vessels navigating the said Rivers, any thing herein contained to the contrary notwithstanding: Provided always, that such Gratuities shall be distributed by the said Commissioners impartially, and with a due Regard to the Claim of all the Pilots or Officers connected with the various Ports and Places on the said Rivers.

Commissioners may compound for Dues on Steam Vessels.

XXIV. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall see convenient, to compound for any Time not exceeding One Year with the Owner or Owners, Consignees or Agents, or other Persons having the Charge or Management of any Steam Vessel using and resorting to the said Harbour or Port, for the Payment of such Sum or Sums of Money in lieu of Rates or Duties on such Vessel as they may think sufficient, and that such Composition Money shall be recovered, paid, and applied as the Rates and Duties on such Vessels would by the said first-recited Act or by this Act have been payable and applicable: Provided also, that in case any such Composition shall be made or entered into the same shall extend to or may be adopted by all such Owners, Consignees, Agents, or other Persons having the Charge or Management of any Steam Vessel using and resorting to the said Harbour who shall think fit to take advantage of such Composition, or accept the Terms thereof; and no such Composition shall either directly or indirectly be made partially or in favour of or against any particular Owners, Consignees, Agents, or other Persons aforesaid, or be confined to any particular Steam Vessel,

Rates on Foreign Vessels to be reduced to the Rates on British Ships where Reciprocity Treaties shall be entered into with Foreign Countries.

XXV. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded, or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein; but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Master of Vessel to give an Account of

XXVI. And be it enacted, That the Master or Commander of any Vessel within the Limits of the said Harbour, on board of which any Goods, Articles, or Things shall be imported or shipped, shall give

to the Person for the Time being appointed by the Commissioners to collect the said Rates or Duties a true Account, signed by such Master, Commander, or Consignor, of the Kinds, Quantities, and Weights of such Goods, Articles, or Things, before the same shall be discharged from or shipped in such Vessel, as the Case may be, and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor who shall sign a false Account of any such Goods, Articles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Five Pounds.

Goods intended to be shipped or imported.

XXVII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates due or the Charges occasioned by any Distress to be taken by virtue of this or the said recited Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by some Justice of the Peace, who, upon Application made to him for that Purpose, shall determine the Amount of the Rates due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Disputes concerning Rates and Distress to be settled by a Justice.

XXVIII. And be it enacted, That the Commissioners shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed in front of the principal Office of Business of the Commissioners, and on some conspicuous Part of the Quays of the said Harbour, a Table or List of the several Rates or Duties which shall be from Time to Time payable by virtue of the said recited Act or of this Act.

Table of Rates to be set up in a conspicuous Part of the Harbour.

XXIX. And be it enacted, That the said Commissioners shall and they are hereby required to take Security from their Treasurer, Receivers, and Collectors for the faithful Discharge of the Duties of their respective Offices.

Commissioners to take Security from Officers.

XXX. And be it enacted, That it shall be lawful for the said Harbour Master for the Time being to remove any Wreck or other Obstruction to the said Harbour or Rivers within the Limits prescribed by the said recited Act, and also any Timber or other Materials which may impede or endanger the Navigation within the Jurisdiction of the said Commissioners, save and except such Jetties or other Erections as may be placed by the Owners or Occupiers of Land on either Side of the said Rivers for the Protection of their Property, and as may not actually render the Navigation of the said Rivers difficult or dangerous; and all Expences attending or occasioned by the Removal of any such Wreck, Obstruction, Timber, or other Materials shall be repaid by the Owner of the same; and in case of Refusal or Neglect of Payment for the Space of Seven Days after such Removal it shall be lawful for the said Commissioners to levy and raise such Expences by Distress and Sale of such Wreck, Timber, or other Materials, in such Manner as by the said first-

Harbour Master may remove Wrecks, &c.

first-recited Act is provided in reference to the Expences incurred by the Removal of Vessels unfit for Service.

Harbour Master may enter Lands for the Recovery of lost Property.

XXXI. And be it enacted, That it shall be lawful for the said Harbour Master for the Time being, and his Agents, Servants, or Workpeople, to enter upon the Lands and Premises of any Person or Corporation whatever in order to recover and fetch away or seek after any Buoy or other Property belonging to the said Commissioners which may have drifted or been thrown upon such Lands, or been otherwise lost.

So much of recited Act as respects Production of Certificate of Payment of Rates repealed.

XXXII. And be it enacted, That so much of the said recited Act as prohibits the Collector of Customs to suffer any Vessel or Goods to be cleared outwards or inwards until the Master thereof shall have produced a Certificate of the Payment of the Rates thereby imposed shall be and the same is hereby repealed.

Collector of Customs may withhold a Discharge to any Vessel until Rates are paid.

XXXIII. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report, inwards or outwards, for any Vessel liable to the Rates imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate under the Hand of the Person appointed by the Commissioners to collect such Rates, that the Rates payable under this Act in respect of such Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

Power to lease Rates.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, by Lease, to take effect in Possession within Three Months from the letting thereof, to let the Rates and Duties by the said recited Act authorized to be levied and collected, or any Part thereof, to any Party, for any Period not exceeding Seven Years from the Commencement of any such Lease: Provided always, that no such letting shall take place, unless public Notice of the Intention to let the Rates and Duties, or the Part thereof intended to be let, shall have been given by the Commissioners by Advertisement at least Fourteen Days prior to the Meeting of the said Commissioners at which it shall be intended to let the said Rates and Duties: Provided also, that every Lease granted by virtue of this Act of the said Rates and Duties on the Tonnage of Shipping shall be made by a separate Instrument, and shall not comprise the Rates and Duties upon Goods exported or imported as aforesaid.

Lessees to be deemed Collectors.

XXXV. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Rates so let, shall be deemed Collectors of the Rates so let, and they shall have the same Powers to collect and recover such Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the said Commissioners.

XXXVI. And

Lessees making Default to be removed.

XXXVI. And be it enacted, That if any such Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, then, upon Application made by the Commissioners to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances thereto, belonging to the Commissioners, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and to take possession thereof, and of all Property found therein belonging to the Commissioners, and deliver the same to them or any Person appointed by them for that Purpose.

Power to relet the Rates.

XXXVII. And be it enacted, That upon such Possession being obtained it shall be lawful for the Commissioners to determine the Lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Commissioners may again let the Rates to the same or any other Person, or cause them to be collected in the same or in such other Manner as if no such former Lease had been made relative thereto.

Power to execute certain Works and Improvements; viz.

to divert the Rivers Lliedi,

and also the Yard on Stradey;

and make Embankments, Floodgates, Sluices, Reservoir, &c.;

XXXVIII. And be it enacted, That the said Commissioners shall be and they are hereby authorized and empowered, by themselves, their Engineers, Officers, Workmen, and Servants, to collect, divert, and lead the Streams or Waters of the said Rivers *Lliedi*, and *Yard* or *Stradey*, or either of them, from the Beds thereof, in the Manner herein-after mentioned; that is to say, to divert and lead the said River *Lliedi* by a Cut or Cuts, or Embankment or Embankments, from or from near a certain Place called the *Old Castle* to or to near a certain Place, Reservoir, or Pond adjoining to the *Carmarthenshire* Railway Dock, or to or near to a certain Place called the *Drawbridge*, below the said last-mentioned Dock, all in the said Parish of *Llanelly*; and also, with the previous Consent in Writing of the Owner or Owners of the Land or Ground in or upon which the same is to be formed or made, to divert and lead the said *Yard* or *Stradey* River by a Cut or Cuts, or Embankment or Embankments, from the Bed thereof at or near a certain Place to the South of the Road leading from the Town of *Llanelly* towards *Pembrey*, opposite or nearly opposite a certain Place called the Yard, to or to near to and to communicate with the Channel of the River *Lliedi* at or near to a certain Place called the *Iron Bridge*, or to the Pond or Reservoir intended to be made above, below, or near the said *Carmarthenshire* Railway Dock, all being in the Parish of *Llanelly* aforesaid; and also to make, erect, and complete such Embankments, Floodgates, Locks, Sluices, Reservoir, Ponds, and other Receptacles, and all other necessary Works and Contrivances

vances for the Purpose of collecting, retaining, and discharging the said Waters so to be diverted and led into such Reservoir, Ponds, or other Receptacle, or any other Waters, within the Parish of *Llanelly*, for the Purpose of scouring, cleansing, deepening, and otherwise improving the Harbour, as the said Commissioners may deem requisite or expedient for the Purposes aforesaid; and also to make, complete, and finish, by and with the previous Consent of the Owner or Owners, Lessee or Lessees, and Occupier or Occupiers of the Land or Ground on which the same is to be formed or made, a Pond or Reservoir at or near a certain Place between the Channel of the *Llanelly* Railway and Dock Company's Dock and a certain other Channel belonging to a certain Dock called or known by the Name of the *Copper House Dock*, situate in the said Parish of *Llanelly*, together with Banks, Sluices, or Gates, and other Contrivances for admitting and emitting tidal and other Water into and out of the said Reservoir or Pond for the Purposes of scouring, cleansing, and deepening the said Harbour as aforesaid; and also to maintain, extend, enlarge, and improve the Breakwater, Slag Bank, or Pier situated on the Western Side of the said Harbour of *Llanelly*, and to take, use, and occupy such Portions of Beach or Mud and Sand on each Side thereof as may be necessary to maintain, enlarge, extend, embank, and protect the said Breakwater or Pier as aforesaid; and to erect such Jetties, Stages, Moorings, Posts, Cranes, Capsterns, and all such other Erections and Contrivances as the said Commissioners shall deem necessary or expedient for the Use or Benefit of the said Harbour, or for the Protection or Accommodation of Vessels resorting to the said Harbour for Shelter or otherwise.

and to make a Reservoir by Copper House Dock, &c.;

and to enlarge the Breakwater.

No Works to be constructed below High-water Mark without the Consent of the Admiralty.

XXXIX. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners, or any Persons acting under their Authority or on their Behalf, to make or begin to make, construct, or carry on any Pier, Quay, or other Work below the Line of High-water Mark at ordinary Spring Tides, without the Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Power to purchase or hire Steam Vessels or Tugs for the Use of the Harbour.

XL. And be it enacted, That the said Commissioners shall be and they are hereby authorized, if they shall think right and proper for the Interest and Accommodation of the said Harbour, and the safe Navigation thereof, to purchase or hire or maintain, if necessary, out of the said Rates and Duties to be levied upon the Import and Export of Goods to and from the Harbour of *Llanelly*, One or more than One Steam Vessel or Steam Tug for the Use of the said Harbour and Rivers, and the towing of Vessels in and out of the same respectively, or any of them, and subject to and under such Regulations and Bye Laws as they the said Commissioners shall from Time to Time order and direct.

Cranes, &c., if used, to be paid for.

XLI. And be it enacted, That it shall be lawful for the Commissioners to demand and take, for the Use of any Cranes, Weighing Machines,

Machines, Steam Vessels or Steam Tugs, or other Conveniences to be erected or employed or used by virtue of this Act, such reasonable Payments as the said Commissioners shall from Time to Time appoint.

Power to purchase Lands for Diversion of River Lliedi.

XLII. And be it enacted, That for the Purposes aforesaid, and for other the Purposes of the said first-recited Act and of this Act, the said Commissioners are hereby authorized and empowered to purchase, take, hold, and use such Portion, not exceeding Fifteen Yards in Width, of a certain Piece or Pieces of Land numbered 8, 9, 10, and 11, and not exceeding Forty Yards in Width of a certain other Piece or Parcel of Land numbered 7, in that Part of the Plan and Book of Reference herein referred to which relates to the said Parish of *Llanelly*, all lying along the Line of the Cut or Cuts, or Embankment or Embankments, marked D. D. on the said Plan, hereby authorized to be made for diverting or leading the said River *Lliedi* in manner aforesaid, as the said Commissioners shall in their Discretion think necessary and proper, as the Site of such Cut or Cuts, Embankment or Embankments, and of the Works connected therewith.

Power to purchase Lands for Diversion of Yard River.

XLIII. And be it enacted, That it shall be lawful for the Commissioners, with the previous Consent in Writing of the Owners, in like Manner to purchase, take, hold, and use the Lands following; that is to say,

First, Such a Portion, not exceeding Sixty Yards in Width, of a certain Piece or Pieces of Land numbered 5 and 7 in that Part of the said Plan and Book of Reference relating to the said Parish of *Llanelly*, and lying along the Line of the Cut or Embankment marked A. A. on said Plan, intended to be made for the Diversion of the *Yard* or *Stradey* River, as the said Commissioners may think proper, as the Site of such last-mentioned Cut and Embankment, and of the Works connected therewith:

Secondly, A certain Piece or certain Pieces of Land, numbered 5 and 7 in that Part of the said Plan and Book of Reference relating to the said Parish of *Llanelly*, between a supposed straight Line to be drawn from opposite or nearly opposite a certain House called the *Old Castle*, from the Line of High-water Mark, at the Medium of Spring and Neap Tides, to a certain Point One hundred Yards to the South or South-west, along the said Pier or Breakwater, from a certain Bridge there called the *Drawbridge*, and within the Black Lines on the said Plan marked A. and B.:

And thirdly, With the previous Consent in Writing of the Person or Persons for the Time being entitled to the Receipt of the Rents and Profits thereof, and the Lessee or Lessees, and Occupier or Occupiers thereof, a certain Piece of Land, or Beach, Mud, and Sand, numbered 1 and 2 in that Part of the said Plan and Book of Reference relating to the said Parish of *Llanelly*, lying and being between the Boundary or Limit of the Property of the *Llanelly* Railway and Dock Company occupied by their Channel and the raised Ground or Embankment on the North-west Side thereof, leading from the

Entrance of the said Harbour to their Dock, and a supposed straight Line drawn parallel with and at the Distance of Thirty Yards from the Base of the Slag Bank situate to the South of the *Llanelly Copper House Dock*, to intersect the said Boundary or Limit of the said Land occupied by the said Channel and raised Ground or Embankment adjoining thereto, leading to the said Dock of the *Llanelly* Railway and Dock Company as aforesaid, and another supposed Line drawn parallel with and at a Distance of Two hundred and twenty Yards from a certain Railway or Tramroad leading from the said *Copper House Dock* to or to near a certain Foundry or Iron Works called "The *Lanmor* Iron Works," from a Point where the same will intersect the said supposed straight Line, drawn parallel with the Base of the said last-mentioned Slag Bank till it intersects the said Boundary or Limit of the Land occupied by the said Channel and raised Ground or Embankment adjoining thereto, leading to the said Dock of the said *Llanelly* Railway and Dock Company.

Deposited Plans and Books of Reference to be open for Inspection.

XLIV. And whereas a Map or Plan describing the Line or Course of the said Cuts or Diversions and Embankments, and the Boundary or Limits of the said Reservoirs or Ponds, and the Situation and Extent of the other Works, and of the Lands and Grounds in, through, and upon which the said Cuts or Embankments, Ponds or Reservoirs, Wharfs, Embankments, and other Works are respectively to be made, carried, or constructed, together with a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through or upon which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the said County of *Carmarthen*; be it enacted, That all Persons interested may at all reasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if the said Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions in Plans, &c. to be corrected.

XLV. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Books of Reference, be it enacted, That the Correction of any such Matters may be referred by the Commissioners to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly; and they shall in such Certificate state the Particulars of any such

such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate, and such Certificate and Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Document shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Commissioners to make the Works hereby authorized to be made in accordance with such Certificate.

Copies of Plan to be Evidence.

XLVI. And be it enacted, That true Copies of such Plan and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Buildings and inclosed Grounds not to be taken without Consent.

XLVII. And be it enacted, That the Commissioners shall not take or injure, by virtue of the Powers of this Act, any Property of the following Kinds, without the Consent in Writing of the Owners and Occupiers thereof; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

So much of former Act as makes certain Acts Felony repealed.

XLVIII. And be it enacted, That so much of the said first-recited Act as directs that any Person wilfully and maliciously, and to the Prejudice of the said Undertaking, setting on fire, breaking, throwing down, destroying, extinguishing, putting out, stealing, or taking away any of the Buoys, Beacons, Lights, Marks, Signals, Chains and other Fastenings, Works, Matters, or Things, or any Part or Parts thereof respectively, and being thereof lawfully convicted, should be adjudged guilty of Felony, and be transported in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, shall be and the same is hereby repealed.

Penalty for obstructing Works.

XLIX. And for preventing any Obstruction of the Works, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Commissioners in setting out the Line or Site of any of such Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out such Line or Site, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every such Offence.

Commissioners may contract for the Works.

L. And be it enacted, That the said Commissioners, or such other Persons as they shall direct and appoint, are and is hereby authorized to contract and agree with any Person or Persons for making the said Works and Improvements hereby authorized to be done, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions, as the said Commissioners shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Commissioners

sioners and all other the Parties thereto, and the respective Successors, Heirs, Executors, or Administrators of such Parties.

Bridges over Cuts or Canals, &c. how to be made.

LI. And be it enacted, That every Bridge erected for carrying any Road over any Cut or Canal or other Works made and executed under the Authority of this Act shall be built in conformity with the following Regulations; that is to say,

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if it be a public Carriage Road, and One Foot in Sixteen Feet if it be a private Carriage Road.

Before Roads be interfered with others to be substituted.

LII. And be it enacted, That if in the Exercise of the Powers by this Act granted any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, be found necessary to be gone across, cut through, raised, sunk, or taken, so that it will be so much injured thereby as to be impassable for or dangerous to Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the Commissioners shall before the Commencement of any such Operations cause a sufficient Road to be made instead of the Road to be interfered with, and such substituted Road shall, at the Expence of the Commissioners, be made and maintained in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly as may be.

Penalty for not substituting a Road.

LIII. And be it enacted, That if the Commissioners do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid, they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, or in case of a private Road to the Owner thereof, and when paid in respect of any public Road shall be applied for the Purposes thereof.

Period for Restoration of Roads interfered with.

LIV. And be it enacted, That if such former Road as aforesaid shall be restored compatibly with the Formation and Use of the Works hereby authorized to be made, the Commissioners shall cause such new Road to be put into a permanently substantial Condition, equally convenient as the Road for which the same is substituted; and if such former Road can be restored compatibly with the Formation and Use of the said Works, such Restoration shall be made, and the former Road shall be restored, or the substituted Road shall be put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having Charge

of the Road to be restored, by Writing under their Hands, consent to an Extension of the Period, and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road within Six Months, and if the Road be not a Turnpike Road within Twelve Months.

Penalty on Commissioners failing to restore Road.

LV. And be it enacted, That if any such Road be not restored or the substituted Road be not completed within the Period hereinbefore fixed for that Purpose, the Commissioners shall forfeit Twenty Pounds for every Day after the Expiration of that Period during which such Road shall not be so restored, or the substituted Road be not completed in such Condition as aforesaid; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Commissioners, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable by Action in any of the Superior Courts.

Commissioners to repair Roads used by them other than Turnpike Roads.

LVI. And be it enacted, That if in the Course of making the said Works the Commissioners shall use or interfere with any Road, not being a Turnpike Road, and whether a public or private Road, they shall maintain the same in as good a State of Repair as such Road was in at the Time when the Commissioners began to use the same, and shall leave the same in such State of Repair at the Conclusion of their Use thereof; and if any Difference arise as to the State of any such Road, either before or after the Use thereof by the Commissioners, the Question shall be referred to the Determination of Two Justices, and such Justices may direct such Improvements or Repairs to be made in the State of such Road, and within such Period, as they think reasonable, and may impose on the Commissioners for not carrying into effect such Improvements or Repairs any Penalty not exceeding Five Pounds *per* Day, as to such Justices shall seem just.

To make Channels of Diversion deep enough to prevent Inundation.

LVII. And be it enacted, That the said Commissioners shall and they are hereby required to make every Cut or Channel for the Diversion and leading of the said Rivers of sufficient Depth and Breadth, and, where necessary, to erect and make Embankments on the Sides thereof of sufficient Height, to prevent and effectually protect the adjoining Lands from being overflowed or inundated by the said Rivers or any of them by reason of any Land Floods increasing the usual Quantity of Water flowing therein.

Power for the Commissioners and Land Owners to concur in making the Embankment or Sea Wall a Protection against the Sea.

LVIII. And be it enacted, That if the Owner or Owners of any Lands or other Hereditaments now subject to be overflowed by the Tide or Sea shall desire to convert and make the said Embankments proposed or intended to be made for the Diversion of the said several Rivers *Lliedi*, and *Yard* or *Stradey*, hereby authorized to be diverted as aforesaid, into a Sea Wall or Sea Bank, to enclose and protect such adjoining Land from being so overflowed by the Tide or Sea as aforesaid, it shall be lawful for the said Commissioners and such Owner or Owners to enter into an Agreement or Agreements for

for erecting, keeping up, and maintaining such Sea Wall or Sea Bank at their joint Expence, in such proper Terms as they may determine and agree to be fair and reasonable; and the said Wall or Bank shall in such Case thenceforth be repaired and kept up by the said Commissioners and Owners in the Proportion which shall be agreed upon between them.

Power to recover repairing Expences, if Owners refuse or neglect.

LIX. Provided always, and be it enacted, That in case of the Ownership or Ownerships of such adjoining Lands being disputed, the Party or Parties for the Time being entitled to the Receipt of the Rents and Profits thereof shall, for the Purposes of such an Agreement, be deemed the Owner or Owners, and all other Parties interested therein shall be bound by the said Agreement or Agreements as regards the Manner of Payment and Proportion of the Expences of making, completing, repairing, and maintaining such Sea Bank or Sea Wall as aforesaid; and the Owners or Persons for the Time being in possession of the Rents and Profits of such Lands as aforesaid shall be liable to be sued for their Proportion of such Expences in any of the Superior Courts of Record at *Westminster* by the said Commissioners, in case of their Refusal or Neglect to pay the same on Demand.

Power to purchase the Carmarthenshire Railway or Tramroad Company's Dock. 42 G. 3. c. 80.

LX. And whereas, in pursuance and by virtue of a certain Act of Parliament passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Railway or Tramroad from or from near a certain Place called the* Flats, *in the Parish of* Llanelly *in the County of* Carmarthen, *to or near to certain Lime Rocks called* Castell-y-Garreg *in the Parish of* Llanfihangel Aberbythick *in the said County; and for making and maintaining a Dock or Bason at the Termination of the said Railway or Tramroad at or near the said Place called the* Flats, the *Carmarthenshire* Railway or Tramroad Company, incorporated by the said Act, have made or constructed a certain Dock, and certain Works connected therewith, which it may be expedient to take, use, and occupy for the Purposes of this Act; be it therefore enacted, That the said Commissioners shall be and they are hereby authorized, if they shall think fit, to treat for and purchase, and hold, for the Purposes of the said first-recited Act and of this Act, and also to take, use, and employ, the Dock, Reservoir, or Channel, Quay and other Walls belonging to the said *Carmarthenshire* Railway or Tramroad Company, and any Land belonging to the said Company in immediate Connexion with the said Dock, and also to exercise all the Powers and Rights given to the said Company by the said lastly-recited Act in respect to the said Dock and other Works, and to divert and bring the Stream of the said River *Lliedi*, and the several other Streams intended to be by virtue of this Act diverted into and through the said last-mentioned Dock and Channel, and thence to continue or retain the same, if the said Commissioners shall think proper: Provided always, that in the event of the Purchase of the said Dock belonging to the said *Carmarthenshire* Railway or Tramroad Company it shall not be lawful to or for the said Commissioners to use or employ, or permit to be used or employed, the said

Dock as a Wet or Floating Dock, or in any other Manner that would interrupt or prevent the efficient Scour of the said Harbour of *Llanelly*, or any Part thereof.

The Carmarthenshire Railway Company empowered to sell.

LXI. And be it enacted, That for the Purposes aforesaid the said *Carmarthenshire* Railway or Tramroad Company shall be and they are hereby authorized, under such Restrictions as are herein-after mentioned, to treat for, sell, and dispose of, and also convey and assure, according to the Form herein prescribed, to the said Commissioners, for such Sum or Sums of Money or other Consideration as may be mutually agreed on between the said Parties, the said Dock, Reservoir, or Channel, Quay and other Walls belonging to the said Company, which are hereby authorized to be purchased by the said Commissioners as aforesaid: Provided always, that it shall not be lawful for the said Company to make any such Sale as aforesaid unless authorized in that Behalf by Three Fifths of the Votes represented by Principals or Proxies at a Special General Assembly of the Company of Proprietors in the said Undertaking specially convened for the Purpose of considering and determining upon the Propriety or Expediency of such Sale, of which Meeting, and of the Time and Place of holding the same, Twenty-one Days Notice at the least shall be given in some Newspaper or Newspapers usually circulating in the said County of *Carmarthen*.

Authority of Proprietors to be obtained.

Receipt of Treasurer or Clerk of Carmarthenshire Railway Company to be a good Discharge.

LXII. And be it enacted, That the Receipt or Receipts in Writing of the Treasurer or Clerk of the said Railway or Tramroad Company for the Time being, for any Sum or Sums of Money to be paid by the said Commissioners in respect of such Purchase as aforesaid, shall be a valid and effectual Discharge for the same, and that the said Commissioners shall not be obliged to see to the Application nor be liable or accountable for any Misapplication thereof.

Power to purchase Lands.

LXIII. And be it enacted, That subject to the Provisions of this Act it shall be lawful for the Commissioners to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of this Act, for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

LXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so

to

to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Enabling incapacitated Parties to exercise other Powers.

LXV. And be it enacted, That every Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands.

Consideration to be a gross Sum.

LXVI. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LXVII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell and convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by a Verdict of a Jury under the Provisions herein-after in that Behalf contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the said Commissioners and the other by the other Party; and if such Two

Surveyors

Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXIX. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence, or from any other Incapacity or Accident, is prevented from treating or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on chief Rents.

LXX. And be it enacted, That if any Person seised in Fee of or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the Commissioners, in consideration of an annual Rent-charge by the Commissioners to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of chief Rents to be charged on Rates.

LXXI. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Rates and Duties payable under the said first-recited Act and this Act, and shall be paid by the Commissioners as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rents shall be payable may either recover the same from the Commissioners, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Commissioners.

Forms of Conveyances.

LXXII. And be it enacted, That all Conveyances so to be purchased as aforesaid may be according to the Form in the Schedules (H.) and (I.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costs of Conveyances.

LXXIII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners; and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXXIV. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

LXXV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the

the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there ex parte "The Commissioners of the *Burry* Navigation," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Courts, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interests, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands, and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be depo-

LXXVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and

sited, or vested in Trustees.

and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled, and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees, but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXIX. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the

same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies deposited.

LXXX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

LXXXI. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in Possession deemed to be Owner.

LXXXII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court, and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LXXXIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners, (that is to say,) the Costs

Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

LXXXIV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively, for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels, and boring to ascertain the Nature of the Soil of such Lands, it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

LXXXV. And be it enacted, That if the Commissioners or any of their Contractors shall (except as aforesaid) wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of any such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

LXXXVI. And

Decision of Justices not conclusive as to Commissioners Right.

LXXXVI. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

LXXXVII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Works hereby authorized.

Parties interested in Lands to state their Claims.

LXXXVIII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works hereby authorized to be made, or otherwise, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

LXXXIX. And be it enacted, That where according to the Provisions of this Act the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept under the Hand of their Clerk for the Time being to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

XC. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement shall be come to between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Powers of the said Commissioners, (including

(including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in executing the Works hereby authorized, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the Execution of the said Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

XCI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Requisition, by Party claiming Compensation, that a Jury be summoned.

XCII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the said Works, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then within Twenty-one Days after the Receipt of any such Notice from any Party so entitled they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning a Jury to be addressed to the Sheriff.

XCIII. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff, under the Hand of their Clerk for the Time being, requiring him to summon a Jury for that Purpose, and if such Sheriff be interested in the Matter in dispute, by being a Commissioner or otherwise, such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

XCIV. And

Provisions applicable to Sheriff to apply to Coroner.

XCIV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate.

Summoning of Jurymen.

XCV. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

XCVI. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

XCVII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party; and in such Notice the said Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him or her by the Execution of the Works hereby authorized.

Sheriff to preside.

Witnesses to be summoned.

XCVIII. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and, if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Jurymen to take Oath.

XCIX. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage, assessed separately.

C. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Works, or of any Interest therein belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

CI. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

CII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands, or any Part thereof, shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry, by whom and how to be paid.

CIII. And be it enacted, That on every Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by them, but if the Verdict of the Jury shall be given for a less Sum than the Sum previously offered by the said Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner of the Land shall have been prevented from treating with the said Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

CIV. And be it enacted, That such Costs shall be settled by the Master of the Court of Queen's Bench, and such Costs shall include all

all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Persons requesting Juries to enter into Bonds to prosecute their Complaint and to pay Expences.

CV. And be it enacted, That all Parties with whom the said Commissioners shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall, before the said Commissioners shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the said Commissioners in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Penalty on Sheriff and Jury for default.

CVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

CVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

CVIII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Commissioners have issued their Warrant to the Sheriff give Notice in Writing of such Desire, such

Question

Question shall be so tried; and for that Purpose the Commissioners shall by their Warrant to the Sheriff require him to nominate a Special Jury for such Trial, and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him, for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

CIX. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

CX. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jurymen not to attend more than Twice.

CXI. And be it enacted, That no Special Juryman shall without his Consent be summoned or required to attend any such Proceeding as aforesaid more than Twice in any Year.

Reference of Dispute as to Compensation to Justices.

CXII. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matters, and thereupon such Justice, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit;

and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Commissioners empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

CXIII. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of the Works hereby authorized to be made, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands; provided, within Six Calendar Months after Notice of such Estate, Right, Title, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, Interest at Four Pounds *per Centum* on the Purchase Money, to be ascertained as herein-after provided, by way of Compensation for the mesne Profits or Interests which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CXIV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate or Interest, and Profits, without regard to any Improvements or Works made in or upon the said Lands by the said Commissioners, and as though no Use had been made of the same by them.

Commissioners to pay the Costs of Litigation as to such Lands.

CXV. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceeding at Law or in Equity for the Recovery of the same, to the

Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Commissioners not to be entitled to Minerals.

CXVI. And with respect to any Mines of Coal, Ironstone, Lime, Slate, or other Minerals under any Land purchased by the Commissioners, be it enacted, That the Commissioners shall not be entitled to any such Mines or Minerals, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the said Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed.

Power to Owners of intersected Lands to insist on Sale.

CXVII. And with respect to any such Lands which shall be so cut through and divided by means of the said Works as to leave either on both Sides or on one Side thereof a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land not being situate in a City or Town, or built upon, require the Commissioners to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the Commissioners shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown, and if such Owner have any other Land so adjoining he may require the Commissioners, at their own Expence, to throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Power of Commissioners to insist on Purchase where Expence of Bridges, &c. exceeds the Value.

CXVIII. And be it enacted, That if any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half an Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Commissioners are under the Provisions of this Act compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Commissioners to make such Communication, then the Commissioners may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained by a Jury as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the said Works the Jury shall, if required by either Party, ascertain by their Verdict the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Power to redeem Mortgages.

CXIX. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of

Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act, and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct; or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners as they shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

CXX. And be it enacted, That if in either of the Cases aforesaid upon such Payment or Tender any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Commissioners, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due, and thereupon, as well upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

CXXI. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed

disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

Deposit of such Money when refused on Tender.

CXXII. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CXXIII. And with respect to any mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid, and a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

CXXIV. And

Deposit of such Money when refused on Tender.

CXXIV. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon, and thereupon such Lands shall become absolutely vested in the Commissioners as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Payment of Compensation for Waste Lands and Commonable Rights.

CXXV. And with respect to Common or Waste Land, being Parcel of or holden of any Manor, be it enacted, That the Compensation in respect of the Right of the Lord of the Manor whereof the same shall be holden or Parcel in the Soil thereof shall be paid to the Lord of the Manor, and the Compensation in respect of all other Commonable Rights in or over such Lands shall be paid to the Churchwardens of the Parish in which the same shall be situate, and shall be by them applied to such general or public Purposes within such Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct, or if the same shall not be situate in any Parish, then such Compensation shall be paid to the Overseers of the Poor acting for the District or Place where such Lands shall be situate, for the Benefit of the Poor of such District, and in regard to the Adjustment of such Compensation such Churchwardens and Overseers respectively shall be dealt with by the Commissioners in all respects as being the absolute Owners of all such Commonable Rights, and upon Payment or Tender to such Churchwardens or Overseers respectively, as the Case may be, of the Compensation which shall have been agreed upon or determined in respect of any such Commonable Rights, all such Commonable Rights shall cease and be extinguished.

Lord of the Manor to convey to the Commissioners.

CXXVI. And be it enacted, That upon Payment or Tender to the Lord of the Manor of the Compensation which shall have been agreed upon or determined in respect of his Right in the Soil of any such Lands

Lands such Lord of the Manor shall convey such Lands to the Commissioners, and such Conveyance shall have the Effect of vesting such Lands in the Commissioners, in like Manner as if such Lord of the Manor had been seised in Fee Simple of such Lands at the Time of executing such Conveyance; and if upon such Payment or Tender to the Lord of the Manor as aforesaid such Lord of the Manor fail to convey such Lands, or if he fail to advance a good Title to the Manor whereof such Lands shall be holden or Parcel, the Commissioners shall pay the Amount of such Compensation into the Bank of *England*, in manner required in other like Cases of Monies required to be deposited in such Bank, and thereupon such Lands shall be vested absolutely in the Commissioners, and they shall be deemed to be in the Possession thereof.

Release of Lands from Rent-charge.

CXXVII. And with respect to any Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Commissioners and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in Cases of disputed Compensation.

Release of Part of Lands from Charge.

CXXVIII. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Commissioners on the other Part, and if such Apportionment be not settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with the Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CXXIX. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid such Party shall execute to the Commissioners a Release of such Charge, and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Commissioners, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner herein provided in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXXX. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof to which they

they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be; and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the Whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands, except to such Charge; and if upon any such Charge or Portion of Charge being so released, the Deed or Instrument creating or transferring such Charge be tendered to the Commissioners for the Purpose, they shall affix their Common Seal to a Memorandum of such Release, endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and, if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Commissioners, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Where Part only of the Lands under Lease are taken the Rent to be apportioned.

CXXXI. And with respect to any Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Commissioners on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall as to all future accruing Rent be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Leases, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purpose of this Act, in the same Manner as they would have done in case such Part of the Land had not been included in the Lease.

Tenants to be compensated.

CXXXII. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

CXXXIII. And

Tenants at Will, or from Year to Year, to cede Possession on Six Months Notice.

CXXXIII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Commissioners, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Commissioners.

Compensation to such Tenants.

CXXXIV. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or, if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXXXV. And be it enacted, That if any such Person refuse to give up Possession it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept, under their Common Seal, to the Sheriff to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto, and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if on Demand he fail to pay the same they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CXXXVI. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if after Demand made in Writing by the Commissioners such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited to Three Years.

CXXXVII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing hereof.

CXXXVIII. And

Lands not wanted to be sold.

CXXXVIII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands, in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hands of any Two of the Commissioners for the Time being, who shall be empowered to execute such Deed at any Meeting of the Commissioners specially convened for that Purpose; and a Receipt under the Hands of such Two Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CXXXIX. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

CXL. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another, in such Order as the Commissioners shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CXLI. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled as

CXLII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person

in other Cases.

Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of the Works.

Effect of Word "grant" in Conveyances.

CXLIII. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Power to purchase additional Lands, with Consent of Owners.

CXLIV. And be it enacted, That it shall be lawful for the Commissioners, in addition to the Lands authorized to be taken or purchased by them as aforesaid, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the said River of *Lliedi*, or the said Harbour of *Llanelly*, not exceeding in the whole Fifty Acres, for the Purpose of making and providing additional Reservoirs, Cuts, or Basins, Quays, Stations,

and Yards for receiving, depositing, and loading or unloading Goods or Cattle, and for the Erection of Cranes, Weighing Machines, Toll Houses, Offices, and other Buildings and Conveniences, for the Purpose of making convenient Roads or Ways to the said Harbour, Rivers, Offices, Buildings, Stations, or Yards, or any other Purpose which may be requisite or convenient for the Formation or Use of the Undertaking hereby authorized to be made; and it shall be lawful for all Parties who under the Provisions in the said recited Act or herein-before contained would be enabled to sell and convey Lands to sell and convey any Lands which may be required for any such additional Purposes as aforesaid.

Authority to Commissioners to sell and repurchase such Lands.

CXLV. And be it enacted, That it shall be lawful for the Commissioners to sell the additional Lands which they at any Time shall have so acquired, or any Part thereof, in such Lots, Parcels, and Manner, and for such Considerations, and to such Persons as the Commissioners may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time, but the total Quantity of Land to be held at any one Time by the Commissioners for the Purposes aforesaid shall not exceed in the whole Fifty Acres.

Restraint on Purchase from incapacitated Persons.

CXLVI. And be it enacted, That the Commissioners shall not by virtue of the Power to purchase Land for additional Purposes herein contained, and of this Act, purchase more than Fifty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Commissioners purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any such Party being under legal Disability to sell to the Commissioners any other Lands in lieu of the Land so sold or disposed of by the Commissioners.

Commissioners, upon Payment of Money, to give Receipt.

CXLVII. And be it enacted, That upon Payment of the Money which shall arise from the Sale of any Lands, or of any Interest therein, belonging to the said Commissioners, which shall be sold by the said Commissioners under the Authority of this Act, it shall be lawful for any Two of the said Commissioners, or for the Treasurer or Clerk, or any Officer appointed by the said Commissioners for the Purpose, to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or of any Part thereof.

Power to take temporary Possession of Land without previous Payment of Price.

CXLVIII. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the said Commissioners, at any Time during the Progress of the Works hereby authorized to be made, without making any previous Payment, Tender, or Deposit, to enter upon and use any existing private Roads not being more than Five hundred

hundred Yards distant from any of such Works, and also to enter upon Lands not being more than One hundred Yards distant therefrom, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Grounds planted and set apart as a Nursery for Trees, and not being nearer than Five hundred Yards to the Mansion House of the Owner of any such Lands, and to occupy the said Lands during the Construction or Repair of such Works, and to use the same for any of the Purposes following; (that is to say,)

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of obtaining Materials therefrom for the Formation of the Works; or

For the Purpose of forming Roads thereon to or from the said Works or any of them:

And in exercise of the Powers aforesaid it shall be lawful for the Commissioners to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing or repairing any of such Works, and also to dig and take from out any such Lands any Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Works or any such Roads as aforesaid.

Commissioners to give Notice previous to such temporary Possession.

CXLIX. And be it enacted, That in case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the said Works, the Commissioners shall before entering thereon (except in the Case of Accident to the Works requiring immediate Reparation) give Six Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes; and in case the said Lands are required for any of the other Purposes herein-before mentioned the Commissioners shall (except in the Case aforesaid) give Ten Days like Notice thereof, and the Commissioners shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Commissioners to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be.

Owner may object, that other Lands ought to be taken.

CL. And be it enacted, That if such Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before required to be given, it shall be lawful for the Owner or Occupier thereof, within Ten Days after Service of such Notice, to object to the Commissioners making use of such Lands, on the ground that other Lands lying contiguous thereto, and being such as the Commissioners are herein-before authorized to use for the Purposes aforesaid, might be more beneficially occupied for such Purposes by the Commissioners; and in such Case, if the Commissioners shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for Two Justices, on the Application of such Owner or Occupier, to summon the Commissioners and the Owners and Occupiers of such other Lands to appear before them at any Time not being more than Fourteen Days after such Application, nor less than Seven Days from the Service of such Summons;

Summons; and on the Hearing pursuant to such Summons it shall be lawful for such Justices to determine summarily which of the said Lands shall be occupied by the Commissioners for the Purposes aforesaid, and to authorize the Commissioners to occupy the same accordingly.

Power to the Justices to summon other Owners before them.

CLI. Provided always, and be it enacted, That if it shall appear to such Justices, upon the Inquiry before them, that the Lands of any other Party not summoned before them, being sufficient in Quantity, and such as the Commissioners are herein-before authorized to take or use for the Purposes aforesaid, would be more suitable to be used by the Commissioners than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time not being more than Fourteen Days from such Inquiry, nor less than Seven Days from the Service of such Summons, and on the hearing of such last-mentioned Summons to determine finally which Lands shall be occupied or used for the Purposes aforesaid, and to authorize the Commissioners to occupy the same accordingly.

The Commissioners to give Sureties, if required.

CLII. And be it enacted, That before entering upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials as aforesaid, the Commissioners shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by a Justice, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned.

Commissioners to separate the Lands before using them.

CLIII. And be it enacted, That before the Commissioners shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto.

Owners of Lands may compel Commissioners to purchase Lands so temporarily occupied.

CLIV. And be it enacted, That where the Commissioners shall, in exercise of the Powers aforesaid, enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials therefrom for the Construction or Repair of the said Works, it shall be lawful for the Owners or Occupiers of such Lands, having such Estates or Interests therein as under the Provisions herein-before mentioned would enable them to sell or convey Lands to the Commissioners, at any Time during the Possession of any such Lands by the Commissioners, and before such Owners or Occupiers shall have accepted Compensation from the Commissioners in respect of such temporary Occupation, to serve a Notice in Writing on the Commissioners requiring them to purchase the said Lands, or their Estates and Interests therein respectively, and in such Notice such Owners or Occupiers shall set forth the Particulars

of their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof, and the Commissioners shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein of the Parties serving such Notice; and the Value of such Lands, and the Compensation payable therefor to such Owners and Occupiers, shall, in case of Difference, be determined as in other Cases of disputed Compensation under this Act.

Compensation to be made for temporary Occupation.

CLV. And be it enacted, That where the Commissioners shall take temporary Possession of Lands by virtue of the Powers herein granted it shall be incumbent on the Commissioners, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, and to agree with the Owner and Occupier thereof for the Payment of an annual Sum by way of Rent during the Occupation, and also, within Six Calendar Months after they shall have ceased to occupy the said Lands, and not later than Six Calendar Months after the Expiration of the Time by this Act limited for the Completion of the Works hereby authorized to be made, to pay to such Owner and Occupier Compensation for any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted; and the Amount of such permanent Damage shall, in case of Difference, be determined as in other Cases of disputed Compensation under this Act; and the Value of any Crop or Dressing which may be on the said Lands, and the Rent payable in respect thereof during the Possession of the Commissioners, whatever the Amount of Claim in respect of the same may be, shall, in case of Difference, be determined as other Cases of disputed Compensation under Fifty Pounds are to be determined under this Act.

Bonds for Costs of Trial by Jury in case of temporary Damage.

CLVI. Provided always, and be it enacted, That if any Party entitled to Compensation in respect of Damage temporarily sustained shall require to have the Amount of such Compensation determined by a Jury, he shall, before requiring the Commissioners to issue their Warrant, as herein-before provided, for causing such Jury to be summoned, enter into a Bond to the Commissioners, with Two sufficient Sureties, in the penal Sum of Two hundred Pounds, duly to prosecute his Claim, and to bear such Part of the Costs, if any, incidental to the Inquiry, as he shall be required to pay under the Provisions of this Act in that Behalf.

Repeals so much of the 53 G. 3. as authorizes Commissioners to make Bye Laws, &c.

CLVII. And whereas by the said recited Act the said Commissioners are authorized to make Rules and Bye Laws for the various Purposes in the said Act enumerated, and from Time to Time to repeal and alter such Bye Laws, and to make new ones, and to impose Penalties or Persons offending against such Bye Laws: And whereas it is expedient that such Powers should be repealed, and others substituted in lieu thereof; be it therefore enacted, That so much of the said recited Act as empowers the said Commissioners to make such Bye Laws as aforesaid, and to do other Acts incident thereto, shall be and the same is hereby repealed.

CLVIII. And

Commissioners may make Bye Laws.

CLVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For governing or regulating the Use of the Piers, Quays, and other Works hereby authorized to be made, and the Navigation of the said Rivers *Burry*, *Loughor*, and *Lliedi* respectively, and the Buoyage and Lighting thereof within the Limits to which the Authority of the said Commissioners extends by virtue of the said first-recited Act:

For regulating the placing and removing of Vessels entering in, lying in, or going out of the said Harbour within the Limits aforesaid, or using the said Rivers or any of them, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby and by the recited Act vested in the Harbour Master for the Time being appointed by the Commissioners:

For regulating the Entrance and Departure of Vessels resorting to the said Harbour and Rivers, and the Pilotage, good Behaviour and Conduct of Seamen, Pilots, Hobblers, Watermen, and others employed in or upon the said Rivers, and the Nomination, Appointment, and Removal of such Pilots, Hobblers, Watermen, and others, and the Payment and Reward to be made or given to them, and the Mooring Time and Accommodation of such Vessels:

For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers or Quays of the Commissioners; and the laying down and Discharge of Ballast within the said Rivers, and the Payments to be made in respect thereof:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Commissioners as others, who shall be employed in the Quays and Premises of the Commissioners:

For regulating the Use of Fires, Candles, and Lamps within the said Harbour, and the Premises belonging thereto, and within any Vessel being within Fifty Yards of the Piers, Quays, or Works of the Commissioners:

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises under the Control of the Commissioners:

For regulating the Police of the said Harbour and Rivers, and the Times and Manner in which the Police Officers shall perform their Duties:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Commissioners, and the Duties and Conduct of all Weighers and Meters appointed by them:

For regulating the Duties and Conduct of the Carriers employed on the Premises of the Commissioners, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And it shall be lawful for the Commissioners, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or

or the Provisions of this Act, and be reduced into Writing, and signed by the Clerk to the Commissioners for the Time being, and, if affecting other Persons than the Officers or Servants of the Commissioners, be printed and published as herein provided.

Enforcing Bye Laws by Penalties.

CLIX. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

CLX. And be it enacted, That no Bye Law which shall be made by the Commissioners under the Authority of this Act, except such as may relate solely to their own Officers or Servants, shall be valid or binding unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Carmarthen;* and it shall be incumbent on such Justices, on the Request of the Commissioners, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same, as they shall think meet; Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Carmarthen* One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of the proposed Bye Laws to be open for Inspection.

CLXI. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners; and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

CLXII. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works of the said Harbour, according as such Bye Laws may relate to the Harbour or other Part of the Works and Premises of the Commissioners; and such Boards shall be from Time to Time renewed as often as the same or any Part thereof shall be obliterated or destroyed.

Bye Laws to be binding on all Parties.

CLXIII. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

CLXIV. And

Evidence of Bye Laws.

CLXIV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Commissioners, authenticated by the Signature of their Clerk for the Time being, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same, and with respect to the Proof of the Publication thereof it shall be sufficient that painted Boards containing a Copy thereof were affixed or continued in the Manner by this Act directed, and in case of any of such Boards being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty for pulling down Boards on which Bye Laws are painted.

CLXV. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners, or any Rate to be taken under this Act, shall be painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for obstructing Construction of Works.

CLXVI. And for preventing any Obstruction to the Construction of the said Works, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Commissioners in setting out the Line of the said Cuts, Canals, or other Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of the Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every such Offence.

Materials to vest in the Commissioners for Purposes of Prosecution.

CLXVII. And be it enacted, That during the Execution of any Contract made with the Commissioners the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall, in all Indictments or other criminal Proceedings instituted by them for the Purpose of protecting the same, be held to be the Property of the Commissioners.

Land Tax and Poor's Rate to be made good.

CLXVIII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the said Cuts, Canals, or other Works, in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Commissioners shall, from Time to Time until the said Works respectively shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purpose of the said Works respectively, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of

of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Limitation of Actions repealed.

CLXIX. And whereas it is by the said recited Act enacted, that no Action, Suit, or Prosecution shall be brought, commenced, and prosecuted against the said Commissioners, or any Person or Persons whomsoever, for any thing done or to be done in pursuance of this Act, or in the Execution of any of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the same, unless Twenty-eight Days previous Notice in Writing should be given by the Person or Persons intending to commence such Action, Suit, or Prosecution to the Treasurer or principal Clerk for the Time being of such Commissioners, containing the Nature and Cause of every such Action, Suit, or Prosecution, nor unless such Action, Suit, or Prosecution should be brought or commenced within Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage should cease, and not afterwards, and should be laid or brought in the County where the Matter in dispute or Cause of Action should have arisen, or in the County of *Hereford*, and not elsewhere; and that the Defendant or Defendants in every such Action, Suit, or Prosecution should or might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of the said Act; and if it should appear to have been so done, or if such Action, Suit, or Prosecution should have been brought or commenced before or after the Time so limited for bringing the same, or in any other Place or County than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Prosecution after the Defendant or Defendants should have appeared, or if a Verdict should pass against the Plaintiff or Plaintiffs, or if upon a Demurrer or otherwise Judgment should have been given against the Plaintiff or Plaintiffs, the Defendant or Defendants should have double Costs, and should have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Cases by Law: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision be and the same is hereby repealed.

No Act to be done by Commissioners to injure the Channels to certain Docks.

CLXX. And be it enacted, That nothing in the said recited Act or in this Act contained shall authorize or empower, or be construed to authorize or empower, the said Commissioners to make or do or cause to be made or done any Act, Matter, or Thing whatsoever whereby or by means whereof the Navigation to or from the present or any future Channels leading to the Dock of the *Llanelly* Railway and Dock Company, or the *Copper House Dock*, or to *Burry* Port

respectively,

respectively, or the Shipping Places at *Loughor* or *Penclawdd*, can, shall, or may be in any way injured or rendered less navigable.

Saving the Rights of Lords of Manors, &c.

CLXXI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, or abridge or take away any Rights, Royalties, Privileges, and Liberties whatsoever of the Manor or Lordship of *Kidwelly*, the Lord of the *Layerage*, the Lord of the Manor or Lordship of *Talybont* otherwise *Llandilo Talybont*, or of any Person or Persons, Bodies Politic or Corporate whomsoever, but that the said Rights, Royalties, Privileges, and Liberties, and every of them, shall remain in the same State as if this Act had not been passed, but so as not to prevent or obstruct the Exercise of the several Powers and Authorities hereby given as aforesaid, any thing herein contained to the contrary notwithstanding.

Saving the Rights of the Trinity House.

CLXXII. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Corporation of *Trinity House* of *Deptford Strond*.

Saving the Rights of the Duke of Beaufort.

CLXXIII. And be it enacted, That the Right or Rights of the Duke of *Beaufort*, his Heirs, Successors, or Assigns, as Lord or Lords of the Seignories of the *Gower* and *Cilvey* in the said County of *Glamorgan*, to appoint a Water Bailiff for the Seignories aforesaid, or any other Right, Royalty, Property, Duty, Toll, Payment, Power, Authority, Jurisdiction, Privilege, Liberty, or Franchise whatever of or belonging to the said Duke, his Heirs, Successors, or Assigns, as Lord or Lords of the said Seignories, or any future Lords or Ladies thereof, or as Admiral or Admirals of the Seas, Bays, Havens, Creeks, Ports, and Rivers within, bordering on, or surrounding the same, or of his or their Officer or Officers in their respective Duties within the same, shall not be in anywise prejudiced, affected, altered, diminished, or varied or injured by any Clause or Word in this Act contained, otherwise than as the same are hereby expressly affected, diminished, or altered for the Purpose of enabling the said Commissioners to preserve and improve the Navigation of the Rivers *Bury*, *Loughor*, and *Lliedi*, or any or either of them, and for rendering the same more safe and commodious, and for making and maintaining the Works by this Act authorized to be made or done, but the same shall for ever hereafter be enjoyed as if this Act had not been passed.

Interpretation of Act.

CLXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean "Calendar Month":

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other like Division of a County:

The Word "Sheriff" shall include Under Sheriff, or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Liberty, or Place where such Lands shall be situated, and if the Lands in question, being the Property of one and the same Party, be situate not wholly in one County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Liberty, or Place where any Part of the Lands shall be situate:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter.

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

The Word "Vessel" shall include Ship, Lighter, Vessel, Barge, and Boat.

Saving the Rights of Her Majesty.

CLXXV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Claims, Privilege, or Authority of the Queen's most Excellent Majesty, Her Heirs and Successors.

Public Act.

CLXXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (H.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex-parte "The Commissioners of the Bury Navigation" *or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.* intituled, *&c.*, by the Commissioners of the Bury Navigation, do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

SCHEDULE (I.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "The Commissioners of the Bury Navigation," under an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Commissioners, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as*

as agreed upon,] Portions, henceforth on the [*stating the Day*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1843.