ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxxxiii.

An Act to authorize the raiſing of a further Sum of Money to complete the *Montgomeryſhire* Canal, and to extend the Power of deviating from and making certain Alterations in Part of the original Plan; and for explaining and rendering more effectual an Act of the Thirty-fourth Year of His preſent Majeſty, for making the ſaid Canal.

[22d *June* 1815.]

WHEREAS by an Act paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for making a Navigable Canal from or near* Porthywain Lime Rocks, *in the Pariſh of* Llanyblodwell, *in the County of* Salop, *to or near* Newtown *in the County of* Montgomery; *and alſo certain collateral Cuts from the ſaid Canal*; the ſeveral Perſons therein named, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch other Perſons, Bodies Politic, Corporate or Collegiate, as they or the major Part at the Firſt General Meeting to be held as therein mentioned, ſhould nominate and appoint in Manner therein mentioned, were united into a Company, and incorporated by the Name of "The Company of Proprietors of the *Montgomeryſhire* Canal," in perpetual Succeſſion with a Common Seal, and were authorized and empowered to make and complete a navigable Canal to be called "The *Montgomeryſhire* Canal," from or near *Porthywain Lime Rocks*, or *Lime Stone Quarries*, in the Pariſh of *Llanyblodwell* aforeſaid, to the Town of *Pool*, and from thence by *Berriew* and *Garthmill*, 34 G. 3.

to or near the River *Severn*, oppoſite to the Eaſt Side of the Town of *Newtown* aforeſaid; and alſo to make a Collateral Cut from and out of the ſaid Canal, at or near *Porthywain* aforeſaid, to or near *Llanymynech Lime Rocks*, or *Lime Stone Quarries*, in the ſaid County of *Salop*; and another Collateral Cut from and out of the ſaid Canal, in the Townſhip of *Burgedin*, in the Pariſh of *Guilsfield*, in the ſaid County of *Montgomery*, to a certain Place in the Townſhip of *Varchoel*, at or near a certain Bridge called *Sarn-y-Crowner*, in the Pariſh of *Guilsfield* aforeſaid; and alſo to ſupply the ſaid Canal and Collateral Cuts with Water, and to make and maintain divers other Works requiſite for the ſaid Canal and Collateral Cuts; and for effecting ſuch ſeveral Purpoſes the ſaid Company of Proprietors were authorized and empowered to raiſe and contribute among themſelves a competent Sum of Money, not exceeding in the whole the Sum of Seventy-two thouſand Pounds, (except as therein-after mentioned) to be divided into Shares of One hundred Pounds each; and in caſe ſuch Sum ſhould be found inſufficient, then the ſaid Company were authorized to raiſe and contribute among themſelves in Manner and Form aforeſaid, and in ſuch Shares as to them ſhould ſeem meet, or to raiſe, by the Admiſſion of new Subſcribers, or by Mortgage or on the Credit of the ſaid Undertaking, in Manner therein mentioned, any further or other Sum of Money for completing the ſaid Undertaking, not exceeding the Sum of Twenty thouſand Pounds: And whereas the ſaid Company of Proprietors have proceeded in the Execution of the ſaid recited Act, and have raiſed and contributed among themſelves the Sum of Seventy-one thouſand one hundred Pounds, Part of the ſaid Sum of Seventy-two thouſand Pounds, thereby authorized to be raiſed (which Sum of Seventy-one thouſand one hundred Pounds has been divided into Seven hundred and eleven Shares of One hundred Pounds each, numbered reſpectively from Number One to Number Seven hundred and eleven, both incluſive), and have expended ſuch Sum in carrying on the ſaid Undertaking: And whereas the ſaid Company have nearly completed the Main Line of the ſaid Canal, from *Garthmill* aforeſaid Eaſtward, and alſo the ſaid Collateral Cut in the Pariſh of *Guilsfield* aforeſaid: And whereas the continuing of the ſaid Canal from *Garthmill* aforeſaid Weſtward, to or near to *Newtown* aforeſaid, and the varying of Part thereof from and out of the Courſe in which the ſaid Company of Proprietors are by the ſaid recited Act empowered to make and carry the ſame, by *Bryn-y-derwen* Bridge to *Aberbechan*, and thence to or near to the *Severn*, at or near to *Newtown* aforeſaid, will be more beneficial to the ſaid Company of Proprietors and uſeful to the Public, and will preſerve a better Level, and ſave a conſiderable Expence: And whereas for the Purpoſe of completing the ſaid Canal in the Line in which it is propoſed to vary and continue the ſame, and making the Works requiſite thereto, it is expedient to raiſe a further Sum of Money, in the Manner and ſubject to the Proviſions herein-after mentioned: And whereas it would tend to the better carrying of the Purpoſes of the ſaid recited Act into Execution, if the Powers and Proviſions thereof were in various other reſpects explained, altered, amended, and extended: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and immediately after the paſſing of this Act, *John Davies* Clerk, *John Edwards*, *John Hunter*, *Evan Jones* Clerk, Sir *Edward Pryce Lloyd* Baronet, Sir *Arthur*

Proprietors to continue the Canal

Arthur Davies Owen Knight, *David Pugh*, *Evan Stevens*, and *Charles Hanbury Tracey*, (being Proprietors of the ſaid *Montgomeryſhire* Canal Company), together with ſuch other Perſon or Perſons, Bodies Politic or Corporate, as they and the ſeveral Perſons, Bodies Politic or Corporate who ſhall be nominated and appointed by them, as herein-after is mentioned, or the major Part of them, who ſhall be aſſembled at the Firſt or any other Stated or Special General Aſſembly, to be held as herein-after is mentioned, ſhall nominate and appoint, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be and are hereby accordingly united into a Company for the making and completing of the Continuation of the ſaid *Montgomeryſhire* Canal, from *Garthmill* to or near to *Newtown* aforeſaid, by the ſaid recited Act authorized to be made, except ſo far as the ſame is by this Act authorized to be varied, and the Works requiſite thereto, and the maintaining of ſuch Continuation and Works until the ſame ſhall be completed, and until the Firſt *Monday* in the Month of *July* next after the ſaid Continuation of the ſaid Canal ſhall be certified to be navigable, as herein-after is mentioned, and ſhall for that Purpoſe be one Body Politic and Corporate, by the Name of "The Company of Proprietors of the Weſtern Branch of the *Montgomeryſhire* Canal," and by that Name ſhall have Succeſſion, and a Common Seal, and ſhall and may ſue and be ſued, until the ſaid Continuation of the ſaid Canal ſhall be completed, and until the Firſt *Monday* in the Month of *July* next after the ſame ſhall be certified to be navigable, as herein-after is mentioned, and until all Contracts and Engagements which ſhall be made or entered into with or by ſuch Company relative to the ſaid Continuation of the ſaid Canal, and the Works requiſite thereto, ſhall be performed, fulfilled, and diſcharged; and the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal ſhall and may have Power and Authority, and are hereby authorized and empowered to vary and alter Part of the Line and Courſe of the ſaid Continuation of the ſaid Canal, by diverting the ſame from and out of the Courſe in which the ſaid Company of Proprietors of the *Montgomeryſhire* Canal are by the ſaid recited Act empowered to make and carry the ſame, by *Bryn-y-derwen* Bridge to *Aberbechan*, and thence to or near to the *Severn*, at or near to *Newtown* aforeſaid, according to the Plan herein-after referred to.

from Garthmill to Newtown.

II. And whereas Levels and Surveys have been taken to aſcertain the Practicability of making the ſaid propoſed Variation and Continuation of the ſaid Canal, and a Plan with a proper Book of Reference thereto, has been made in conſequence thereof, in order to ſhew the Line or Courſe and Situation of the ſame Canal, as intended to be varied and continued, and the Lands through which the ſame is to be carried, with the Names of the Owners or reputed Owners and Occupiers of ſuch Lands; be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Plan and Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, One with the Clerk of the Peace of the ſaid County of *Montgomery*, and the other with the Clerk to the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal; to any of which Plans and Books of Reference all Perſons ſhall have Liberty to reſort, and examine or make Extracts from or Copies of the ſame, as Occaſion ſhall require, paying to the ſaid reſpective Clerks for every Inſpection the Sum of One Shilling, and for Copies of or Extracts from the ſaid reſpective Books of Reference, after the Rate of Sixpence for every One Hundred Words; and

With whom Parts of Plan and Book of Reference ſhall be depoſited, &c.

the ſaid Plans and Books of Reference ſo certified, or true Copies thereof, ſigned by either of the Clerks aforeſaid, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors, upon Six Days Notice to him given for that Purpoſe, ſhall and is hereby required from Time to Time to produce the ſaid Plan and Book of Reference to be ſo depoſited with him as aforeſaid, before the Commiſſioners appointed or to be appointed in the Manner in and by the ſaid recited Act mentioned and provided, or any Jury or Juries to be impannelled by virtue of the ſaid recited Act or of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence, ſuch Clerk to the ſaid Company of Proprietors having a reaſonable Sum of Money allowed for his Travelling Expences, Abſence from Home, and Attendance on ſuch Occaſions.

Company not to deviate more than 100 Yards.

III. And be it further enacted, That the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, in varying and completing the ſaid Branch, ſhall not deviate more than One hundred Yards from the Courſe or Direction delineated in the ſaid Plan, nor ſhall any ſuch Deviation be made into, through, or over the Lands, Grounds or Hereditaments of any Perſon or Perſons not named in the ſaid Book of Reference, without the Conſent in Writing of the Perſon or Perſons to whom any Lands, Grounds or Hereditaments ſhall reſpectively belong, into, through or over which ſuch Deviation is deſired to be made.

Houſes, &c. not ſpecified in the Schedule not to be injured, etc.

IV. And be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, or any other Perſon or Perſons, in making the ſaid Variation of the ſaid Branch hereby authorized to be made, to take, uſe, pull down, injure or damage any Houſe or other Building, which was erected and built on or before the Twenty-fifth Day of *March* in the Year of our Lord One thouſand eight hundred and fourteen; or any Land or Ground which on the ſaid Twenty-fifth Day of *March* was ſet apart, and uſed as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk or Avenue to a Houſe, without the Conſent of the reſpective Owners thereof, other than and except ſuch as are ſpecified in the Schedule hereunto annexed.

For remedying Miſtakes in Names of Proprietors of Houſes, etc.

V. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal may vary and complete the Line or Courſe of the ſaid Branch, and all Works requiſite thereto, into, through or over the Lands, Grounds, or Hereditaments of any Perſon or Perſons whoſe Name or Names ſhall have been by Miſtake omitted in the ſaid Book of Reference and Schedule, or inſtead whereof the Name or Names of ſome other Perſon or Perſons to whom ſuch laſt-mentioned Lands, Grounds, or Hereditaments do not belong, ſhall have been by Miſtake inſerted therein; provided the Commiſſioners acting in the Executiou of the ſaid recited Act, or of this Act, or any Five or more of them, ſhall in either of the ſaid Caſes be ſatisfied of ſuch Miſtake, and ſhall certify to that Effect by Writing under their Hands.

Company to execute Works for

VI. And be it further enacted, That from and immediately after the paſſing of this Act, the ſaid Company of Proprietors of the Weſtern Branch

Branch of the ſaid Canal ſhall be, and are hereby authorized and empowered to make, erect, build, execute, do and perform all ſuch Works, Matters, and Things, as ſhall be requiſite and convenient for making, completing, repairing, preſerving, maintaining, and uſing the ſaid Continuation of the ſaid Canal and Variation of the Line thereof hereby authorized to be made, and the Navigation thereof, and for making and ſetting up Bridges, Locks, Feeders, Weirs, Tunnels, Sluices, Dams, Culverts, Aqueducts, Embankments, Lime Kilns, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, Engines, Machines, Buildings, and other Matters and Things requiſite or convenient for the ſaid Navigation and Works, in as full, ample, and beneficial a Manner to all Intents and Purpoſes, as the ſaid Company of Proprietors of the *Montgomeryſhire* Canal are authorized and empowered to do, execute, and perform, and would or might do, execute, and perform the ſame under and by virtue of the ſaid recited Act, in the ſame Manner as if the ſaid Continuation of the ſaid Canal were done, executed, and performed by the ſaid *Montgomeryſhire* Canal Company under the Authority of the ſame Act, and the ſaid Variation of the Line thereof were thereby authorized to be made; and the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, their General Aſſemblies, Committees, Clerk, Officers, Agents, Servants, Workmen, and Labourers, and all and every Perſon and Perſons, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, or for any other partial Eſtate or Intereſt, Huſbands ſeiſed or entitled in Right of their Wives, Guardians, Truſtees, Feoffees in Truſt for Charities, and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, ſhall have and be ſeiſed and poſſeſſed of, and is and are hereby inveſted with ſuch and the like Eſtates, Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be and is and are hereby made ſubject and liable to ſuch and the like Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controuls, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal in relation to the making, executing, completing, uſing, and governing of the ſaid Continuation of the ſaid Canal and the Variation thereof and Works requiſite thereto by this Act authorized to be made, completed, maintained, and uſed, as are mentioned, given, granted, preſcribed, eſtabliſhed, and inflicted in and by the ſaid recited Act, relative to the Canal and Works thereby authorized to be made, to every Intent and Purpoſe whatſoever; and that all and every the Powers, Proviſions, and Clauſes, of the ſaid recited Act (except ſuch as are hereby repealed, and alſo except ſuch as are hereby altered), for making, completing, repairing, preſerving, maintaining, uſing, and governing the ſaid Canal, Cuts, and other Works, thereby authorized to be made, and for holding Stated and Special General Aſſemblies of Proprietors, and relative to the Manner of holding and calling the *ſame reſpectively*, and the Powers of the ſame reſpectively, and the Mode of voting and tranſacting Buſineſs at ſuch General Aſſemblies reſpectively, and for chooſing a Committee to manage the Affairs of the Company, and relative to the Number and Qualifications of the Members of ſuch Committee, and the diſplacing of any Member, and chooſing of any new Member thereof, and the Times of Meeting of and Mode of voting and tranſacting Buſineſs at ſuch Committee, and the Powers and Duties of the ſame, in managing the Affairs of the Company, making Calls for Money, and for other Purpoſes, and relative to the Appointment and Removal of a Clerk, Treaſurers, Collectors and other Officers, and the Duties and Conduct

Variation and Continuation of Canal, the ſame as Works authorized by former Act, &c.

duct of such Clerk, Treasurers, Collectors, and other Officers in their respective Offices, and the Penalties to which they are respectively liable, and relative to the keeping of Accounts, and making Entries of all Contracts, Bargains, Receipts, and Disbursements, and of all Orders and Proceedings of General Assemblies and Committees respectively, and relative to all other Matters and Things whatsoever concerning the said Canal, Cuts, and Works thereby authorized to be made, and the Navigation thereof, and the Management and Government of the said *Montgomeryshire* Canal Company in every respect, and the bringing of Actions by or against the same shall, but with Reference only to the Proprietors of the Western Branch of the said Canal, their General Assemblies, Committees, Clerk, Treasurers, Collectors, and other Officers, extend and are hereby extended to, and shall take effect, operate, and be put in Execution, used and exercised by the said Company of Proprietors of the Western Branch of the said Canal, their General Assemblies, Committees, Clerk, Treasurers, Collectors, and other Officers, and be applied and enforced in, by, and for, and in respect of the making, completing, repairing, preserving, maintaining, using, and governing of the said Continuation of the said Canal and Variation thereof, and the several Works, Matters, and Things, by this Act authorized to be made, done, and performed, and for supplying the same whilst making, and when made with Water from the Rivers *Severn* and *Rhiew*, and other Rivers, Brooks, Springs, Rivulets, Waters, and Watercourses, in the said recited Act, in that behalf mentioned or referred to, and for the Punishment of Offences in relation thereto, and for the purchasing, selling, and conveying of Lands, Tenements, and Hereditaments, ascertaining the Value thereof, and for the determining and assessing of Damages, and all other Matters and Things which relate to or shall happen or arise in consequence of the making, completing, repairing, preserving, maintaining, using, and governing of the said Continuation of the said Canal and Variation thereof, and Works hereby authorized to be made, done, and executed; and that the Persons who are appointed Commissioners for putting the said recited Act in Execution, shall be Commissioners for the Purposes of this Act, in the same Manner and as fully and effectually to all Intents and Purposes, as if the several Provisions and Clauses contained in the said recited Act were herein repeated and re-enacted, and specially applied to the said Company of Proprietors of the Western Branch of the said Canal, their General Assemblies, Committees, Clerk, Treasurers, Collectors and other Officers, in the making, completing, maintaining, using and governing of the said Continuation and Variation of the said Canal and Works requisite thereto (except as aforesaid).

As to Number of Shares to be present at General Meeting, in order to elect a Committee.

VII. Provided always, and be it further enacted, That the Number of Shares required to be possessed by the Proprietors of the Western Branch of the said Canal, who shall be present either in Person or by Proxy, at any Stated General Assembly, in order to enable such General Assembly to choose a Committee, or to remove any Member, or elect any new Member thereof, shall be One hundred and fifty Shares in the said Western Branch instead of Five hundred Shares, as in and by the said recited Act is provided; and if at any Stated General Assembly of the Proprietors of the said Western Branch, there shall not be Proprietors present, either in Person or by Proxy, who shall be possessed or entitled in their own Right, of or to at least One hundred and fifty Shares in the said Western Branch in the Aggregate, then no Choice of a Committee, nor any Removal of a

Member of any ſuch Committee, nor any Election of a new Member thereof ſhall be made, but ſuch General Aſſembly ſhall be adjourned to the ſame Place, and the ſame Hour of that ſame Day Fortnight, and ſo on from Fortnight to Fortnight, until there ſhall be Proprietors preſent, either in Perſon or by Proxy, holding ſuch Number of Shares in the ſaid Weſtern Branch as aforeſaid, and ſuch Choice of a Committee, or Removal or Election of any Member of any ſuch Committee, ſhall then take place, and not before; and the Perſon then choſen to be of any ſuch Committee ſhall have the ſame Power which they would have had, and ſhall continue in Office until ſuch Time as they would have done, had they been choſen by any ſuch Stated General Aſſembly of ſuch Proprietors on the Day firſt appointed for holding the ſame; and in caſe of Failure of the aſſembling of a ſufficient Number of ſuch Proprietors, either in Perſon or by Proxy, holding ſuch Number of Shares in the ſaid Weſtern Branch as aforeſaid, at ſuch Stated General Aſſembly as aforeſaid, every Proprietor of the ſaid Weſtern Branch who ſhall not attend in Perſon or by Proxy at every adjourned Aſſembly which ſhall be held for want of Attendance of a ſufficient Number of Proprietors for the Purpoſes aforeſaid at the preceding Aſſembly, ſhall be ſubject to the like Forfeiture, and to be recovered in like Manner as in and by the ſaid recited Act is mentioned and provided with reſpect to the Failure of Attendance of Proprietors at the adjourned Aſſemblies thereby directed to be held.

Commiſſioners to be paid for their Attendance.

VIII. Provided alſo, and be it further enacted, That Thirteen of the Commiſſioners appointed or to be appointed as in the ſaid recited Act is directed, who ſhall firſt attend at every Meeting of ſuch Commiſſioners which ſhall be required for the Purpoſes of this Act, ſhall be entitled to a Compenſation for their Attendance not exceeding the Sum of Ten Shillings and Sixpence each for each Day of their Attendance, to be paid by the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, out of the Monies by this Act authorized to be raiſed.

Lands taken to be paid for in Groſs Sums of Money.

IX. Provided always, and be it further enacted, That nothing in the ſaid recited Act or this Act contained, ſhall extend or be conſtrued to extend to authorize and empower the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, to make Compenſation for any Lands, Grounds, or Hereditaments, which ſhall be wanted for the Purpoſes of the ſaid Branch, or for the Tythes payable in reſpect of ſuch Lands, Grounds, or Hereditaments, by way of annual Rent inſtead of Groſs Sums of Money; but ſuch Compenſation ſhall in all Caſes be made by ſuch Company in Groſs Sums of Money only.

Reſtriction as to the Erection of Wharfs, &c.

X. Provided alſo, and be it further enacted, That nothing in the ſaid recited Act or this Act contained, ſhall extend or be conſtrued to extend to authorize or empower the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, or the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, after the ſaid Weſtern Branch ſhall by virtue of the Proviſions of this Act be under the Management of the ſaid laſt-mentioned Company, to make or erect any Wharfs, Quays, Landing Places, Cranes, Weighbeams or Warehouſes, in or upon any of the Lands or Grounds adjoining or near to the Continuation of the ſaid Canal from *Garthmill* to or near to *Newtown* aforeſaid, without the Conſent in Writing of the Owner or reſpective Owners of the Lands or Grounds in or upon

upon or adjoining to which such Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses shall be proposed and intended to be made and erected, except at the following Places; (that is to say), at a certain Place in the Township of *Trustewellin* near the Place where the said Canal will cross the Road leading from *Bettws* to *Montgomery* near *Trustewellin* House; also in a certain Field belonging to *John Pryce* of *Dolforwyn Hall* Clerk, called the *Brick Kiln Field*, or on the Land between that Field and the River *Severn*; also at a certain Place at or near to the Mouth of the Road leading from *Aberbechan* Mills towards the Village of *Bettws* aforesaid; and also at or near to the Termination of the said Canal at or near to *Newtown* aforesaid.

Restrictions as to the Erection of Lime Kilns.

XI. Provided also, and be it further enacted, That nothing in the said recited Act or this Act contained, shall extend to authorize or empower the said Company of Proprietors of the Western Branch of the said Canal, or the said Company of Proprietors of the *Montgomeryshire* Canal, after the said Western Branch shall by virtue of the Provisions of this Act be under the Management of the said last-mentioned Company, to make or erect any Lime Kilns on any of the Lands or Grounds adjoining or near to the said Continuation of the said Canal from *Garthmill* to *Newtown* aforesaid, without the Consent in Writing of the Owner or respective Owners of the Lands or Grounds whereon such Lime Kilns shall be proposed and intended to be made and erected; or if such Lands or Grounds shall belong to the said Companies or either of them, without the Consent in Writing of the Owner or respective Owners of the adjoining Lands, Grounds, or Hereditaments, except at the Termination of the said Canal at or near to *Newtown* aforesaid.

Company compellable to purchase small Slips of Land left by the Side of Canal, &c.

XII. And be it further enacted, That if in making and completing the said Western Branch of the said Canal or any of the said Works requisite thereto, any Pieces or Parcels of Ground shall be cut through or divided, so that what shall be left on each or either Side of the said Canal, shall be less than Half an Acre in Quantity, or less than Twenty Yards in average Breadth throughout the whole Length thereof; and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining, or contiguous to what shall be so left on each or either Side of the said Canal, then and in every such Case the said Company of Proprietors of the said Western Branch shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so to be left on each or either Side of the said Canal, being less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Western Branch and Works; provided the Owner or Owners or Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Regulations respecting the Severn Feeder.

XIII. And whereas the said Company of Proprietors of the *Montgomeryshire* Canal have in pursuance of the Power of the said recited Act, made a Feeder from the River *Severn* to the Termination of the Line of the said Canal at *Garthmill* aforesaid; which Feeder the said Company of Proprietors

prietors of the *Montgomeryſhire* Canal, have agreed to give up to the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, for the Purpoſes and ſubject to the Proviſions herein-after mentioned; be it therefore further enacted, That the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, and their Committee for the Time being, Servants and Workmen, ſhall for the making and completing of the ſaid Weſtern Branch have full Power and Liberty to take in, convert, uſe, ſell, and diſpoſe of the ſaid *Severn* Feeder, made by the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal as aforeſaid, and the Land occupied thereby, and all Culverts, Bridges, Works and Materials belonging thereto, in ſuch Manner as they ſhall think expedient, without making any Compenſation for the ſame to the ſaid laſt-mentioned Company; and the ſole Property and Intereſt in ſuch Feeder, Culverts, Bridges, Works, and Materials, ſhall after the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall have commenced the cutting of ſuch Part of the ſaid Branch, as lies between *Garthmill* and *Bryn-y-derwen* Bridge, and during ſuch Time as under the Proviſions of this Act they ſhall be entitled to the ſole Property and Intereſt in the ſaid Branch, be veſted in the ſaid Company of Proprietors the ſaid Weſtern Branch; and it ſhall be lawful for ſuch Company to purchaſe the Rents and Annuities payable for any Part of the Land occupied by the ſaid Feeder, from the reſpective Perſons entitled thereto, on ſuch Terms as they can agree upon; or in caſe they cannot agree, then for ſuch Sum as ſhall be determined by the ſaid Commiſſioners, and upon the Purchaſe of any ſuch Rents or Annuities the ſame ſhall be reſpectively extinguiſhed: Provided always, that the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall after they have commenced cutting ſuch Part of the ſaid Branch as lies between *Garthmill* and *Bryn-y-derwen* Bridge aforeſaid, and until the ſaid Branch ſhall be completed and navigable to *Bryn-y-derwen* Bridge aforeſaid, at their own Expence, continue and preſerve the ſame Supply of Water to the other Part of the ſaid Canal (herein after denominated the Eaſtern Branch thereof), as is uſually derived from the ſaid Feeder, and ſhall not, in the making of the ſaid Weſtern Branch, uſe the Water out of the ſaid Feeder, except at and during ſuch Time only as the Water in the ſaid Eaſtern Branch ſhall run over the Waſte Weir at the Lock neareſt to the Town of *Pool* aforeſaid.

Proprietors to pay Purchaſe Money of Lands, &c.

XIV. Provided always, and be it further enacted, That the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall pay and be charged with ſuch Part of the Purchaſe Money of the Lands taken for the Purpoſe of making the ſaid *Severn* Feeder, and the Money remaining due for Treſpaſs, as ſtill remains unpaid; and that until the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal ſhall commence cutting the ſaid Weſtern Branch between *Garthmill* and *Bryn-y-derwen* Bridge aforeſaid, the ſaid *Severn* Feeder and the Weir at the Head thereof, ſhall be maintained and repaired at the ſole Expence of, and all Rents and Annuities payable for the ſame, ſhall be paid by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal out of the Monies which ſhall be applicable by them, for the Purpoſe of making and maintaining the Eaſtern Branch of the ſaid Canal; and that after the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall have commenced cutting the ſame Branch between *Garthmill* and *Bryn-y-derwen*

Bridge aforeſaid, the ſaid Weir at the Head of the ſaid Feeder ſhall be maintained and repaired at the ſole Expence of, and all Rents and Annuities payable for the ſame, ſhall be paid by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal until the ſaid Weſtern Branch ſhall be completed to or near to *Bryn-y-derwen* Bridge aforeſaid; but during the laſt-mentioned Period the maintaining of ſuch Part of the ſaid Feeder as ſhall not have been uſed or diſpoſed of by the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall be done at the ſole Expence of ſuch laſt mentioned Company; and in caſe any of the Rents or Annuities payable on account of the Land occupied by the ſaid Feeder ſhall by virtue of this Act be purchaſed by the ſaid laſt mentioned Company, and be extinguiſhed as herein-before is mentioned, then and in every ſuch Caſe the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall, during ſuch Period as under the Proviſions of this Act they are ſubject to the Payment of ſuch Rents and Annuities, pay to the ſaid Company of Proprietors of the ſaid Weſtern Branch the Amount of ſuch Rents or Annuities which ſhall be ſo purchaſed by them; and from and after the Time when the ſaid Weſtern Branch ſhall be completed to or near to *Bryn-y-derwen* Bridge aforeſaid, the ſaid Feeder, or ſuch Part thereof as the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall deem expedient to continue, and the Weir at the Head thereof ſhall be maintained and repaired at the ſole Expence of, and all Rents and Annuities payable for the ſame, ſhall thenceforth be paid by the ſaid Company of Proprietors of the ſaid Weſtern Branch, until the ſaid Weſtern Branch ſhall be completed to *Newtown* aforeſaid, and until the Firſt *Monday* in the Month of *July* next after the ſame ſhall be certified to be navigable, as herein-after is mentioned; and after that Period and until the Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated under the Proviſions of this Act, the ſaid Feeder, or ſuch Part thereof as it ſhall be deemed expedient to continue, and the Weir at the Head thereof, ſhall be maintained and repaired at the ſole Expence of, and all Rents and Annuities payable for the ſame, ſhall be paid by ſuch of the then Proprietors of the ſaid *Montgomeryſhire* Canal as ſhall be Proprietors thereof, in reſpect of the Shares by this Act authorized to be created out of the Monies authorized to be raiſed by this Act, or the Profits which ſhall be received from the Weſtern Branch of the ſaid Canal:

In caſe the Weſtern Branch ſhall not be completed in Five Years, the Property and Intereſt to ceaſe.

Provided always, that if the Weſtern Branch of the ſaid Canal ſhall not be completed to or near to *Bryn-y-derwen* Bridge aforeſaid, within the Space of Five Years next after the paſſing of this Act, then and in ſuch Caſe the Property and Intereſt of the ſaid Company of Proprietors of the ſaid Weſtern Branch in the ſaid *Severn* Feeder, and the Culverts, Bridges, and Materials belonging thereto, and the Power hereby given to them to convert, uſe, ſell, diſpoſe of, and convey the ſame reſpectively, ſhall ceaſe and determine, and the ſaid Feeder, Culverts, Bridges, and Materials ſhall revert to and again become the ſole Property of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and the ſame ſhall be reſtored to its original State, or completed in ſuch other Manner ſo as to ſupply the Eaſtern Branch of the ſaid Canal with the ſame Quantity of Water as is now uſually derived from ſuch Feeder, at the Expence of the ſaid Company of Proprietors of the ſaid Weſtern Branch; and in caſe ſuch Company ſhall have purchaſed any of the Rents or Annuities payable on account of the ſaid Feeder, the Money which ſhall have been paid by them for the Purchaſe thereof, ſhall be reimburſed to them by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal; and after the ſaid

Feeder ſhall be ſo reſtored, the ſame and the Weir at the Head thereof, and all Rents and Annuities payable for the ſame, ſhall for ever after be repaired and maintained at the ſole Expence of and be paid by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal; any Thing herein-before contained to the contrary notwithſtanding.

Commiſſioners to allow to Tenants, &c. a juſt Proportion of the Purchaſe Monies, &c.

XV. And be it further enacted, That the Commiſſioners appointed and to be appointed by virtue of the ſaid recited Act and of this Act ſhall be and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Money or Compenſation for Damages which ſhall be agreed for, determined, and adjuſted or aſſeſſed, in Manner reſpectively, as in and by the ſaid recited Act is mentioned and provided, ſhall be allowed to any Tenant or other Perſon or Perſons having any particular Eſtate, Term, or Intereſt in the Lands, Tenements and Hereditaments which ſhall be wanted for the Purpoſes of the ſaid recited Act or of this Act, for his, her, or their reſpective Intereſts therein.

Perſons giving falſe Evidence, puniſhable for Perjury.

XVI. And be it further enacted, That all and every Perſon and Perſons, who in any Examination to be taken by virtue of the ſaid recited Act or of this Act, ſhall wilfully give falſe Evidence before the ſaid Commiſſioners, or before any Jury appointed or to be appointed and impannelled by virtue of the ſaid recited Act and of this Act, or before any Juſtice of the Peace acting as ſuch in the Execution of the ſaid recited Act or of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be liable to the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Lands to veſt abſolutely in Company on Payment, or Value, &c.

XVII. And be it further enacted, That upon Payment or legal Tender by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, of any ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries in ſuch Manner reſpectively as in the ſaid recited Act is mentioned and provided, for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act and of this Act, to the Owner or Owners of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Sums of Money reſpectively, or on depoſiting the ſame in the Bank of *England*, in the ſeveral Caſes herein-after mentioned, it ſhall be lawful for ſuch One of the ſaid Companies who ſhall have contracted and agreed for the ſaid Lands and Premiſes, or on whoſe Behalf the ſame ſhall be required, and their Agents, Workmen, and Servants, immediately to enter into and upon the Lands, Tenements, and other Hereditaments reſpectively, and then and thereupon ſuch Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall thenceforth be veſted in and become the ſole Property of the ſaid Companies reſpectively, to and for the Purpoſes and ſubject to the Proviſions of the ſaid recited Act and this Act; and every ſuch Payment or Tender, or Depoſit in the Bank of *England* in the Manner by this Act directed, as the Caſe may be, ſhall bar all the Eſtate, Right,

Right, Title, and Interest of all Persons whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England*, in Manner by this Act directed, as the Case may be, it shall not be lawful for either of the said Companies, or any Persons acting under their Authority, to dig, cut, or use the Lands, Tenements, or other Hereditaments of the Person or Persons entitled to such Money, for the Purpose of making the said Canal, Cuts, Navigation or Works, by the said recited Act or this Act authorized to be made, without the Consent of such Person or Persons respectively.

Application of Compensation Money.

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act or this Act for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to or exceed the Sum of Two hundred Pounds with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprieters of the *Montgomeryshire* Canal, or the said Company of Proprietors of the Western Branch of the *Montgomeryshire* Canal, as the Case may be, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax or towards the Discharge of any Debt or Debts, or such other Incumbrances or Parts thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XIX. Provided

When less than 200l and amounting to 20l.

XIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two or more Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the Committee of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or of the Weſtern Branch of the ſaid Canal, as the Caſe may be; ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Monies and the Dividends ariſing thereon may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When leſs than 20l.

XX. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners or any Three or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

XXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of ſuch One of the ſaid ſeveral Companies of Proprietors as ſhall require the ſame; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch One of the ſaid ſeveral Companies of Proprietors as aforeſaid to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or

Hereditaments, [deſcribing them,] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title, &c.

XXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this or the ſaid recited Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this or the ſaid recited Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXIII. Provided always, and be it further enacted, That where, by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Act and of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Company of Proprietors reſpectively, out of the Monies to be received by virtue of the ſaid recited Act and of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

XXIV. Provided

Persons barred of Rights to Lands, may recover the Purchase Money from Persons receiving the same.

XXIV. Provided always, and be it further enacted, That any Person or Persons barred of any Rights, Title, Estate, Interest, Claim or Demand whatsoever, in, to, or out of any Lands, Tenements or Hereditaments by virtue of the said recited Act or of this Act, shall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, or when necessary, to file any Bill in Equity against any Person or Persons, or the legal Representatives of any Person or Persons, who shall have received all or any Part of the Purchase Money arising from the Sale of any such Lands, Tenements, or Hereditaments as aforesaid; and that in every such Case the Plaintiff or respective Plaintiffs, on such Proofs of such Title as would have enabled him or them to recover such Lands, Tenements or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the Mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Mortgagees to convey.

XXV. And be it further enacted, That all and every Person and Person who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers contained in the said recited Act and this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Tender by the said Company of Proprietors of the *Montgomeryshire* Canal, or the said Company of Proprietors of the Western Branch of the said Canal, accordingly as such Lands and Premises shall be required by such Companies respectively of the real Value of such Lands, Tenements or Hereditaments, to be ascertained as directed by the said recited Act and this Act, if such real Value shall not exceed the Principal Money and Interest due on such Mortgage or Mortgages, or of the Principal Money and Interest due thereon, together with Six Calendar Months Interest on the Principal, if such real Value shall exceed the Principal Money and Interest due on such Mortgage or Mortgages, and such additional Interest on the Principal as aforesaid, convey, surrender or assign to such One of the said Companies as shall require such Lands and Premises, or to such Person or Persons as they shall appoint, such of the Premises comprized in the said Mortgage or Mortgages, as shall be required by either of the said Companies for the Purposes of the said recited Act or this Act; and if the Money paid by either of the said Companies shall be less than the Principal Money and Interest due on such Mortgage or Mortgages, a Receipt for the same shall be indorsed on the Mortgage Deed, and signed by the Mortgagee or Mortgagees, and a similar Receipt for such Money shall be given by him, her, or them to such One of the said Companies as shall pay the same; and in case any such Mortgagee shall neglect or refuse to convey, surrender or assign on such Tender as aforesaid, then all Interest on every such Mortgage shall thenceforth cease and determine; and on Payment by such One of the said Companies as shall require such Lands and Premises of such real Value or of such Principal Money as aforesaid, with the Interest then actually due thereon, into the Bank of *England*, in Manner herein-before mentioned, in the Case where a good Title to the Lands, Tenements and Hereditaments authorized to be purchased by the said recited Act or this Act cannot be made, all the Estate, Right, Title and Interest, Use, Trust, Property, Claim and Demand whatsoever of the said Mortgagee or Mortgagees, and of

of all and every Perſon and Perſons claiming by, from, under, or in Truſt for him, her, or them, ſhall veſt in ſuch One of the ſaid Companies as ſhall require ſuch Lands and Premiſes, and they ſhall be deemed to be in the actual Poſſeſſion of ſuch of the Premiſes compriſed in ſuch Mortgage or Mortgages as ſhall be required for the Purpoſes of the ſaid recited Act or this Act, to all Intents and Purpoſes whatſoever, and abſolutely freed and diſcharged from ſuch Mortgage or Mortgages; and if the Money ſo paid by either of the ſaid Companies to any ſuch Mortgagee or Mortgagees or into the ſaid Bank of *England*, for the Uſe of any ſuch Mortgagee or Mortgagees as aforeſaid, ſhall be equal to the real Value to be aſcertained as aforeſaid, of ſuch of the Premiſes compriſed in the ſaid Mortgage or Mortgages, as are required for the Purpoſes of the ſaid recited Act and this Act, then and in every ſuch Caſe and immediately after every ſuch Payment, the ſaid Premiſes ſhall thenceforth be veſted in ſuch One of the ſaid Companies as ſhall pay ſuch Money, and their Succeſſors, in or as Fee Simple, abſolutely freed and for ever diſcharged of and from all Right, Title, and Equity of Redemption whatſoever.

Tenants at Will to deliver the Poſſeſſion on Three Months Notice.

XXVI. And be it further enacted, That every Tenant at Will or Leſſee for a Year, or any other Perſon or Perſons in Poſſeſſion of any ſuch Lands, Tenements, or Hereditaments, or any Part thereof, which ſhall be purchaſed by virtue of the ſaid recited Act or of this Act, and who ſhall have no greater Intereſt in the ſaid Lands and Premiſes, than as Tenants at Will or Leſſee for a Year, or from Year to Year, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Company of Proprietors of the *Montgomery-ſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal accordingly, as ſuch Lands and Premiſes ſhall be required by ſuch Companies reſpectively, or to ſuch Perſon or Perſons as the ſaid ſeveral Companies ſhall reſpectively appoint to take Poſſeſſion of the ſame, having Three Calendar Months Notice to quit ſuch Poſſeſſion from ſuch One of the ſaid Companies as ſhall require ſuch Lands and Premiſes, or from the Perſon or Perſons authorized by them; and ſuch Perſon or Perſons ſhall at the End of the ſaid Three Calendar Months, (whether ſuch Notice be given with reference to the Time or Times of ſuch Tenants holding or not), or ſo ſoon after as he or they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to ſuch One of the ſaid Companies as ſhall require the ſame, or to the Perſon or Perſons authorized to take Poſſeſſion thereof.

In caſe Tenants at Will, or Leſſees of Houſes or Lands required to give up their Intereſt therein, Company to make Compenſation.

XXVII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons who ſhall be a Tenant or Tenants at Will, or Leſſee or Leſſees of any ſuch Lands, Tenements, or Hereditaments, or any Part thereof as aforeſaid, ſhall be required to give up his, her, or their Right or Intereſt in the ſame, before the Expiration of the Term he, ſhe, or they ſhall have therein, then and in ſuch Caſe, ſuch One of the ſaid Companies as ſhall require the ſame ſhall, and they are hereby required to make Satisfaction and Compenſation for ſuch Right or Intereſt ſo given up; and in caſe the ſaid Tenant or Tenants, Leſſee or Leſſees, and ſuch Company cannot agree as to the Amount of ſuch Satisfaction and Compenſation as aforeſaid, then the ſame ſhall be enquired into and aſcertained by the ſaid Commiſſioners or a Jury in Manner by the ſaid recited Act mentioned, with reſpect to the diſputed Value of Lands, Tenements, and Hereditaments

wanted for the Purpoſe of the ſaid recited Act; and upon Payment or Tender by ſuch Company of ſuch Satisfaction and Compenſation as aforeſaid, it ſhall be lawful for them to enter upon and take Poſſeſſion of ſuch Lands, Tenements and Hereditaments, they having duly compenſated the Owner or Owners thereof in Reverſion for his or their Intereſt therein.

Power to reſell Lands, &c.

XXVIII. And whereas the ſaid Feeder from the River *Severn* to the Termination of the Line of the ſaid Canal at *Garthmill* aforeſaid, or a great Part thereof, will be rendered unneceſſary by the Continuation of the ſaid Canal from *Garthmill*, to or near to *Newtown* aforeſaid: And whereas in order to carry into Effect the Purpoſes of the ſaid recited Act and of this Act, and to avoid Diſputes with the Owners of the Lands, Tenements, or Hereditaments which have been or may be affected by making the ſaid Canal, Cuts and Works, the ſaid Company of Proprietors of the *Montgomeryſhire* Canal may have purchaſed, or ſuch Company, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, may purchaſe other Lands, Tenements, or Hereditaments not neceſſary to be made uſe of for the Purpoſes of the ſaid recited Act and of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, and the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal reſpectively, and they are hereby reſpectively required to ſell and diſpoſe of, and by Indenture under their reſpective Common Seals, abſolutely to grant and convey ſuch Part of the Lands, Tenements, or Hereditaments already purchaſed by and conveyed to the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and made uſe of by them in making the ſaid Feeder, or which has not been uſed by them for ſuch Purpoſes, or which ſhall be hereafter purchaſed by and conveyed to the ſaid ſeveral Companies reſpectively, as ſhall become unneceſſary and not be wanted for the Purpoſes of the ſaid recited Act or of this Act, and alſo to lay out and appropriate any Part of the ſaid Lands and Premiſes, as and for Ways, Avenues and Paſſages, and that all ſuch Conveyances ſhall be valid, any Law, Statute, or Cuſtom to the contrary thereof in anywiſe notwithſtanding; and upon Payment of the Money which ſhall ariſe by the Sale or Sales of ſuch Lands, Tenements or Hereditaments, or any Part or Parcel thereof, it ſhall be lawful for the Treaſurer or Treaſurers for the Time being to the ſaid ſeveral Companies reſpectively, to ſign and give Receipts for the Money ariſing from any ſuch Sale or Sales, which Receipts ſhall be ſufficient Diſcharges to the Purchaſer or Purchaſers for the Money ſo paid on Account of the Premiſes, or ſo much thereof as in ſuch Receipts ſhall be acknowledged and expreſſed to have been received, and ſuch Purchaſer or Purchaſers ſhall not be anſwerable or accountable for any Loſs, Miſapplication or Non-application of ſuch Purchaſe Money or any Part thereof: Provided always, that the ſaid ſeveral Companies reſpectively, before they ſhall ſell and diſpoſe of ſuch Lands and Premiſes, ſhall firſt offer to reſell and diſpoſe of the ſame to the ſeveral Parties from whom the ſame reſpectively ſhall have been purchaſed by the ſaid ſeveral Companies reſpectively, if ſuch Parties ſhall then be the Owners of the ſeveral Eſtates of which ſuch Lands and Premiſes originally formed a Part; or if any other Perſons ſhall then be the Owners of ſuch Eſtates, then to the ſeveral Perſons who for the Time being ſhall be the Owners of ſuch Eſtates reſpectively; and in caſe any of ſuch Parties or Perſons ſhall not then or thereupon agree, or ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter or

Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace, in the County where ſuch Lands and Premiſes ſhall lie, by ſome Perſon or Perſons no Way intereſted in the ſaid Lands and Premiſes, ſtating that ſuch Offer was made by or on the Behalf of the ſaid ſeveral Companies reſpectively, and was not then and thereupon agreed upon, or was refuſed by the Party to whom the ſame was made, ſhall be in all Courts whatſoever ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Party to whom it was made, as the Caſe ſhall be: And in caſe ſuch Parties ſhall not be able to agree with the ſaid ſeveral Companies reſpectively, reſpecting the Value of ſuch Lands, Tenements or Hereditaments, but ſtill ſhall be deſirous of purchaſing the ſame, then and in every ſuch Caſe ſuch Value or Purchaſe Money ſhall be aſcertained, ſettled and determined by a Jury, in ſuch and the like Manner as the Value or Purchaſe Money to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, is by the ſaid recited Act and this Act directed to be aſcertained, ſettled, and determined; and the Coſts and Expences of ſummoning ſuch Jury, and all other Coſts and Charges attending the taking the Verdict of ſuch Jury ſhall, *mutatis mutandis*, be aſcertained, ſettled and determined in like Manner.

Words, "Grant, Bargain and Sell," in Conveyance from Company, to operate as Covenants for Title.

XXIX. And be it further enacted, That in all Conveyances to be made by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, under or by virtue of this Act, the Words "Grant, Bargain, and Sell," ſhall amount to be conſtrued and adjudged in all Courts of Judicature to be expreſs Covenants to the Grantee or other Purchaſer, his, her, and their Heirs, Executors, Adminiſtrators and Aſſigns, from the ſaid ſeveral Companies reſpectively making ſuch Conveyances for themſelves and their reſpective Succeſſors, that they the ſaid ſeveral Companies reſpectively, notwithſtanding any Act done by them, were at the Time of the Execution of ſuch Conveyance ſeiſed of the Hereditaments and Premiſes thereby granted, bargained, and ſold, for an indefeaſible Eſtate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof, againſt the ſaid ſeveral Companies reſpectively and their reſpective Succeſſors, from all Incumbrances committed by the ſaid ſeveral Companies reſpectively, and alſo for the further Aſſurance of ſuch Hereditaments and Premiſes thereby granted, bargained, and ſold, to be made by the ſaid ſeveral Companies reſpectively and their reſpective Succeſſors, and all claiming under them, unleſs the ſame ſhall be reſtrained and limited by expreſs particular Words contained in ſuch Conveyance or any of them; and that ſuch Purchaſer, and his, her, and their ſeveral Heirs, Executors, Adminiſtrators and Aſſigns reſpectively, ſhall and may, in any Action or Actions to be brought, aſſign a Breach or Breaches thereupon, as they might do in caſe ſuch Covenants were expreſsly inſerted in ſuch Conveyances reſpectively.

Application of Money ariſing from Sale of Lands.

XXX. And be it further enacted, That all and every Sum and Sums of Money which ſhall be had, received and taken by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, as the Conſideration of any ſuch Sale by them reſpectively as aforeſaid, ſhall be paid, applied, and diſpoſed of in ſuch and the like Manner as the Rates, Tolls, and Duties ariſing or to ariſe from the Weſtern and Eaſtern Branches of the ſaid Canal,

and

and after the ſame ſhall be conſolidated as herein-after is mentioned, from the whole of the ſaid Canal, Cuts, Navigation and Works, are by the ſaid recited Act and by this Act directed to be paid, applied and diſpoſed of.

For making Satisfaction for Tithes.

XXXI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, for all the Tithes both Great and Small of the Lands or Grounds which ſhall or may be taken or made uſe of by ſuch Company for the Purpoſes and in purſuance of the Powers of this Act, or of the ſaid recited Act, to the reſpective Perſons entitled or who would have been entitled to ſuch Tithes, in caſe ſuch Lands or Grounds had not been ſo taken or made uſe of according to their reſpective Intereſt therein, ſuch Tithes to be eſtimated at the Average Value of Four Years, immediately preceding and ending at the Firſt Day of *January* next before the Time of taking Poſſeſſion of ſuch Lands or Grounds, ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or Hereditaments is by the ſaid recited Act directed to be aſcertained; and ſuch Value, when ſo aſcertained, to be paid by the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, in like Manner as the Value of any Lands or Hereditaments is by this Act directed to be paid.

Company authoriſed to raiſe 40,000l. by new Shares.

XXXII. And be it further enacted, That for the Purpoſe of making, completing, and maintaining the ſaid Continuation of the ſaid Canal from *Garthmill* to or near to *Newtown* aforeſaid, and the Variation thereof authorized to be made by the ſaid recited Act and this Act, it ſhall be lawful for the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, and they are hereby authorized and empowered to raiſe and contribute among themſelves, or by the Admiſſion of new Proprietors, in Addition to the ſaid Sum of Seventy-one thouſand one hundred Pounds already contributed by the Proprietors of the ſaid *Montgomeryſhire* Canal, and divided into Seven hundred and eleven Shares as hereinbefore is mentioned, and to the Sum of Nine hundred Pounds the Reſidue of the ſaid Sum of Seventy-two thouſand Pounds, and to the ſaid Sum of Twenty thouſand Pounds, which the ſaid Company of Proprietors of the *Montgomeryſhire* Canal are authorized to raiſe by the ſaid recited Act, any further Sum or Sums of Money not exceeding the Sum of Forty thouſand Pounds, to be divided into Shares of One hundred Pounds each, and to be numbered reſpectively, from Number Seven hundred and eleven in Succeſſion, according to the Number of Shares which ſhall be created; every ſuch Share to be entered, and to have the common Seal of the ſaid Company of Proprietors of the ſaid Weſtern Branch affixed thereto, and a Ticket or Inſtrument thereof, with ſuch Common Seal affixed, to be delivered to the Proprietors entitled to the ſame, in the like Manner and ſubject to the like Regulations as in and by the ſaid recited Act is directed and provided concerning the Shares thereby authorized to be created.

To form One Capital Stock with former Capital.

XXXIII. And be it further enacted, That the ſaid Sum of Forty thouſand Pounds by this Act authorized to be raiſed and divided into Shares as aforeſaid, or ſo much thereof as ſhall be raiſed by the Creation of new Shares, and the ſaid Sum of Seventy-one thouſand one hundred Pounds already raiſed and divided into Shares as aforeſaid, and alſo the ſaid Sum of Nine hundred Pounds the Reſidue of the ſaid Sum of Seventy-two thouſand

thouſand Pounds, and the ſaid Sum of Twenty thouſand Pounds by the ſaid recited Act authorized to be raiſed, or ſo much thereof as reſpectively ſhall be raiſed by the Creation of new Shares, ſhall, at the Time and ſubject to the Proviſions hereinafter mentioned, make One joint Capital Stock of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal.

Preſent Proprietors to have Preference in ſubſcribing for ſuch new Shares, till One Month after paſſing of Act, &c.

XXXIV. Provided always, and be it enacted, That until the Expiration of One Calendar Month next after the paſſing of this Act, all and every the Perſons or Perſon, Bodies Politic, Corporate, or Collegiate, who are or ſhall be Proprietors of the ſaid *Montgomeryſhire* Canal Company, ſhall have the Preference in ſubſcribing for the new Shares in the Weſtern Branch of the ſaid Canal by this Act authorized to be created at the Sum of One hundred Pounds each; and all ſuch Perſons or Perſon, Bodies Politic, Corporate, or Collegiate as aforeſaid, who have already or ſhall within the Period aforeſaid ſubſcribe for ſuch new Shares, ſhall be entitled to the Number of ſuch new Shares for which they ſhall have reſpectively ſubſcribed, in the Order in which they ſhall have reſpectively given in their Names for the ſame to the Clerk to the ſaid Company of Proprietors of the *Montgomeryſhire* Canal; and after the Expiration of One Calendar Month next after the paſſing of this Act, it ſhall be lawful for the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, or their Committee for the Time being, to ſell and diſpoſe of, but ſubject as hereinafter mentioned, ſuch of the ſaid new Shares in the ſaid Weſtern Branch as ſhall not then have been ſubſcribed for by the Proprietors of the ſaid *Montgomeryſhire* Canal Company, to ſuch Perſons, Bodies Politic or Corporate, and at ſuch Price or Prices (not being leſs than the Sum of One hundred Pounds for each Share) as the ſaid Company of Proprietors of the ſaid Weſtern Branch, at a General Aſſembly, (but ſubject to the Proviſions of this Act) or their Committee for the Time being, ſhall think proper.

As to the Admiſſion of Proprietors.

XXXV. Provided always, and be it further enacted, That the Admiſſion as Proprietors of the ſaid Company of the Weſtern Branch of the ſaid Canal, of any Perſons, Bodies Politic or Corporate, to whom any ſuch new Shares in the ſaid Weſtern Branch ſhall be ſold or contracted to be ſold as laſt aforeſaid, ſhall take place only at ſome ſtated or Special General Aſſembly of the Proprietors of ſuch Company; and ſuch ſeveral Perſons, Bodies Politic or Corporate, ſhall not be admitted as Proprietors, unleſs they ſhall be approved of by the Majority of the Proprietors, who ſhall be preſent in Perſon or by Proxy, at ſome ſtated or Special General Aſſembly.

As to Admiſſion of Proprietors of Montgomeryſhire Canal.

XXXVI. And whereas the ſaid Company of Proprietors of the *Montgomeryſhire* Canal have admitted ſeveral Perſons as Proprietors of ſuch Company, in reſpect of ſome of the ſaid Seven hundred and eleven Shares already created at General Aſſemblies, which have been held ſubſequently to the firſt General Aſſembly by the ſaid recited Act directed to be held, and Doubts may ariſe as to the Title of ſuch Perſons as Proprietors of ſuch Company; and it is not by the ſaid recited Act provided, in what Manner the new Subſcribers thereby authorized to be admitted in reſpect of the ſaid Sum of Twenty thouſand Pounds thereby authorized to be raiſed, are to be admitted as Proprietors of the ſaid *Montgomeryſhire* Canal Company, be it therefore further enacted, That all Perſons, Bodies Politic, Corporate, and

and Collegiate, who have been admitted Proprietors of the ſaid *Montgomeryſhire* Canal Company, in reſpect of any of the ſaid Seven hundred and eleven Shares already created, or who ſhall hereafter be admitted by the Majority of the Proprietors of the ſame Company who ſhall be preſent in Perſon or by Proxy, at any General Aſſembly to be held purſuant to the Proviſions of the ſaid recited Act, in reſpect of any Part of the ſaid Sum of Nine hundred Pounds, the Reſidue of the ſaid Sum of Seventy-two thouſand Pounds, or of the ſaid Sum of Twenty thouſand Pounds, by the ſaid recited Act authoriſed to be raiſed, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be Proprietors of the ſaid *Montgomeryſhire* Canal Company, and hold their reſpective Shares in the ſame Manner, and be entitled to the ſame Powers, Privileges, and Advantages, and ſhall be ſubject to ſuch and the ſame Reſtrictions, Penalties, and Forfeitures, as if ſuch ſeveral Perſons, Bodies Politic, Corporate, or Collegiate, had been named in the ſaid recited Act, or nominated and appointed at the Firſt General Meeting or Aſſembly of the ſame Company, as by the ſaid recited Act is directed; and the Admiſſion of ſuch Perſons, Bodies Politic, Corporate, or Collegiate, to any ſuch Share or Shares as aforeſaid, by any Order or Reſolution of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, at any ſuch General Aſſembly as aforeſaid, ſhall be and be deemed to be a good and effectual Title to them reſpectively, and his, her, and their reſpective Succeſſors, Executors, Adminiſtrators and Aſſigns.

New Proprietors to be entitled to the ſame Privileges, &c. as old Proprietors.

XXXVII. And be it further enacted, That every Proprietor of every Share in the Weſtern Branch of the ſaid Canal, which ſhall or may be created by virtue of this Act, ſhall hold the ſame in the like Manner, and be entitled to ſuch and the like Powers, Privileges, and Advantages, and ſhall be ſubject to ſuch and the like Reſtrictions, Penalties, and Forfeitures, but with Reference only to the ſaid Company of the ſaid Weſtern Branch of the ſaid Canal, until ſuch Branch ſhall, under the Proviſions of this Act, be conſolidated with the Eaſtern Branch thereof, as in and by the ſaid recited Act is provided with reſpect to the Proprietors of the Shares in the ſaid *Montgomeryſhire* Canal thereby authorized to be created; and the Admiſſion of any Perſon or Perſons, Bodies Politic or Corporate, to any ſuch new Share or Shares in the ſaid Weſtern Branch of the ſaid Canal, by any Order or Reſolution of the ſaid Company of Proprietors of the ſaid Weſtern Branch, at any General Aſſembly, ſhall be and be deemed to be a good and effectual Title to ſuch Perſon or Perſons, and his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns; and all ſuch new Shares ſhall be deemed Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch, and not of the Nature of Real Property.

Reſpecting firſt General Aſſembly.

XXXVIII. And be it further enacted, That the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, ſhall hold their Firſt General Aſſembly at the *Oak Inn*, in *Welſh Pool*, on the Firſt *Monday* in *July* next, at Eleven o'Clock in the Forenoon, and ſhall then proceed with all convenient Speed to put the ſaid recited Act and this Act into Execution, ſo far as relates to the ſaid Weſtern Branch, and to the Election of a Committee to manage the Affairs of ſuch Company, but ſubject to the Proviſions hereinbefore contained as to the Number of ſuch Proprietors required to be preſent for the Election of ſuch Committee; and every future General Aſſembly of the ſaid Company of Proprietors of the ſaid

Weſtern Branch (except Special General Aſſemblies) ſhall be held on the *Saturday* which ſhall next precede the Firſt *Monday* in the Month of *July* in every Year, at Eleven o'Clock in the Forenoon, at ſuch Place as the ſaid Company of Proprietors of the ſaid Weſtern Branch, at their ſaid Firſt General Aſſembly, or the next preceding ſtated General Aſſembly, ſhall from Time to Time appoint.

As to the Diviſion of the Profits.

XXXIX. And be it further enacted, That after any Part of the ſaid Weſtern Branch of the ſaid Canal ſhall be completed, ſo as to be navigable, and until the ſame Branch ſhall under the Proviſions of this Act, be veſted in, and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, the clear annual Profits which ſhall be received from the ſaid Weſtern Branch, or ſuch Part thereof as ſhall for the Time being be completed, ſhall from Time to Time be divided rateably and proportionably among the Proprietors of the Shares in the ſaid Weſtern Branch, according to the Number of ſuch their reſpective Shares; but ſuch Dividend ſhall not exceed the Amount of Five Pounds *per Centum per Annum* on the Money which ſhall have been called for and paid on ſuch Shares reſpectively; and after Payment thereof, the Surplus of ſuch clear Annual Profits ſhall be applied in or towards the making and completing of the ſaid Weſtern Branch, until the ſame ſhall be completed.

Line of Canal to be ſeparated into diſtinct Concerns, to be called the Eaſtern and Weſtern Branches.

XL. And be it further enacted, That for the Purpoſe of Diſtinction, the Part of the ſaid Canal from *Garthmill* aforeſaid Eaſtward, and the ſaid Collateral Cut already completed, and by the ſaid recited Act authorized to be made, ſhall be called the Eaſtern Branch of the ſaid Canal; and the ſaid Continuation of the ſaid Canal from *Garthmill* aforeſaid Weſtward, to or near to *Newtown* aforeſaid, and the Variation thereof, by this Act authorized to be made, ſhall be called the Weſtern Branch of the ſaid Canal; but after the ſaid Weſtern Branch ſhall be completed and certified as hereinafter mentioned, the whole of the ſaid Canal and Cuts and Works incident thereto, ſhall be under the Care, Controul, Superintendence and Management of the Committee for the Time being of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and the Clerk, Engineer and other Officers of the ſaid Company, to be choſen and appointed in the Manner in and by the ſaid recited Act and this Act mentioned and provided.

The Montgomeryſhire Canal, and the Weſtern Branch Companies may appoint the ſame Perſons as Clerk, Engineer, &c.

XLI. Provided always, and be it further enacted, That if the ſaid Company of the *Montgomeryſhire* Canal, and the ſaid Company of the Weſtern Branch of the ſaid Canal, or their reſpective Committees for the Time being, ſhall reſpectively think it expedient to appoint and employ the ſame Perſons as Clerk, Engineer, Collectors, or in any other Office, both for the ſaid Eaſtern and Weſtern Branches of the ſaid Canal, then and in every ſuch Caſe the Salary and Expences of ſuch Clerk, Engineer, or other Officer, ſhall be paid by the ſaid ſeveral Companies reſpectively, in ſuch Proportions as they ſhall at any General Aſſembly to be held by them reſpectively, or as their reſpective Committees for the Time being ſhall from Time to Time agree upon.

Copies of Reports made by

XLII. Provided alſo, and be it further enacted, That true Copies of all Reports which ſhall be made by the Committees of the ſaid Company of

Proprietors of the *Montgomeryſhire* Canal, to any ſtated or Special General Aſſembly of ſuch Company, ſhall be from Time to Time tranſmitted by ſuch Committees to the next ſtated General Aſſembly of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal; and true Copies of all Reports which ſhall be made by the Committees of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, to any ſtated or Special General Aſſembly of ſuch laſt mentioned Company, ſhall in like Manner from Time to Time be tranſmitted by ſuch Committees to the next ſtated General Aſſembly of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal.

Committees to be tranſmitted to General Aſſembly.

XLIII. And be it further enacted, That when the ſaid Weſtern Branch of the ſaid Canal ſhall be completed from *Garthmill* to or near to *Newtown* aforeſaid, and ſhall be certified to be navigable by the Juſtices of the Court of Great Seſſion of the ſaid County of *Montgomery*, by ſome Writing under their Hands, to be filed amongſt the Records of the Great Seſſion for the ſaid County of *Montgomery*, which Certificate, or a true Copy thereof, ſhall be received in all Courts of Juſtice, and elſewhere, as Evidence of the ſaid Completion of the ſaid Weſtern Branch; and the ſaid Juſtices are hereby authorized and required from Time to Time to ſummon and examine Witneſſes upon Oath touching the State and Completion of the ſaid Weſtern Branch, whenever thereunto required either by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal or the ſaid Company of Proprietors of the ſaid Weſtern Branch; then and in ſuch Caſe, from and after the Firſt *Monday* of the Month of *July* next after ſuch Certificate ſhall be made, all the Powers and Authorities hereby given to and veſted in the ſaid Company of Propietors of the ſaid Weſtern Branch and their Committee for the Time being, and all Powers and Authorities by the ſaid recited Act given to and veſted in the Committee for the Time being of the ſaid *Montgomeryſhire* Canal, ſhall reſpectively ceaſe and determine, except ſo far as relates to any Contract or Engagement which ſhall have been entered into with or by the ſaid Company of Proprietors of the ſaid Weſtern Branch, which ſhall not then have been fulfilled, performed, and diſcharged (to all which Contracts and Engagements the ſaid Company of Proprietors ſhall remain ſubject and liable, until the ſame ſhall be reſpectively fulfilled, performed, and diſcharged), and on the ſaid Firſt *Monday* in the ſaid Month of *July* next after ſuch Certificate ſhall be made as aforeſaid the ſaid Weſtern Branch of the ſaid Canal and Works hereby authorized to be made, ſhall veſt in the ſaid Company of Proprietors of the *Montgomeryſhire* Canal; and the Proprietors of the ſaid Company of the Weſtern Branch of the ſaid Canal ſhall become, and are hereby conſtituted and made, Proprietors of the ſaid *Montgomeryſhire* Canal, in reſpect of the ſeveral Shares which ſhall be held by them in the ſaid Weſtern Branch; and ſuch Proprietors ſhall thenceforth hold their reſpective Shares in the ſaid *Montgomeryſhire* Canal in the ſame Manner, and be entitled to ſuch and the ſame Powers, Privileges, and Advantages, and ſhall be ſubject to ſuch and the ſame Reſtrictions, Penalties, and Forfeitures, as if the Shares ſo holden by them reſpectively were Part of the Shares already created, and now veſted in the ſeveral and reſpective Proprietors of the ſaid *Montgomeryſhire* Canal, except ſo far as is otherwiſe provided by this Act; and on the ſaid Firſt *Monday* in the ſaid Month of *July* next after ſuch Certificate ſhall be made as aforeſaid, all the Proprietors of the ſaid *Montgomeryſhire* Canal Company, both in reſpect of the ſaid Seven hundred and eleven Shares already created, and of the new Shares by the ſaid recited

When the Weſtern Branch ſhall be completed to Newtown, Powers of the Company of Proprietors to ceaſe.

recited Act authorized to be created, and in reſpect of the new Shares hereby authorized to be created, ſhall hold a joint General Aſſembly at the *Oak Inn* in the Town of *Welſh Pool*, at Eleven o'Clock in the Forenoon, according to the Proviſions of the ſaid recited Act, and ſhall elect a new Committee to manage the Affairs of ſuch Company from all the Proprietors of ſuch Company, ſuch Committee to conſiſt of the ſame Number of Perſons, and to be qualified in the ſame Manner, as in and by the ſaid recited Act is mentioned and directed concerning the Committee thereby directed to be elected; and thenceforth both the Eaſtern and Weſtern Branches of the ſaid Canal, and the Cuts and Works by the ſaid recited Act and this Act authorized to be made, ſhall be under the Management, Controul, and Superintendence of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and their ſtated and ſpecial General Aſſemblies and Committee for the Time being, and the Clerk, Engineer, and other Officers of ſuch Company, to be elected, choſen, and appointed in the Manner in and by the ſaid recited Act mentioned; and the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, their General Aſſemblies, Committees, Clerk, Engineer, and other Officers, ſhall have and they are hereby inveſted with the ſame Powers and Authorities in all Reſpects, and ſhall be ſubject to the ſame Laws, Proviſions, Rules, and Regulations, for the maintaining, uſing, and governing of the ſaid Weſtern Branch of the ſaid Canal, as by the ſaid recited Act and this Act are veſted in and given to ſuch Company, for the maintaining, uſing, and governing of the Eaſtern Branch of the ſaid Canal, and to which ſuch Company are by the ſaid recited Act and this Act made ſubject and liable with reſpect to ſuch Eaſtern Branch, in the ſame Manner as if ſuch Company had made and completed the ſaid Weſtern Branch, under the Authority of the ſaid recited Act and this Act; but nevertheleſs the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall, until the Period herein-after in that reſpect mentioned, be conſidered as diſtinct Concerns, and ſeparate Accounts ſhall be kept relative to ſuch Parts reſpectively, in the Manner herein-after mentioned.

Election of a Committee after the Weſtern Branch ſhall have been completed.

Expences of Eaſtern Part to be paid out of Monies authorized to be raiſed by former Act, and Profits of ſame Branch.

XLIV. And be it further enacted, That after the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and until the Eaſtern and Weſtern Branches of the ſaid Canal ſhall, under the Proviſions of this Act, be conſolidated into One general Concern, as herein-after is mentioned, the Coſts and Expences of repairing and maintaining the ſaid Eaſtern Branch of the ſaid Canal, ſhall be wholly paid and defrayed with and out of the Monies by the ſaid recited Act authorized to be raiſed, and the Profits which ſhall be received from the ſame Branch; and the Coſts and Expences of making, completing, repairing, and maintaining the ſaid Weſtern Branch of the ſaid Canal ſhall (except as herein-after is mentioned) be wholly paid and defrayed with and out of the Monies by this Act authorized to be raiſed, and the Profits which ſhall be received from the ſame Branch; and ſeparate Accounts ſhall be kept by the Committee, Clerk, Treaſurer, and other Officers and Servants of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal of all Monies which ſhall be expended on the ſaid different Branches for the Purpoſes aforeſaid, and of the Monies which ſhall be received from the Navigation, or other Profits of the ſaid Branches reſpectively; and the clear Profits ariſing therefrom reſpectively ſhall be divided among the Pro-

Expences of Weſtern Branch to be paid out of Money authorized to be raiſed by this Act, and Profits of ſame Branch.

prietors

prietors of the ſaid Seven hundred and eleven Shares already created, and of the new Shares authorized to be created by the ſaid recited Act, and the Proprietors of the new Shares hereby authorized to be created reſpectively, in Manner herein-after mentioned.

As to raiſing further Sums for the Uſe of the Weſtern Branch.

XLV. Provided always, and be it further enacted, That if after the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and before the Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into One general Concern as herein-after is mentioned, it ſhall be neceſſary to raiſe any Money for the Purpoſe of repairing and maintaining the ſaid Weſtern Branch, or the Works belonging thereto, then and in ſuch Caſe the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall and may have Power and Authority, and are hereby authorized and empowered, by the Order and Direction of any ſtated or ſpecial General Aſſembly to be held by them under the Proviſions of the ſaid recited Act and this Act, to raiſe by the Creation of new Shares ſufficient Money for that Purpoſe, out of ſo much of the ſaid Sum of Forty thouſand Pounds by this Act authorized to be raiſed, as ſhall not have been raiſed by the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, in the ſame Manner and ſubject to the like Proviſions and Regulations as the ſaid Company of Proprietors of the ſaid Weſtern Branch are by this Act authorized to raiſe ſuch Sum of Forty thouſand Pounds; and the Proprietors of ſuch new Shares which ſhall be ſo created, ſhall be Proprietors of the ſaid Company of the *Montgomeryſhire* Canal, in the ſame Manner as if ſuch new Shares had been created by the ſaid Company of Proprietors of the ſaid Weſtern Branch, under the Authority of this Act: Provided always, that the Proprietors of ſuch new Shares ſhall not, until the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into One general Concern as herein-after is mentioned, have or be entitled to any further or greater Property or Intereſt in the ſaid Canal, or the Profits ariſing therefrom, than ſuch of the Proprietors of the ſaid *Montgomeryſhire* Canal Company as ſhall be Proprietors thereof, in reſpect of any of the Shares which ſhall have been created by the ſaid Company of Proprietors of the ſaid Weſtern Branch, have or are entitled to by virtue of this Act, but ſhall have and be entitled to the ſame Property and Intereſt only in the ſaid Canal, and the Profits ariſing therefrom, as ſuch laſt-mentioned Proprietors by virtue of this Act have or are entitled to.

As to raiſing further Sums for Eaſtern Branch.

XLVI. Provided alſo, and be it further enacted, That if before the Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into One general Concern as herein-after is mentioned, and either before or after the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, ſuch Company ſhall raiſe by the Creation of new Shares any Part of the ſaid Sum of Nine hundred Pounds, the Reſidue of the ſaid Sum of Seventy-two thouſand Pounds, or of the ſaid Sum of Twenty thouſand Pounds, by the ſaid recited Act reſpectively authorized to be raiſed; then and in ſuch Caſe the Proprietors of the new Shares, which ſhall be ſo created as laſtly aforeſaid, ſhall not, until the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into One general Concern as herein-after is

mentioned, have or be entitled to any further or greater Property or Intereſt in the ſaid Canal, or the Profits ariſing therefrom, than the ſaid Proprietors of the ſaid Seven hundred and eleven Shares already created have or are entitled to by virtue of this Act; but ſhall have and be entitled to the ſame Property and Intereſt only in the ſaid Canal and the Profits ariſing therefrom, as ſuch laſt-mentioned Proprietors by virtue of this Act have or are entitled to.

Regulations reſpecting Porthywain Branch.

XLVII. And be it further enacted, That until the ſaid Weſtern Branch of the ſaid Canal ſhall be completed from *Garthmill* to or near to *Newtown* aforeſaid, and be certified to be navigable, and both Branches of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal and their Committee as herein-before is mentioned, the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall not begin the Execution of the ſaid Collateral Cut out of the ſaid Canal at or near to *Porthywain* aforeſaid, by the ſaid recited Act authorized to be made, nor purchaſe nor contract for the Purchaſe of any Lands, Grounds, or Hereditaments, nor raiſe any Money for ſuch Purpoſes; and after the ſaid Weſtern Branch ſhall have been ſo completed and certified to be navigable, and both Branches of the ſaid Canal ſhall be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal and their Committee as aforeſaid; and alſo after the ſaid ſeveral Branches of the ſaid Canal ſhall, under the Proviſions of this Act, be conſolidated into One general Concern as herein-after is mentioned, the ſaid Cut out of the ſaid Canal at or near to *Porthywain* aforeſaid, ſhall not at any Time be proceeded in unleſs by the Order and Direction of a Majority of all the Proprietors of the ſaid *Montgomeryſhire* Canal Company, who ſhall be aſſembled at any ſtated General Aſſembly, or at any ſpecial General Aſſembly which ſhall be called for the expreſs Purpoſe of determining upon the Expediency of proceeding in the Execution of ſuch Cut.

Regulations as to Turnpike Indemnity.

XLVIII. And be it further enacted, That in caſe the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall, under the Proviſions of the ſaid recited Act, be called upon to make good any Deficiency which may ariſe in the Tolls of the ſeveral Turnpike Gates therein mentioned, before the Weſtern Branch of the ſaid Canal ſhall be veſted in and be under the Management of ſuch Company, or after that Period, but before the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall, under the Proviſions of this Act, be conſolidated into One general Concern; then and in every ſuch Caſe the Sums of Money which ſhall from Time to Time be required to be paid to make good ſuch Deficiencies, ſhall be contributed by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, or (as the Caſe ſhall be) by the Proprietors of the ſaid Seven hundred and eleven Shares already created, and of the new Shares by the ſaid recited Act authorized to be created, and the Proprietors of the new Shares hereby authorized to be created; or be paid out of the Profits of the ſaid Eaſtern and Weſtern Branches of the ſaid Canal reſpectively, in ſuch Proportions as the Commiſſioners appointed and to be appointed in the Manner directed by the ſaid recited Act ſhall in that Behalf determine; and the Determination of ſuch Commiſſioners thereupon ſhall be final and concluſive.

XLIX. And

Application of the Annual Profits of the Eaſtern Branch.

XLIX. And be it further enacted, That from and after the Twenty-fourth Day of *June* laſt, and until the ſaid Eaſtern and Weſtern Branches reſpectively of the ſaid Canal ſhall, under the Proviſions of this Act, be conſolidated into one general Concern as herein-after is mentioned, the clear annual Profits which ſhall be received from the ſaid Eaſtern Branch, after Payment of all Expences and the Intereſt of all Charges affecting the ſame, ſhall from Time to Time be applied, in the firſt Place, in paying to the Proprietors of the ſaid Seven hundred and eleven Shares in the ſaid *Montgomeryſhire* Canal already created, and alſo to the Proprietors of any new Shares in ſuch Canal, which ſhall be created under the Proviſions of the ſaid recited Act, after the whole Amount of every ſuch new Share ſhall be fully paid, the annual Sum of Five Pounds on each of ſuch Shares, or ſuch proportionable Part thereof, as ſuch clear Profits ſhall be ſufficient to pay, after Payment of the Property Tax, and all other Taxes, Charges, Aſſeſſments or Impoſitions, Parliamentary, Parochial, or otherwiſe; and after ſuch Payment, the Surplus of ſuch clear annual Profits (if any) ſhall, until the Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, from Time to Time be paid to the Treaſurer for the Time being, appointed by the Company of Proprietors of the Weſtern Branch of the ſaid Canal, or their Committee for the Time being, and ſhall be paid and applied by him under the Orders of the General Aſſembly of ſuch laſt-mentioned Company or their Committee for the Time being, in making and completing the ſaid Weſtern Branch of the ſaid Canal, until the ſame ſhall be completed, in aid of the Monies by this Act authorized to be raiſed for that Purpoſe; and the ſaid Treaſurer for the Time being of the ſaid Weſtern Branch ſhall and is hereby authorized and empowered to draw from Time to Time upon the Treaſurer for the Time being of the Company of Proprietors of the *Montgomeryſhire* Canal for ſuch Surplus Annual Profits; and after the ſaid Weſtern Branch ſhall have been completed, and ſhall be ſo veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal as aforeſaid, the Surplus of ſuch clear Annual Profits as aforeſaid, ſhall from Time to Time be paid to and divided rateably and proportionably among the reſpective Proprietors of the new Shares hereby authorized to be created, according to the Number of their reſpective new Shares, until the Surplus of ſuch clear Annual Profits as aforeſaid, and the clear Annual Profits which ſhall be received from the ſaid Weſtern Branch of the ſaid Canal, ſhall be ſufficient to afford an annual Dividend of Five Pounds on each ſuch new Share which ſhall be created, after Payment of the Property Tax, and all other Taxes, Charges, and Aſſeſſments or Impoſitions, Parliamentary, Parochial, or otherwiſe: Provided always, that if in any Year after the Completion of any Part of the ſaid Weſtern Branch, and while the ſaid Eaſtern and Weſtern Branches reſpectively of the ſaid Canal ſhall under the Proviſions of this Act, be conſidered as diſtinct Concerns, the clear Annual Profits of the ſaid Eaſtern Branch of the ſaid Canal ſhall not be ſufficient to pay the ſaid Sum of Five Pounds on each of the ſaid Seven hundred and eleven Shares already created in the ſaid *Montgomeryſhire* Canal, and alſo on each new Share which ſhall be created under the Proviſions of the ſaid recited Act, after the Payment of the Property Tax, and all other Taxes, Charges, Aſſeſſments or Impoſitions, Parliamentary, Parochial, or otherwiſe, the Deficiency

ency ſhall be made good by and out of the clear Annual Profits of the ſame Branch in the ſucceeding Year or Years; and ſuch Profits ſhall not in the ſucceeding Years be paid to the Treaſurer of the Weſtern Branch, or be divided among the Proprietors of the ſaid new Shares hereby authorized to be created for the Purpoſes and in Manner aforeſaid, until the Deficiency which ſhall have ariſen in the former Years in the Payment of the ſame clear Annual Sum of Five Pounds on each of the ſaid Seven hundred and eleven Shares already created, and on each new Share which ſhall be created by virtue of the ſaid recited Act, ſhall have been firſt made good and diſcharged thereout.

Surplus of Annual Profits of the Eaſtern Branch to be accumulated during any Delay or Interval in making the Weſtern Branch.

L. Provided always, and be it enacted, That if any Delay or Interval ſhall at any Time ariſe in the making and continuing the ſaid Weſtern Branch of the ſaid Canal, then and in every ſuch Caſe the Surplus clear Annual Profits of the ſaid Eaſtern Branch of the ſaid Canal, after the Payment of the ſaid clear annual Sum of Five Pounds on each of the ſaid Seven hundred and eleven Shares in the ſaid *Montgomeryſhire* Canal already created, and on each of the ſaid new Shares which ſhall be created by virtue of the ſaid recited Act, and fully paid as aforeſaid, ſhall from Time to Time during every ſuch Delay or Interval, be inveſted by the Committee for the Time being of the Company of Proprietors of the *Montgomeryſhire* Canal, in the Name of ſuch Company, in any of the Parliamentary Stocks or Public Funds of *Great Britain*, or in Government Securities; and the Intereſt, Dividends, and annual Produce of the Sums of Money which ſhall be ſo inveſted, ſhall be accumulated in the Way of Compound Intereſt in the ſame Stocks, Funds or Securities, until the Execution of the ſaid Weſtern Branch of the ſaid Canal ſhall again be proceeded in, when the Fund which ſhall have been ſo inveſted and accumulated, ſhall be applied in the ſame Manner as the Surplus annual Profits which ſhall have been ſo inveſted and accumulated, would by virtue of this Act have been applicable, if no ſuch Delay or Interval had taken place in the making and continuing of the ſaid Weſtern Branch.

Application of Accumulation in caſe Weſtern Branch is not completed.

LI. Provided always, and be it further enacted, That if the ſaid Weſtern Branch of the ſaid Canal ſhall not, after any ſuch Delay, be again proceeded in within the Space of Five Years, then the Accumulations of the ſaid Fund, which ſhall have been ſo inveſted and accumulated as aforeſaid, ſhall ceaſe; and the ſame Fund and the Accumulations thereof, ſhall be paid and applied in ſuch Manner as any General Aſſembly of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, ſhall in that Behalf order and direct.

Allowance of Diſcount.

LII. Provided always, and be it further enacted, That if any Proprietor or Proprietors of the new Shares by the ſaid recited Act or this Act authorized to be created, ſhall pay in advance to the reſpective Treaſurers of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, any Part of his, her, or their Share or Shares, beyond the Amount of the Calls which ſhall have been made thereon, and before the Time when any Calls which ſhall be made ſhall be payable, then it ſhall be lawful for the reſpective Committees for the Time being, or Treaſurers of the ſaid ſeveral

ſeveral Companies, to allow to each Proprietor of the ſaid new Shares, who ſhall make ſuch Payment in advance, a Diſcount after the Rate of Five Pounds *per Centum per Annum*, for ſuch Part of each Share which ſhall be ſo paid in advance, to be computed from the Time when the ſame ſhall be ſo paid up, to the Time when the ſame ought to be paid, purſuant to any Call which ſhall have been made for every Share ſo paid in advance.

Application of the Profits of Weſtern Branch.

LIII. And be it further enacted, That after the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and ſo long as the ſaid Eaſtern and Weſtern Branches reſpectively ſhall, under the Proviſions of this Act, be conſidered as diſtinct Concerns, the clear Annual Profits which ſhall be received from the ſaid Weſtern Branch ſhall from Time to Time be divided rateably and proportionably among the Proprietors of the new Shares hereby authorized to be created, according to the Number of ſuch their reſpective new Shares, until ſuch clear Annual Profits as laſt aforeſaid ſhall, together with ſuch Part of the clear Annual Profits which ſhall be received from the ſaid Eaſtern Branch of the ſaid Canal, as under the Proviſions of this Act is directed to be paid to the Proprietors of the new Shares hereby authorized to be created, be ſufficient to afford an annual Dividend of Five Pounds, after the Payment of the Property Tax, and all other Taxes, Charges, Aſſeſſments, or Impoſitions, Parliamentary, Parochial, or otherwiſe, on each new Share which ſhall be created by virtue of this Act.

Conſolidation of Branches.

LIV. And be it further enacted, That when the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and the clear Annual Profits which ſhall be received from the ſame, after the Payment of the Property Tax, and all other Taxes, Charges, Aſſeſſments, or Impoſitions, Parliamentary, Parochial, or otherwiſe, ſhall, together with ſuch Part of the clear Annual Profits of the ſaid Eaſtern Branch of the ſaid Canal, as under the Proviſions of this Act is directed to be paid to the Proprietors of the ſaid new Shares hereby authorized to be created, be ſufficient to afford a clear Annual Dividend of Five Pounds on each new Share which ſhall be created by virtue of this Act; then and thenceforth and for ever after, the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into one General Concern, and diſtinct Accounts ſhall no longer continue to be kept relative to the ſame; and the Profits which ſhall thereafter be received from the Whole of the ſaid Canal and Navigation, ſhall be divided rateably and proportionably among all the reſpective Proprietors of the ſaid *Montgomeryſhire* Canal Company, whether they ſhall be Proprietors in reſpect of the ſaid Seven hundred and eleven Shares already created, or any new Shares authorized to be created by the ſaid recited Act, or in reſpect of any of the ſaid new Shares hereby authorized to be created; and ſuch Proprietors reſpectively ſhall be equally intereſted in the Whole of the ſaid Canal, Navigation and the Works belonging thereto, according to their reſpective Shares therein; and thenceforth the ſaid ſeveral Sums of Seventy-two thouſand Pounds and Twenty thouſand Pounds by the ſaid recited Act authorized to be raiſed, and the ſaid Sum of Forty thouſand Pounds by this Act authorized to be

raiſed, or ſo much thereof reſpectively as ſhall not have been raiſed and applied for the Purpoſes of the ſaid Canal and Undertaking, ſhall form one joint Capital Stock of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and ſhall from Time to Time under the Proviſions of the ſaid recited Act and this Act be raiſed and paid and applied by ſuch Company, in making the ſaid Collateral Cut to *Porthywain* Lime Rocks by the ſaid recited Act authorized to be made, and in repairing and maintaining the whole Line of the ſaid Canal, and the Cuts and Works by the ſaid recited Act and this Act authorized to be made; and ſuch Company ſhall for that Purpoſe have all the Powers and Authorities by this Act given to and veſted in the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal.

Until the Conſolidation the Proprietors of Seven hundred and eleven Shares and new Shares authorized to be created by former Act, not to have any Property or Intereſt in the Weſtern Part or the Profits thereof.

LV. Provided always, and be it further enacted, That until the ſaid Eaſtern and Weſtern Branches of the ſaid Canal ſhall be conſolidated into one general Concern as herein-before is mentioned, the Proprietors of the ſaid Seven hundred and eleven Shares in the ſaid *Montgomeryſhire* Canal already created, or of any new Shares which ſhall be created under the Proviſions of the ſaid recited Act, ſhall not in reſpect of any Shares held by them which are already or ſhall be created under the Proviſions of the ſaid recited Act, be entitled to any of the Profits which ſhall be received from the ſaid Weſtern Branch of the ſaid Canal, nor ſhall ſuch Proprietors have or be entitled to any Intereſt or Property in the ſaid Weſtern Branch or the Works belonging thereto; and the Proprietors of the ſaid new Shares hereby authorized to be created, ſhall not in reſpect of any ſuch new Shares which ſhall be held by them, be entitled to any Share of the Profits which ſhall be received from the ſaid Eaſtern Branch of the ſaid Canal (except as herein-before is mentioned and provided), nor ſhall they have or be entitled to any Intereſt or Property in the ſaid Eaſtern Branch or the Works belonging thereto.

Powers of Special General Aſſemblies.

LVI. And whereas Doubts may ariſe as to the Powers by the ſaid recited Act given to the Special General Aſſemblies of the Proprietors of the ſaid *Montgomeryſhire* Canal Company, and it is expedient to define the Powers of the Special General Aſſemblies, both of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, and the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal; be it therefore enacted, That every Special General Aſſembly of the ſaid ſeveral Companies to be reſpectively held under the Proviſions of the ſaid recited Act and this Act, ſhall (but ſubject to the Proviſions herein-after mentioned) have the ſame Powers and Authorities, in all reſpects, ſo far as relates to the Object or Buſineſs for which the ſame ſhall be held, and of which ſuch Notice as in the ſaid recited Act is mentioned ſhall have been given, as are in and by the ſaid recited Act and this Act given to and veſted in the ſtated General Aſſemblies of ſuch Companies reſpectively thereby and hereby directed to be held (except that no Perſon ſhall be elected a Member of either of the reſpective Committees of the ſaid ſeveral Companies, nor ſhall any Member of ſuch reſpective Committees reſpectively be diſplaced at any Special General Aſſembly of the ſaid ſeveral Companies); and the Deciſion of every ſuch Special General Aſſembly on ſuch Object or Buſineſs, as aforeſaid, ſhall be as valid and effectual to all Intents and Purpoſes whatſoever, as if the ſame had been done at a Stated General Aſſembly.

LVII. Pro-

As to reſcinding Orders.

LVII. Provided always, and be it further enacted, That no Order or Reſolution of the Stated General Aſſemblies of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, ſhall either before or after the ſaid Weſtern Branch of the ſaid Canal, ſhall under the Proviſions of this Act be veſted in and be under the Management of ſuch Company, be reſcinded or altered at any Special General Aſſembly of ſuch Company, unleſs there ſhall be Proprietors preſent either in Perſon or by Proxy at the Special General Aſſembly of ſuch Company, at the Time when ſuch Order or Reſolution ſhall be reſcinded or altered, who ſhall be poſſeſſed in their own Right in the aggregate to at leaſt Five hundred Shares in the ſaid *Montgomeryſhire* Canal; and no Order or Reſolution of the Stated General Aſſemblies of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, ſhall be reſcinded or altered at any Special General Aſſembly of ſuch laſt-mentioned Company, unleſs there ſhall be Proprietors preſent, either in Perſon or by Proxy, at the Special General Aſſembly of ſuch laſt mentioned Company, at the Time when ſuch laſt-mentioned Order or Reſolution ſhall be reſcinded or altered, who ſhall be poſſeſſed in their own Right in the aggregate to One hundred and fifty Shares in the ſaid Weſtern Branch.

As to Diſqualification of Committee.

LVIII. And be it further enacted, That if any Member of the reſpective Committees for the Time being of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, ſhall at any Time accept any Office or Place of Profit under either of the ſaid ſeveral Companies, or ſhall engage in any Contract with either of the ſaid ſeveral Companies, or if he ſhall be a Member of any Committee of the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, either before or after the ſaid Weſtern Branch ſhall, under the Proviſions of this Act, be veſted in and be under the Management of ſuch Company, ceaſe to be poſſeſſed in his own Right of Five Shares in the ſaid *Montgomeryſhire* Canal, or ſhall, if he ſhall be a Member of any Committee of the ſaid Company of Proprietors of the ſaid Weſtern Branch, ceaſe to be poſſeſſed in his own Right of Five Shares in the ſaid Weſtern Branch, every ſuch Perſon ſhall thenceforth ceaſe to be a Member of ſuch Committees, reſpectively, and all his Power and Authority as ſuch ſhall be at an End.

Power to enforce Payment of Subſcriptions.

LIX. And be it further enacted, That the reſpective Perſons who have ſubſcribed or ſhall hereafter ſubſcribe for any of the ſaid new Shares hereby authorized to be created, or any of the new Shares which ſhall be created under the Proviſions of the ſaid recited Act, or ſhall be Owner or Owners, or Proprietor or Proprietors of any of ſuch new Shares, ſhall and are hereby authorized to pay the Sum or Sums of Money by them reſpectively ſubſcribed (or ſuch Parts and Proportions thereof as ſhall from Time to Time be called for by the reſpective Committees for the Time being of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, by virtue of the Powers and Directions of the ſaid recited Act and this Act), at ſuch Times and Places, to ſuch Perſon or Perſons, and in ſuch Manner as ſhall be directed by the ſaid Committees reſpectively; and in caſe any of ſuch Subſcribers, Owners, or Proprietors ſhall neglect or refuſe to pay the ſame at the Time and Place, and in the Manner ſo required

required for that Purpoſe, the ſaid ſeveral Companies are hereby reſpectively empowered, in caſe they ſhall ſo think fit, to ſue for and recover the ſame in any Court of Law or Equity, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Wager, or Protection of Law, or more than One Imparlance ſhall be allowed, or the Perſon or Perſons ſo refuſing or neglecting to pay ſuch his, her, or their proportionable Part of the ſaid Money, ſhall be ſubject and liable to the ſame Penalties and Forfeitures as in and by the ſaid recited Act is mentioned concerning the Shares thereby authorized to be created: Provided always, that the Forfeiture of any ſuch Share, after the ſame ſhall have been taken Advantage of by the Reſt of either of ſaid ſeveral Companies of Proprietors, as in and by the ſaid recited Act is mentioned and directed, ſhall be an abſolute Indemnification and Diſcharge to and for the Proprietor or Proprietors ſo forfeiting againſt all Actions, Suits, and Proſecutions for any Breach of Contract or other Agreement between ſuch Proprietor or Proprietors ſo forfeiting, and the reſt of the ſaid ſeveral Companies reſpectively, with regard to the future carrying on and Management of the ſaid Canal and Undertaking, or either of the Eaſtern or Weſtern Branches thereof.

Directing Proceedings in Actions for Calls,

LX. And be it further enacted, That in any Action to be brought by the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, either before or after the ſaid Weſtern Branch of the ſaid Canal ſhall, under the Proviſions of this Act be veſted in and be under the Management of ſuch Company, or by the ſaid Company of Proprietors of the ſaid Weſtern Branch of the ſaid Canal, againſt the Proprietor or Proprietors of any Share or Shares in the ſaid Canal, or of the ſaid Weſtern Branch thereof, to recover any Sum or Sums of Money due and payable to either of the ſaid Companies reſpectively, for or in reſpect of any Call or Calls to be made by virtue of the ſaid recited Act and of this Act, it ſhall be ſufficient to the ſaid ſeveral Companies reſpectively to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of ſuch or ſo many Share or Shares in the ſaid Canal or the ſaid Weſtern Branch thereof, is or are indebted to ſuch One of the ſaid Companies as ſhall bring ſuch Action, in ſuch Sum or Sums of Money as the Call or Calls in Arrears ſhall amount unto, for ſuch or ſo many Call or Calls of ſuch or ſo many Sum or Sums of Money, upon ſuch or ſo many Share or Shares belonging to the ſaid Defendant or Defendants (as the Caſe may be) duly made upon ſuch Defendant or Defendants, according to the Authority of the ſaid recited Act and of this Act, whereby an Action accrued to ſuch Company by virtue of the ſaid recited Act and of this Act, without ſetting forth the Special Matter, any Thing contained in the ſaid recited Act or this Act to the contrary thereof notwithſtanding; and on the Trial of any ſuch Action, it ſhall only be neceſſary to prove that the Defendant or Defendants, at the Time of making ſuch Call or Calls, was or were a Proprietor or Proprietors of ſuch Share or Shares in the ſaid Canal, Navigation, and Undertaking, or the ſaid Weſtern Branch thereof, and that ſuch Notice thereof was given as in the ſaid recited Act is directed; and that the Production by the Principal Clerk or other Officer of either of the ſaid ſeveral Companies reſpectively, of the Book in which the Names and Places of Abode of Proprietors are to be entered and kept, as in the ſaid recited Act is directed, and of the Minutes of the Proceedings of the Committee of ſuch One of the ſaid Companies as ſhall bring ſuch Action, and of the Newſpapers in which Notice of the

ſaid

ſaid Calls ſhall have been or ſhall be advertiſed, ſhall be ſufficient Evidence in Support of ſuch Action or Actions, without proving the Appointment of the Committee who made ſuch Call or Calls, or any other Matter whatſoever; and the ſaid ſeveral Companies reſpectively ſhall thereupon be entitled to recover what ſhall appear due, unleſs it ſhall appear that any ſuch Call was made contrary to the Directions and Reſtrictions in Point of Time or Amount contained in the ſaid recited Act.

Officers may give Evidence, though they are Shareholders.

LXI. And be it further enacted, That any Clerk or Officer employed either by the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, ſhall and may be admiſſible and examined as a Witneſs, for or againſt the ſaid ſeveral Companies reſpectively, in any Court of Law or Equity, or before any Commiſſioners, Arbitrators or Jury, or on any other Occaſion, notwithſtanding ſuch Clerk or Officer ſhall be poſſeſſed of One or more Share or Shares in the ſaid Canal, Navigation, and Undertaking, or the ſaid Weſtern Branch thereof.

Proofs to be given of Title to Shares acquired by Marriage, or by Will, or by Letters of Adminiſtration.

LXII. And whereas much Inconvenience may ariſe by the frequent Transfer of the Right and Title to Shares in the ſaid Canal, Navigation, and Undertaking, or the ſaid Weſtern Branch thereof, by the Marriage or Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain who is entitled to the Intereſt or Dividends ariſing or becoming due upon ſuch Shares, unleſs ſome Proof be given of the Right and Title thereto; be it therefore further enacted, That before any Perſon ſhall, in Right or by virtue of his Marriage, be entitled to receive any Intereſt or Dividends in reſpect of any Share or Shares in the ſaid Canal, Navigation, and Undertaking, or the ſaid Weſtern Branch thereof, or to act as a Proprietor in reſpect of ſuch Share or Shares, an Affidavit containing a Copy of the Regiſter of ſuch Marriage, or the Purport of ſuch Regiſter, ſhall be made and ſworn by ſome credible Perſon, before a Judge of One of His Majeſty's Courts of Record at *Weſtminſter*, or before a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Principal Clerk for the Time being of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, accordingly as ſuch Share or Shares ſhall be claimed in the ſaid Canal or in the Weſtern Branch thereof, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept for entering Memorials of Sales and Transfers of Shares in the ſaid Canal, Navigation, and Undertaking, or in the ſaid Weſtern Branch; and that before any Perſon ſhall, under or by virtue of any Bequeſt or Will, or of any Letters of Adminiſtration, be entitled to receive any Intereſt or Dividends in reſpect of any Share or Shares, the Probate of ſuch Will, or ſuch Letters of Adminiſtration, ſhall be produced and ſhewn to the Principal Clerk to the ſaid ſeveral Companies reſpectively for the Time being, who ſhall make an Entry thereof in ſuch Book or Books as aforeſaid; or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share of the Teſtator or Teſtatrix in the ſaid Canal, Navigation, and Undertaking, or in the ſaid Weſtern Branch thereof, or a Copy of the ſaid Letters of Adminiſtration in caſe the Proprietor ſhall have died inteſtate, which ſhall have been made and ſworn to by the Executor or any of the Executors of ſuch Will, or by the Adminiſtrator or any of the Adminiſtrators of the Eſtate and

Effects of the Proprietor dying inteſtate, (as the Caſe may happen to be) before a Judge of One of His Majeſty's Courts of Record at *Weſtminſter*, or Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, ſhall be tranſmitted to the ſaid Principal Clerk to the ſaid ſeveral Companies reſpectively, who ſhall file ſuch Affidavit and make an Entry thereof in ſuch Book or Books as aforeſaid.

Proceedings and Orders of General Aſſemblies and Committees, when to be Evidence.

LXIII. And be it further enacted, That all Proceedings and Orders of the Stated and Special General Aſſemblies and Committees of the ſaid ſeveral Companies reſpectively, entered in the Books of ſuch Companies reſpectively, and ſigned by the Chairman, or any Five Proprietors preſent at ſuch General Aſſembly or Committee, at which ſuch Proceedings and Orders were reſpectively had and made, ſhall be deemed and taken to be Originals, and ſhall be admitted as Evidence in all Courts and Places whatſoever.

Security to be taken from the Treaſurer.

LXIV. Provided always, and be it further enacted, That the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, or their reſpective Committees for the Time being, from Time to Time electing any Treaſurer or Collector to the ſaid ſeveral Companies reſpectively, ſhall direct proper and ample Security to be taken from him or them for the faithful Execution of his Office; and ſuch Security ſhall be required and taken accordingly, before ſuch Treaſurer or Collector ſhall be permitted to receive any Monies for or on account of the ſaid ſeveral Companies reſpectively.

Repealing Rates of the former Act.

LXV. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Amount of the Rates thereby authorized to be demanded and received, for the Tonnage and Wharfage of the ſeveral Articles, Matters, and Things which ſhall be carried or conveyed upon the ſaid Canal and Undertaking, ſhall be and the ſame is hereby repealed.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors of the *Montgomeryſhire* Canal from and immediately after the paſſing of this Act, and from Time to Time and at all Times thereafter, to aſk, demand, take, recover and receive, to and for their own proper Uſe and Benefit, for the Tonnage and Wharfage of all Limeſtone, Lime, Coal, Stone, Timber and other Goods, Merchandize, Matters and Things, which ſhall be carried or conveyed upon the ſaid Canal and Cuts, by the ſaid recited Act and by this Act authorized to be made, or any of them (except between the preſent Termination of the ſaid Canal at *Garthmill* and *Newtown* aforeſaid) the ſeveral Rates hereinafter mentioned; (that is to ſay),

Rates.

For all Limeſtone, the Sum of One Penny Halfpenny *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Coal, Culm and Lime, the Sum of Two-pence Farthing *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all other Stone, and all Pig Iron, Brick, Timber, Tiles, Slates, Gravel, Sand, Lead Ore, Iron Ore, and all other Raw Minerals, the Sum of Three-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For

For all Bark, Cordwood, Coke, Charcoal, Lead, Wrought Iron, Balk, and Deals, the Sum of Three-pence Halfpenny *per* Ton *per* Mile, and ſo in Proporrion for any leſs Quantity than a Ton:

And for all other Goods, Wares, Merchandize, Matters and Things, the Sum of Four-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And that it ſhall be lawful for the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, until the ſaid Weſtern Branch ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, and after the ſaid Weſtern Branch ſhall be ſo veſted in and be under the Management of the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, then it ſhall be lawful for ſuch laſt-mentioned Company from Time to Time, and at all Times thereafter, to aſk, demand, take, recover, and receive, to and for their own reſpective proper Uſe and Benefit, for the Tonnage and Wharfage of all Limeſtone, Lime, Coal, Stone, Timber and other Goods, Merchandize, Matters and Things which ſhall be carried or conveyed upon the ſaid Weſtern Branch of the ſaid Canal, between the preſent Termination of the ſaid Canal, at *Garthmill* and *Newtown* aforeſaid, the ſeveral Rates hereinafter mentioned; (that is to ſay),

For all Limeſtone, the Sum of Two-pence Farthing *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Coal, Culm and Lime, the Sum of Three-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Stone, Pig Iron, Brick, Timber, Tile, Slates, Gravel, Sand, Lead Ore, Iron Ore, and all other raw Minerals, the Sum of Five-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Bark, Cordwood, Coke, Charcoal, Lead, Wrought Iron, Balk and Deals, the Sum of Five-pence Halfpenny *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And for all other Goods, Wares, Merchandize, Matters and Things, the Sum of Sixpence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And the Rates hereby authorized to be demanded, taken, recovered and received as aforeſaid, ſhall be eſtimated in the ſame Manner as reſpects the aſcertaining of the Diſtance and Meaſurement, (except as herein-after is mentioned) and be levied and recovered under the ſame Rules and Regulations, and by the ſame Means, as in and by the ſaid recited Act is mentioned and directed concerning the ſeveral Rates thereby authorized to be demanded, taken, recovered and received; and ſuch of the ſaid ſeveral Articles, Matters and Things as are by virtue of the ſaid recited Act exempted from the Payment of the Rates thereby authorized to be taken, ſhall be exempted from the Payment of the ſaid Rates hereby authorized to be taken in the like Caſes, and ſubject to the like Proviſions, Rules, and Regulations as in and by the ſaid recited Act are mentioned and directed concerning the Exemption of the ſame Articles, Matters, and Things from the Rates thereby authorized to be taken.

Proviſions in former Act, as to Meaſurement of Timber, repealed.

LXVII. And be it further enacted, That ſo much and ſuch Part of the ſaid recited Act as declares, that Fifty Cubic Feet of Round, or Forty Cubic Feet of Square Oak, Aſh, Elm, or Beech Timber, and Fifty Feet of Fir or Deal, Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, ſhould for the Purpoſe of the ſaid Act be reſpectively deemed,

deemed, rated, and eſtimated as and for One Ton Weight, ſhall be and the ſame is hereby repealed.

Tonnage of Timber how regulated.

LXVIII. And be it further enacted, That the Tonnage of all Oak, Aſh, Elm, Beech, Timber, Fir or Deal, Balk, Poplar, Birch, or other Timber or Wood, ſhall from and after the Twenty-fourth Day of *June* next be aſcertained and charged at the real Weight thereof, and that One hundred and twenty Pounds Weight Avoirdupois ſhall be deemed and taken as and for One hundred Weight, with reſpect to ſuch Timber and other Articles laſt above enumerated; any Law, Cuſtom, or Uſage of rating or eſtimating the ſame to the contrary in anywiſe notwithſtanding.

Materials for making Weſtern Branch to be exempt from Tonnage.

LXIX. Provided always, and be it further enacted, That all Coal, Lime, Limeſtone, Brick, Stone, Timber and other Materials, which ſhall from Time to Time be carried or conveyed on the Eaſtern Branch of the ſaid Canal, for the Purpoſe of making, completing, and maintaining the Weſtern Branch of the ſaid Canal, and the Works belonging thereto, ſhall during ſuch Time as the Water in the ſaid Eaſtern Branch ſhall run over the Waſte Weir at the Lock neareſt the Town of *Pool* aforeſaid, be free and exempt from the Payment of the ſaid Rates hereby authorized to be demanded and taken on the ſaid Eaſtern Branch; but at all other Times ſuch Coal, Lime, Limeſtone, Brick, Stone, Timber and other Materials, ſhall be ſubject to the Payment of the ſaid Rates in the ſame Manner as if the ſame belonged to any indifferent Perſon, and not to the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal:

Rates may be lowered and raiſed again to their full Extent.

LXX. Provided always, and be it further enacted, That the ſaid Rates, hereby authorized to be demanded, taken, recovered and received as aforeſaid, ſhall be liable to the ſame Reduction, and ſhall again be raiſed to the full Extent, hereby authorized to be taken in the like Events and Manner, and under the ſame Proviſions and Regulations, as in and by the ſaid recited Act is mentioned and directed concerning the Rates thereby authorized to be taken.

Owners of Lands to be at Liberty to make Bridges, &c.

LXXI. And be it further enacted, That in all Caſes where it ſhall be neceſſary, under the Proviſions of the ſaid recited Act and this Act, to erect and make any Bridges over the Weſtern Part of the ſaid Canal and Works by this Act authorized to be made, for the Uſe of the Owners and Occupiers of the Lands, Tenements, and Hereditaments adjoining to the ſaid Weſtern Branch and other Works, and the reſpective Owners of ſuch Lands, Tenements, and Hereditaments, ſhall be deſirous of erecting ſuch Bridges in a more ornamental and expenſive Manner than the ſaid Company of Proprietors of the ſaid Weſtern Branch are bound to do under the Proviſions of the ſaid recited Act and of this Act, and any of ſuch Owners ſhall give Notice in Writing of ſuch their Deſire to the Committee of ſuch Company for the Time being, or the Chief Clerk, Surveyor, or Engineer for the Time being of the ſaid Weſtern Branch, and deliver with ſuch Notice a Plan and Eſtimate of the Bridge which they, he, or ſhe ſhall be deſirous of erecting in the Place of the Bridge which the ſaid Company of Proprietors of the ſaid Weſtern Branch ſhall propoſe to erect (which Plan ſhall be ſubject to the Approval of the Committee for the Time being of ſuch Company), and ſhall give ample Security, by Bond or otherwiſe, to the ſaid Company of Proprietors of the ſaid Weſtern Branch, to be approved

proved of by their Committees for the Time being, (which Security ſuch Company or their Committee for the Time being are hereby authorized to take), for the erecting of ſuch Bridge under the Direction and Superintendence of the Engineer and Surveyor of ſuch Company, according to the Plan which ſhall be ſo agreed upon and approved of, within the Space of Two Calendar Months from the Date of ſuch Bond or other Security; then and in every ſuch Caſe it ſhall be lawful for the reſpective Owners of any Lands, Tenements and Hereditaments adjoining to the ſaid Weſtern Branch of the ſaid Canal and Works, for whoſe uſe any Bridge ſhall be intended to be made by the ſaid Company of Proprietors of the ſaid Weſtern Branch, to erect, at the Coſts and Charges of ſuch Owners reſpectively, in the Place thereof, ſuch other Bridge as ſhall be agreed upon and approved of in Manner aforeſaid; and when every ſuch Bridge ſhall be completed, the Engineer or Surveyor of ſuch Company under whoſe Direction the ſame ſhall have been erected, ſhall and he is hereby directed, within Twenty-one Days next after the ſame ſhall be completed, to certify the Completion thereof by ſome Writing under his Hand to the Committee, or Chief Clerk for the Time being of the ſaid Company of Proprietors of the ſaid Weſtern Branch; and ſuch Company or their Committee for the Time being, ſhall within Twenty-one Days next after receiving ſuch Certificate of the Completion of any ſuch Bridge as aforeſaid, pay to the Owner or Owners of the Lands, Tenements and Hereditaments who ſhall have erected the ſame, ſuch Sums of Money as the Bridge which was intended to have been erected by ſuch Company in the ſame Place would have coſt, according to the Eſtimate of the Engineer or Surveyor of ſuch Company; which Eſtimate ſhall be made, and the Amount thereof aſcertained, at the ſame Time when the Plan of the Bridge intended to be erected by any ſuch Owners as aforeſaid ſhall be agreed upon and approved of, and the ſame ſhall then be ſigned by the Chief Clerk, Engineer, Surveyor or ſuch other Officer of the ſaid Company of Proprietors of the ſaid Weſtern Branch, on the Behalf of ſuch Company, as their Committee for the Time being ſhall direct, and by the Owner or Owners of the Lands, Tenements, and Hereditaments, who ſhall be deſirous of erecting ſuch other Bridge as aforeſaid; and in caſe the ſaid Company of Proprietors of the ſaid Weſtern Branch, or their Committee for the Time being, ſhall neglect to pay ſuch Sum of Money within the Time aforeſaid, it ſhall be lawful for the Owner or Owners of the Lands, Tenements or Hereditaments, who ſhall have erected any ſuch Bridge as aforeſaid, and he, ſhe or they are hereby authorized and empowered to bring any Action or Actions for the ſame in any of His Majeſty's Courts of Record, and therein to recover the ſame with full Coſts of Suit, in which Action no Eſſoign, Privilege, or Wager of Law, or more than One Imparlance ſhall be allowed.

Expences of Bridges how paid.

LXXII. Provided always, and be it further enacted, That the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, until the ſame Branch ſhall, under the Proviſions of this Act, be veſted in and be under the Management of the ſaid Company of the *Montgomeryſhire* Canal, and after the ſaid Weſtern Branch ſhall be ſo veſted in and be under the Management of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, then ſuch laſt mentioned Company ſhall at their own Expence, at all Times, as Occaſion ſhall require, repair and maintain the Road over every ſuch Bridge, which ſhall, under the Proviſions aforeſaid, be erected by any Owner or Owners of any ſuch Lands, Tenements, or Hereditaments

as aforesaid; but such Bridge shall in all other Respects be supported, maintained, and repaired at the joint Expence of such One of the said Companies, as shall under the Provisions aforesaid for the Time being, be liable to the Repairs of the Road over such Bridge, and of the Owner or Owners for the Time being of the Lands, Tenements, or Hereditaments, for the convenient Enjoyment whereof the same shall be erected; and such Company and such Owner or Owners for the Time being, shall contribute to such Expence in the following Proportions; (that is to say), the Sum of Money which shall from Time to Time be paid by such One of the said Companies as aforesaid, towards the Expence of maintaining, supporting, and repairing every such Bridge, shall bear the same Proportion to the whole Amount of the Sum of Money which shall from Time to Time be expended for such Purposes, as the Sum of Money which shall have been paid by the said Company of Proprietors of the said Western Branch, towards the Expence of erecting every such Bridge, shall bear to the whole Amount of the Sum of Money which shall have been expended in erecting the same; and the Residue of such Expence shall from Time to Time be paid by the Owner or Owners for the Time being of the Lands, Tenements or Hereditaments, for the convenient Enjoyment whereof such Bridge shall be erected; and such One of the said Companies as shall for the Time being be liable to contribute to such Expence, and such Owner or Owners for the Time being shall and may have such and the like Remedy against each other respectively, for the Recovery of the Proportion of such Expence which they shall be respectively liable to pay as aforesaid, by Action at Law against each other respectively, to be commenced and prosecuted as in other Cases in and by the said recited Act and this Act is directed.

If Company and Owners cannot agree, the Expence to be settled by the Commissioners.

LXXIII. Provided always, and be it further enacted, That in case the Owner or Owners of such Lands, Tenements, or Hereditaments as aforesaid, who shall be desirous of erecting any such Bridge as aforesaid, and the said Company of Proprietors of the Western Branch of the said Canal shall not be able to agree upon the Plan on which any such Bridge as aforesaid shall be erected, or on the Sum of Money which such Company ought to contribute towards the same; and also in case any such Owner or Owners as aforesaid, and such One of the said several Companies as shall for the Time being be liable to contribute to the Expence of the repairing any such Bridge, shall not be able to agree on the Amount of such Expence; then and in every such Case the determining upon such Plan, and the ascertaining of such Sum of Money, and the Settlement of the Amount of such Expence, shall be left to the Commissioners appointed or to be appointed in the Manner directed by the said recited Act; whose Decision thereon shall be final and conclusive upon all Parties.

Manner of building Bridges.

LXXIV. And be it further enacted, That every Bridge which shall hereafter be built by virtue of the said recited Act and of this Act, over the said Canal and Cuts, or the said Western Branch of the said Canal by the said recited Act or this Act authorized to be made, for the Purpose of any Public Street, Highway, or Road, shall be built of Stone or Brick, with good and sound Materials, and the Road-way over the same shall be of the Width of Twelve Feet in the clear at the least, and the Ascent on each Side to the Centre of every such Bridge shall be regular and gradual, and shall not rise more than One Foot in Perpendicular Height in every Thir-

teen Feet of ſuch Aſcent, to be meaſured from the Surface of the Street, Highway or Road through which the ſaid Canal, or the ſaid Weſtern Branch of the ſaid Canal and Works by the ſaid recited Act or by this Act authorized to be made, ſhall be made; and the Fence on each Side of every ſuch Bridge ſhall be ſubſtantially made and built with Stone or Brick, and ſhall not be leſs than Four Feet in Height above the Surface of ſuch Bridge; and the Aſcent and Deſcent over every ſuch Bridge ſhall be ſupported, ſecured, and maintained by proper Embankments, and by Fences on each Side of Brick or Stone, or Poſts and Rails of a proper Height, by and at the Expence of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal and of the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, and to the Satisfaction of the Truſtees, Commiſſioners, or Surveyors of every ſuch Street, Highway or Road; and after any ſuch Bridge ſhall be ſo erected, the ſame and all and every the Piers, Walls, Abutments, Banks, Copings, Poſts, Rails, and other Fences thereto belonging, ſhall at all Times for ever thereafter be repaired and kept in good State and Condition, by and at the Coſts and Charges of ſuch One of the ſaid Companies in whom for the Time being the Part of the ſaid Canal or Work over which ſuch Bridge ſhall under the Proviſions of this Act be veſted, to the Satisfaction of the Truſtees, Commiſſioners, or Surveyors aforeſaid: Provided nevertheleſs, that nothing herein contained ſhall be conſtrued to oblige or compel either of the ſaid Companies to maintain and keep in repair the Surface of the Road over any ſuch Bridge, from and after the Expiration of Twelve Calendar Months next following the Day on which the Paſſage over the ſaid Bridge and Road ſhall have been certified by the Truſtees, Commiſſioners, or Surveyors of every ſuch Street, Highway or Road, for the Purpoſe of which any ſuch Bridge ſhall have been built, to be ſafe, fit, and convenient for the paſſing and re-paſſing of Perſons, Horſes, and Carriages. Proviſo.

On Neglect by Company Repairs to be done by Truſtees, Commiſſioners, or Surveyors of Roads and Highways.

LXXV. And be it further enacted, That in caſe ſuch One of the ſaid Companies as under the Proviſions aforeſaid ſhall be liable thereto, or their Succeſſors for the Time being, ſhall at any Time neglect to make or ſecure ſuch Way or Paſſage as aforeſaid, before and during the building of any ſuch Bridge and Bridges, or to repair, ſupport and maintain ſuch Bridge and Bridges, and the Piers, Walls, Abutments, Banks, Copings, Poſts, Rails, or Fences thereof, or any of them, for the Space of Twenty-one Days next after Notice, requiring the ſame in Writing under the Hands of any Three or more of the Truſtees, Commiſſioners, or Surveyors of any Public Street, Highway, or Road, for the Purpoſe of which ſuch Bridge ſhall have been built, given, or left for ſuch Company, at the Houſe, Lodge or Office of ſuch Company, or given to the Treaſurer, Principal Clerk, or other Chief Officer of ſuch Company, or left for him, or them at his or any of their Dwelling Houſe or Houſes, Place or Places of Abode; then and in every ſuch Caſe it ſhall be lawful for the Truſtees, Commiſſioners, or Surveyors reſpectively, of any ſuch Public Street, Highway, or Road, to cauſe ſuch Ways, Paſſages, Bridge or Bridges, and the Piers, Walls, Abutments, Banks, Copings, Poſts, Rails, and other Fences, to be made, ſecured, repaired, and amended, as the Caſe may require; and the Charges and Expences thereof ſhall be paid by ſuch One of the ſaid Companies as under the Proviſions aforeſaid ſhall be liable thereto, to the Truſtees, Commiſſioners or Surveyors reſpectively, cauſing the ſaid Works to be done; and in caſe ſuch Company ſhall neglect

neglect to pay what shall be so paid, laid out and expended, within Twenty-one Days next after Notice thereof shall be left at the House, Lodge, or Office of such Company, or given to the Treasurer, Principal Clerk or other Chief Officer of such Company, or left for him or them, at his or any of their Dwelling Houses, or Place or Places of Abode, such Notice being in Writing, signed by any Three or more of the said Trustees, Commissioners or Surveyors, and having annexed thereto or written under the same an Account of such Charges and Expences, it shall and may be lawful to and for any Three or more of the said Trustees, Commissioners, or Surveyors, who shall have caused the said Works to be done in their Names, and they are hereby respectively authorized and empowered, to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or Court of Great Session to be held in and for the said County of *Montgomery*, against such One of the said Companies, as under the Provisions aforesaid shall be liable to such Charges and Expences for the Recovery thereof; and therein to recover such Sum and Sums of Money as shall and may be so laid out, expended or incurred, together with full Costs of Suit; in which Action no Essoign, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed.

No Land to be taken until the Sum of £28,300. shall have been subscribed.

LXXVI. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize or empower the said Company of Proprietors of the Western Branch of the said Canal, to take any Lands, Tenements or Hereditaments for the Purposes of this Act, or to proceed in the said Continuation and Variation of the said Canal, hereby authorized to be made, until a sufficient Number of Subscribers shall have been obtained, (including the Persons who have already subscribed), who shall have subscribed in the Aggregate the Sum of Twenty-eight thousand three hundred Pounds, towards the carrying of such Works into Execution, under a Contract binding themselves respectively, and their respective Heirs, Executors and Administrators, to the Payment of the Money respectively subscribed by them within the Space of Two Years; such Subscription in Manner aforesaid, to be proved to the Satisfaction of Two or more of the Justices of the Peace for the said County of *Montgomery*, and to be certified by Writing signed by them.

If the Canal be not completed in Five Years the Powers to be void.

LXXVII. Provided always, and be it further enacted, That if the said Company of Proprietors of the Western Branch of the said Canal shall not within the Space of Five Years from and after the passing of this Act have completed the Variation from *Garthmill*, to or near to *Newtown*, hereby authorized to be made, that then and from thenceforth, and from and after the End or Expiration of the said Term or Space of Five Years from and after the passing of this Act, and for ever thereafter, all and every the Powers and Authorities by this Act vested in such Company shall, so far as relates to such Part of the said Variation hereby authorized to be made, as shall not then have been made and completed, cease and determine to all Intents and Purposes whatsoever.

Mode of rating Lands and Buildings.

LXXVIII. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of and belonging to the said Company of Proprietors of the *Montgomeryshire* Canal, or to the said Company of Proprietors of the Western Branch of the said Canal, shall

ſhall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the ſeveral Pariſhes and Places where they are reſpectively ſituated; the Lands according to the Quantity and Quality, and the Dwelling Houſes, Wharfs, Warehouſes, Lock-houſes, and other Houſes, according to the Nature and reſpective Uſes, Dimenſions and Deſcriptions thereof; and ſhall be charged and aſſeſſed in like Manner as Lands of a like Quality, and Dwelling Houſes, Wharfs, Warehouſes, Lock-houſes and other Houſes of a like and ſimilar Size, Nature, Dimenſions or Deſcriptions, in the reſpective Pariſhes where the ſame ſhall be ſituated are or ſhall be aſſeſſed and charged; and that the Rates, Duties, and other Perſonal Property of the ſaid ſeveral Companies reſpectively, liable to be rated to the Poor or other Parochial Taxes in any other Pariſhes or Places, ſhall be rated and aſſeſſed in like Manner, and in the ſame Proportion as other Perſonal Property rateable in the ſaid Pariſhes and Places reſpectively ſhall be rated and aſſeſſed; and according to the Length of the Line of the ſaid Canal, or the ſaid Weſtern Branch thereof, in ſuch reſpective Pariſhes and Places, and not otherwiſe, or in any other Manner; provided, that before ſuch Perſonal Property ſhall be rated, Twenty-one Days Notice ſhall be given in Writing to or left at the Dwelling-houſe or uſual Place of Abode of the Treaſurer or Clerk, or any other Principal Officer of the ſaid ſeveral Companies reſpectively, reſiding in the Pariſh or Place where ſuch Rate ſhall be intended to be made by the reſpective Overſeers of the Poor, of the Intention ſo to do.

How Expences of paſſing this Act to be defrayed.

LXXIX. And be it further enacted, That the Coſts and Charges of obtaining and paſſing of this Act, and of making the Surveys, Plans and Eſtimates incident thereto, and all other Coſts, Charges and Expences concerning the ſame, except ſuch as have been already paid and diſcharged by the Committee of the ſaid Company of Proprietors of the *Montgomeryſhire* Canal, or by their Order or Direction, ſhall be borne, paid and defrayed by the ſaid Company of Proprietors of the Weſtern Branch of the ſaid Canal, by and out of the Monies by this Act authorized to be raiſed.

Public Act.

LXXX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

The SCHEDULE referred to by this Act.

OWNERS.	OCCUPIERS.	TENEMENTS.	WHERE SITUATE.	PARISHES.
Humphrey Rowland Jones, Esquire -	Edward Francis -	Yard and Garden	Near the Wharfs at Garthmill - -	Berriew.
Ditto - - -	Evan Davies - - -	- Ditto -	At Nag's Head Garthmill	- - Ditto.
Ditto - - -	Joseph Mansfield -	- Ditto -	- - Ditto - - -	- - Ditto.
Ditto - - -	Humphrey Rowland Jones, Esquire -	Plantation and Lawn - -	Upper Garthmill - -	- - Ditto.
Thomas Jones, Gentleman - - -	Edward Williams -	Garden - -	Near Garthmill Turnpike Gate -	- - Ditto.
Milward Dovaston, Trustee of Charles Humphreys an Infant - - -	William Evans - -	Garden & Orchard	In Trustewellin Township, near the Road from Garthmill to Newtown -	- - Ditto.
Thomas Hughes - -	Thomas Hughes and Dorothy Roberts	Smith's Shop, House & Garden	- - Ditto - - -	- - Ditto.
John Buckley Williames Esquire -	John Breeze - - -	Orchard - -	At Red House - -	- - Ditto.
Ditto - - -	John Buckley Williames Esquire -	Orchard & Lawn	Near Glanhafren, in Dolforwyn Township	Bettws.
William Tilsley Esquire	Richard Goodwyn -	Garden - -	At New House - -	Llanllwchaiarn.
Mrs. Margaret Pugh -	Rowland Goodwyn -	Outhouse & Garden	At Aberbechan Mill -	- - Ditto.
Pryce Jones, Gentleman	Richard Owen - -	Garden - -	At Dolfor, in Gwestyd Township -	- - Ditto.
Reverend George Tottenham Baxter -	Evan Lewis - -	- Ditto -	At Port, in Gwestyd Township -	- - Ditto.

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