

ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 55.

An Act for making and maintaining a Railway or Tramroad from the Town of *Swanſea*, into the Pariſh of *Oyſtermouth* in the County of *Glamorgan*.

[29th *June* 1804.]

WHEREAS the making and maintaining of a Railway or Tram-Road for the Paſſage of Waggons and other Carriages, to communicate with the *Swanſea* Canal near a certain Place called *The Brewery Bank*, within the Town of *Swanſea* in the County of *Glamorgan*, to, or near to, a certain Field called *Caſtle Hill*, in the Pariſh of *Oyſtermouth* in the ſaid County of *Glamorgan*; and alſo the making and maintaining of a Branch of ſuch Railway or Tramroad, to communicate therewith, from a certain Place near the *Mount* in the ſaid Town of *Swanſea*, in the County aforeſaid, to, or nearly to, *Swanſea* Pier; and likewiſe the making and maintaining of another Branch of ſuch Railway or Tramroad, to communicate therewith, from a certain Place near *Black Pill*, to, or nearly to, a certain Place called *Ynys*, in the Pariſh of *Swanſea* in the ſaid County of *Glamorgan*, will open a Communication with ſeveral extenſive Limeſtone Quarries, Coal Mines, Iron Mines, and other Mines, whereby the Carriage and Conveyance of Limeſtone, Coal, Iron Ore, and other Minerals and Commodities, will be greatly facili-

tated, and will materially assist the Agriculture of the Country throughout the Line and Neighbourhood thereof, and will in other Respects be of great Publick Utility; but the same ca not be effected without the Authority of Parliament; And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to make and maintain the said Railway or Tramroad, and the Branches thereof, as aforesaid; 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 the Most Noble *Henry Charles* Duke of *Beaufort*, the Burgesses of the Borough of *Swansea*, *Charles Collins*, *John Charles Collins*, *John Edmund*, *Benjamin French*, *Thomas Hobbes* Doctor of Physick, *Calvert Richard Jones*, *Edward King*, *John Landeg*, *Roger Landeg*, *Thomas Lockwood*, *Thomas Lott*, *Thomas Morgan*, *John Morris*, *John Morris* the younger, *Thomas Sylvester*, *William Vaughan*, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person and Persons as they shall nominate and appoint under their Hands and Seals, or the said Burgesses under their Common Seal, are and shall be united into a Company for the better carrying on, making, completing, and maintaining the said intended Railway or Tramroad, with the Branches thereof as aforesaid, according to the Rules, Orders, and Directions, hereinafter expressed and laid down, and shall for that Purpose be one Body Politick and Corporate, by the Name of *The Oystermouth Railway or Tramroad Company*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority, from and after the passing of this Act, to purchase and hold Lands and Hereditaments to them, their Successors and Assigns, for the Use of the said Undertaking, and the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and also to sell the said Lands and Hereditaments, or any Part or Parts thereof again; and the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Agents, Officers, Workmen, and Servants, to make, complete, and maintain, and from Time to Time to alter, a Railway or Tramroad, passable for Waggons and orher Carriages, to communicate with the *Swansea* Canal, near a certain Place called *The Brewery Bank*, at *Swansea*, through the Town and Franchise of *Swansea*, and the Parishes of *Swansea*, and *Oystermouth* in the County of *Glamorgan*, to end at or near a certain Field called *Castle Hill* in the said Parish of *Oystermouth* and County of *Glamorgan*; and also to make, complete, and maintain, a Branch of such Railway or Tramroad, to communicate therewith, from a certain Place near the Mount in the said Town of *Swansea* to or nearly to *Swansea* Pier; and likewise to make, complete, and maintain, another Branch of such Railway or Tramroad, to communicate therewith, from a certain Place near *Black Pill*, to, or nearly to, a certain Place called *Ynys*, in the said Parish of *Swansea* and County of *Glamorgan*; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized, and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, and to survey and take Levels

Company of Proprietors.

Their Powers.

Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for the making or altering of the ſaid intended Railway or Tramroad, and all ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary for making, effecting, preſerving, improving, completing, maintaining, and uſing the ſame; and alſo to bore, dig, cut, trench, ſough, get, remove, take, carry away, lay, uſe, and manufacture, any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got, in making the ſaid Railway or Tramroad, or other Works, or out of the Lands or Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be proper, requiſite, or neceſſary for making, carrying on, continuing, maintaining, or repairing the ſaid Railway, or Tramroad, or other Works, or which may hinder, prevent, or obſtruct the making, uſing, or completing, extending or maintaining, the ſame reſpectively, (other than and except the Wharfs, Banks, and Premiſes belonging to the *Swanſea* Canal Company,) according to the Intent and Purpoſe of this Act; and to make, build, erect, and ſet up, in or upon the ſaid Railway or Tramroad, and upon the Lands adjoining or near the ſame reſpectively, (other than and except as laſt aforeſaid), ſuch and ſo many Bridges, Piers, Arches, Tunnels, Culverts, Wharfs, Quays, Houſes, Warehouſes, Tollhouſes, Watchhouſes, Landingplaces, Weighbeams, Cranes, Fire Engines, or other Machines, Dry or Wet Docks, or other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company ſhall think neceſſary and convenient for the Purpoſes of the ſaid Undertaking; and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to make, divert, alter, widen, enlarge, and extend, any Ways, Roads, Paſſages, or other Works or Conveniencies, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the ſaid Railway or Tramroad, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging, the ſaid Railway or Tramroad, and the Works of or belonging to the ſame, which may be uſed for any of the Purpoſes thereof, and alſo to place, lay, work, or manufacture, the ſaid Materials on the Ground near to the Place or Places where the ſaid Works, or any of them, ſhall be or are intended to be made, erected, repaired, or done; and alſo to make, maintain, repair, and alter, any Fences or Paſſages, over, under, or through, the ſaid Railway or Tramroad, and alſo to make, ſet out, and appoint ſuch Roads and Ways, convenient for haling or drawing of Waggons or other Carriages, paſſing upon the ſaid Railway or Tramroad, with Men, Horſes, or otherwiſe, and proper Places for Waggons and other Carriages to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think convenient; and to conſtruct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and acroſs any Rivers or Brooks for the making, effecting, preſerving, improving, completing, uſing, maintaining, and repairing, of the ſaid Railway or Tramroad, and other Works; and to conſtruct, erect, make, and do all other Matters and Things which they ſhall think convenient or neceſſary for the making, effecting, extending, preſerving, improving, completing, and uſing, of the ſaid Railway or Tramroad, and other Works, to be made or conſtructed in purſuance of and according to the true Intent and Meaning

of

of this Act, they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in Manner hereinafter mentioned to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, or Hereditaments, respectively, which shall be taken, used, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

Houses, Gardens, *etc.* not to be injured, except such as are mentioned.

II. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tramroad, or any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* in the Year of our Lord One thousand eight hundred and four, or any Land or Ground which, on the said First Day of *January* was set apart and used as or for a Garden, Orchard, Court Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except a Dry Dock now or late in the Possession of *William Jones* Esquire; a Smith's Forge now or late in the Possession of *William Hugh*; a Dock now or late in the Possession of *Silvanus Padley*; a Slaughter House, vacant; all being the Property of the Corporation of *Swansea*, and situate in the Town of *Swansea* in the said County; a Cottage Garden, the Property of Sir *Gabriel Powell* Knight, now or late in the Possession of *John Morris*, situate in the Parish of *Swansea* in the said County; a Cottage Garden now or late in the Possession of Colonel *George Warde*, a Cottage Garden now or late in the Possession of *John Martin*, which last-mentioned Two Gardens are the Property of the said *George Warde*; a Cottage Garden now or late in the Possession of *Thomas Morgan*, a Cottage Garden now or late in the Possession of *Robert Faulkener*, which Two Gardens last mentioned are the Property of his Grace the Duke of *Beaufort*; and the said Four Gardens are situate in the Parish of *Oystermouth* in the said County; and a Cottage Garden now or late the Property of and in the Possession of *John Rosser*, situate in the Parish of *Swansea* aforesaid.

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

III. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tramroad, and a Map or Plan, with a proper Book or Reference thereto, has been made in consequence thereof, in order to shew the Line or Course thereof; be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and a Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, one with the Clerk of the Peace for the said County of *Glamorgan*, and the other with the Clerk to the said Company, to either of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort and to examine, or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks,

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

Not to deviate without Consent.

IV. And be it further enacted, That the said Company in making the said intended Railway or Tramroad shall not deviate more than Ten Yards from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom any Lands, Grounds, or Hereditaments, do or shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company from making any such Deviation from the said Course or Direction of the said Railway or Tramroad, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

For making Roads in lieu of those injured.

V. Provided always, and be it further enacted, That in all Cases where, in exercise of the Powers aforesaid, any Part of any Carriage or Horse Road, either publick or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company or their Successors shall, at their own Expence, before any such Road shall be cut through, taken, or injured, as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition.

Land Owners omitted in the Books of Reference not to obstruct making the Railway, &c.

VI. Provided always, and it is hereby further enacted and declared, That the said Company shall and may make the said intended Railway or Tramroad into, through, across, or over the Estates, Lands or Grounds, of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviation as aforesaid shall extend, although their Names are not mentioned in the said Books of Reference, or into, through across, or over, the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of the Commissioners hereby appointed, and be by them certified under their Hands to be by Mistake omitted in the said Books of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned

last-mentioned Estates, Lands, and Grounds, do not belong, have or hath been by Mistake inserted therein; any Thing herein contained to the contrary thereof, in anywise notwithstanding.

Breadth of Railway.

VII. And be it further enacted, That the Lands or Grounds to be taken or used for the making and using of the said Railway or Tramroad shall not exceed Eight Yards in Breadth, and along the Banks of the River *Tawe* the said Railway or Tramroad shall not exceed Ten Feet in Breadth, except in such Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Vallies, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of any Coals, Lime, Limestones, Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed on the said Railway or Tramroad, and not above Sixty Yards in Breadth, in any Place without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad.

For preserving Communications with the River *Tawe*.

VIII. And whereas it is necessary that Conveniencies should be preserved for landing and shipping Goods at the legal and other Quays in the Town of *Swansea*, through which the said intended Railway or Tramroad is intended to pass, and for keeping Communications between the River *Tawe* and the Yards and Warehouses between which and the said River the said intended Railway or Tramroad is to pass; be it therefore further enacted, That the said intended Railway or Tramroad shall at all Places be kept at a sufficient Distance from the River Side to admit not only of Cranes being placed and worked between the said Railway or Tramroad and the River, but also for making convenient Slips down so low as to admit of Goods being unloaded from and loaded into all Ships and Vessels, without its being necessary to raise them higher than the Decks of such Ships and Vessels; and that the said intended Railway or Tramroad shall be made along the said Quays in such a way that it may be crossed in any Place with Carts, Waggons, Sledges, and other Carriages, and by Men, Horses, and Cattle; and that it shall be lawful for all Persons carrying any Goods to or from the River, to or from any Wharf or Wharfs, Quay or Quays, Yard or Yards, Warehouse or Warehouses, to cross and pass the said intended Railway or Tramroad, in such Place or Places as shall be most convenient for the Carriage of such Goods.

Form of the Railway where it crosses any Road.

IX. And be it further enacted, That wherever the said intended Railway or Tramroad shall cross any publick or private Way or Road, the Plates of the said Railway or Tramroad shall be made for the Wheels of the Carriages used thereon to run in a Groove, and from the highest Part of the Plates the Sides each way shall be made aslant in such a way as that Carriages of all Kinds may easily pass over the same.

Bodies Politick, &c. empowered to sell and convey Lands.

X. And be it further enacted, That after any Lands, Grounds, or Hereditaments, shall be set out and ascertained for making the said Railway or Tramroad, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniencies hereinbefore

before mentioned, or any of them, it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company; and if it shall happen that by making the said Railway or Tramroad, or by making or constructing of any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners shall be separated into small Parcels, or so affected as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, and all and every such other Person or Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of, or to convey, in exchange for other Lands, all or any Part of such small Parcels of Land, so separated or affected as aforesaid, to any Person or Persons whomsoever, for such Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale or Exchange, which he, she, they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company, and such of them as shall be made of any Lands, or other Hereditaments, to the said Company, shall be made according to the following Form; (*videlicet*),

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

Form of Conveyance.

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

Which

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

Form of Conveyance between Landowners.

'I *A. B.* of do hereby, by virtue and in purſuance of a certain Act, intituled, *An Act* [*Here inſert the Title of this Act*] and by and with the Conſent and Approbation of or more of the Commiſſioners appointed under or by virtue of the ſaid Act, teſtified by their Signature hereto, and in Conſideration of the Sum of to me in Hand, paid by *C. D.* of at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge [*or*, in Exchange for certain Lands, ſituate conveyed to me by the ſaid *C. D.* by Writing under his Hand and Seal bearing even Date herewith] grant and releaſe to the ſaid *C. D.* all [*deſcribe the Premiſes*] To hold to the ſaid *C. D.* his Heirs and Aſſigns for ever. As Witneſs my Hand and Seal, this Day of

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

Common or Waſte Lands are to be conveyed by the Lords of the Manors.

XI. And be it further enacted, That in all Caſes where, in making the ſaid Railway, or Tramroad, or Works, or any Road or Roads thereto reſpectively, there ſhall be Occaſion to cut through, take, or uſe any Part of any Commons or Waſtes, the Conveyance of ſuch Parts of ſuch Commons or Waſtes by the Lord or Lords, Lady or Ladies, of the Manor or Manors in which the ſame are ſituated, to the ſaid Company of Proprietors, ſhall be a good and ſufficient Conveyance thereof (without the ſaid Commiſſioners, or other Perſons intereſted therein, joining in ſuch Conveyance); and the ſaid Commiſſioners ſhall aſcertain what Proportion of the Purchaſe Money ſhall be due to the ſaid Lord or Lords, Lady or Ladies, for his, her, or their Intereſt in ſuch Commons or Waſtes, and ſuch Proportion ſhall be thereupon paid to him, her, or them, for his, her, or their own Uſe, and the Remainder of the ſaid Purchaſe Money ſhall be paid to the Overſeers of the Poor of the Pariſh in which ſuch Commons or Waſtes ſhall lie, and be applied by them in Aid of the Poors Rates of ſuch Pariſh; and the Receipts of the ſaid Lord or Lords, Lady or Ladies, and of ſuch Overſeers reſpectively, ſhall be ſufficient Diſcharge or ſufficient Diſcharges to the ſaid Company of Proprietors for the ſame.

Reſpecting Copyholds.

XII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or other Hereditaments, which ſhall be Copyhold, or of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the Court of the Manor of which the ſame are holden, according to the Cuſtom of ſuch Manor; and ſuch Lands, Tenements, or

or other Hereditaments, shall continue subject to the same Fines, Rents, and Services, as are due and payable, and of Right accustomed in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee-Simple; but inasmuch as the vesting and continuing of such Copyhold Premises in the said Company of Proprietors, as a Body Corporate, would prevent such Lord or Lords, Lady or Ladies, from receiving such Benefit of Fines, Heriots, and other Services, due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold Premises had continued to be the Property of Persons in their natural Capacities, and in case the said Lord or Lords, Lady or Ladies, of the said Manor, shall decline to enfranchise the respective Parcels of Copyhold Land held of the said Manor, which shall be purchased by or vested in the said Company of Proprietors for the Purposes aforesaid, he, she, or they shall be entitled to, and shall be paid by the said Company of Proprietors, a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect to such Fines, Heriots, and other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, and also the Apportionment of the Copyhold Rents issuing out of such Copyhold Tenements, of which a Part only shall be taken for the Use of the said Railway or Tramroad, if not settled by Agreement between the Parties, shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed.

The Company compellable to purchase small Slips of Land left by the Side of the Railway.

XIII. And be it further enacted, That if in making the said Railway or Tramroad, or any of the said Works, any Pieces or Parcels of Land or Ground shall be cut through or divided, so that what shall be left on each or either Side of the said Railway or Tramroad shall be less than Half an Acre in Quantity, or less than Eighteen Yards in Average Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Land or 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 Railway or Tramroad, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Land or Ground so to be left on each or either Side of the said Railway or Tramroad, being less than Half an Acre in Quantity, or less than Eighteen 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 Railway or Tramroad; 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 Land or Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Company empowered to reſell Lands, which may not be wanted.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to ſell and diſpoſe of, and by Indenture under their Common Seal abſolutely to grant and convey, ſuch Part or Parts of the Lands, Grounds, or other Hereditaments, which ſhall be ſo purchaſed by and conveyed to the ſaid Company of Proprietors as aforeſaid, and as ſhall not be wanted for the Purpoſes of this Act, and alſo to lay out and appropriate any Part of the ſaid Lands, Grounds, and other Hereditaments, as and for a Way or Ways, Avenue or Avenues, Paſſage or Paſſages; and that all ſuch Conveyances from the ſaid Company of Proprietors ſhall be valid and effectual, 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, Grounds, or other Hereditaments, or any Part or Parts thereof reſpectively, it ſhall be lawful for the Treaſurer or Treaſurers for the Time being to the ſaid Company of Proprietors, to ſign and give Receipts for the Money for which the ſame ſhall be ſo ſold, which Receipts ſhall be ſufficient Diſcharges to any Perſon or Perſons for the Purchaſe Money for which ſuch Lands, Grounds, or other Hereditaments, ſhall be ſold, or for ſo much thereof as in ſuch Receipts ſhall be expreſſed to be received; and no ſuch Perſon ſhall be anſwerable for any Loſſes, Miſapplication, or Nonapplication of ſuch Purchaſe Money, or any Part thereof: Provided always, that the ſaid Company of Proprietors, before they ſhall ſell and diſpoſe of ſuch Lands, Grounds, or other Hereditaments, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed; and in caſe ſuch Perſon or Perſons ſhall not then or thereupon agree, or ſhall refuſe to repurchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County where ſuch Lands, Grounds, or other Hereditaments, ſhall lie, by ſome Perſon or Perſons no way intereſted in the ſaid Lands, Grounds, or other Hereditaments, ſtating that ſuch Offer was made by or on Behalf of the ſaid Company of Proprietors, and was not then and thereupon agreed to, or was refuſed, by the Perſon or Perſons to whom the ſame was ſo 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 Perſon or Perſons to whom it was made, as the Caſe may be.

Satisfaction to be made.

XV. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees and other Perſons herein-before capacitated to ſell or convey Lands and other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Quays, Railway, or Tramroad, or other Works hereby authorized and intended to be made, may accept and receive Satisfaction for the Value of ſuch Lands, Grounds, and Hereditaments, and for the Damages to be ſuſtained by making or completing the ſaid Works herein-before directed, either in groſs Sums, or by Annual Rents, except in Caſes of Spiritual Perſons, to whom all ſuch Compenſations for Glebes and Tythes are herein-after directed to be made by Annual Rent, as ſhall be agreed upon by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid Company; and in caſe the ſaid Company and the ſaid Parties intereſted in ſuch Lands and Grounds,

If Parties cannot agree, Price to be

or

or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and all such Yearly Rents or Sums as shall be agreed on between the said Company and the said Parties interested in such Lands and Grounds or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company, either Yearly or Half-yearly, as the same shall be agreed or ordered to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required by an Order under their Hands to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such Rents or Sums, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politick, Corporate, or Collegiate, Trustees or other Person or Persons to whom such Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Waggons, Carriages, or other Goods or Effects of the said Company, which shall be found upon the said Railway or Tramroad, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging (Information of such Distress being immediately given to the said Company, by Notice in Writing delivered to some or one of their Clerks or Collectors of the Rates, or affixed to some of their Premises near to the Place where such Distress was made), and to detain the same until Payment of such Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Seven Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Waggons, Carriages, or other Goods or Effects so distrained, shall and may be sold and disposed of in such Manner as the Law directs, in case of a Distress for Rent.

settled by Commissioners, or a Jury.

Yearly Rents charged on the Rates.

XVI. And be it further enacted, That every Person who shall, in his own Right or in the Right of his Wife, and not as a Mortgagee or Trustee, or Lessee, be seised of or entitled unto a Freehold or Copyhold Estate, situate within the County of *Glamorgan*, of the clear Yearly Value of Fifty Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes, shall be and are hereby appointed Commissioners for settling, determining, and adjusting, all Matters, Questions, and

Commissioners, and their Qualification.

and Differences, which ſhall or may ariſe between the ſaid Company and the ſeveral Owners of and Perſons intereſted in any Lands, Grounds, Tenements, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, by the Execution of any of the Powers hereby grante , and every Perſon ſo qualified ſhall be and is hereby appointed a Commiſſioner for all other the Purpoſes of this Act, for which Commiſſioners are hereby appointed; but no Perſon ſhall act or be qualified to act as a Commiſſioner for the Execution of the Powers hereby given to ſuch Commiſſioners, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the ſaid Undertaking, or concerned or intereſted in any Contract or Bargain to be made for the Purpoſes of this Act, or in any caſe where he ſhall be any way intereſted or concerned in the Matter in queſtion, or (except in giving Notice of the Firſt Meeting of the ſaid Commiſſioners, and adminiſtering the Oath hereinafter mentioned) until he ſhall have taken and ſubſcribed an Oath to the Effect following, before any Three or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; (*videlicet*),

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

Oath of Commiſſioners.

'I *A. B.* do ſwear, That I will truly and impartially, according to the 'Evidence which ſhall be laid before me, and to the beſt of my Skill 'and Knowledge, execute and perform the Powers and Authorities 'veſted in me as a Commiſſioner by an Act, paſſed in the Forty-fourth 'Year of the Reign of King *George* the Third, intituled, *An Act* [*Here 'inſert the Title of this Act*], and that I am qualified to act as a Commiſ- 'ſioner according to the Directions of the ſaid Act.

'So help me GOD.'

Penalty on Commiſſioners not being qualified.

And if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being qualified as herein-before mentioned, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, to any Perſon who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record; and ſuch Perſon ſo ſued ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners may act as Juſtices of the Peace; but not while they hold any Place of Profit under the Act.

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

XVIII. And

First Meeting of the Commissioners.

XVIII. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act at such Time and Place as they shall be thereunto required by the First General Assembly of the said Company (to be held as herein-after appointed) by publick Advertisement as herein-after mentioned; and the said Commissioners shall, and they are hereby required, at such their First Meeting, to appoint out of Three Persons, to be nominated by the said Company, such One or more of them as the said Commissioner shall think proper to be their Clerk or Clerks; and the said Commissioners shall have Power, from Time to Time, at any of their subsequent Meetings, to remove any such Clerk or Clerks, and appoint another or others in his or their Stead out of Three Persons to be nominated by the said Company; and every such Clerk or Clerks shall be paid for his or their Care and Trouble in the Execution of his or their Office, by the said Company; and all the Orders and Proceedings of the said Commissioners, as well at their First as at every subsequent Meeting, shall be regularly entered in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company; and such Entries being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, or by their Clerk or Clerks by the Orders and Directions of such Number of Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as herein-after mentioned, shall at any Time be had for putting into Execution any of the Powers or Authorities, vested in the said Commissioners by this Act, unless Twenty-one Days previous Notice at least of every such intended Meeting shall be given in some Newspaper usually circulating in the County in which such Meeting shall be proposed to be held; and every Meeting of the said Commissioners by virtue of this Act shall be held publickly; and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained (except in such Cases as are hereby otherwise directed) shall be valid and effectual, unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to or vested in the said Commissioners (except such as may be executed without their being assembled at any Meeting or Meetings) shall or may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Seven.

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

XIX. And be it further enacted, That upon any Application to be made in Writing by or on Behalf of the said Company, or any Three or more of them, or by any Owner or Occupier of any Lands or Hereditaments to be taken for or affected by making of the said Railway or Tramroad, or any of the Works relating thereto, or upon any such Application by or on the Behalf of any Body Politick, Corporate, or Collegiate, or Person or Persons interested in any Matter to be determined by the said Commissioners, to any Five or more of the said Commissioners, (although they shall not then be assembled together at a Meeting for the Purposes of this Act), requesting or desiring them to appoint a Special

Meeting of the ſaid Commiſſioners, it ſhall be lawful for the ſaid Commiſſioners ſo requeſted or applied to, and they are hereby authorized and required, within Fourteen Days next after ſuch Requeſt or Application made, to give publick Notice in Manner aforeſaid of ſuch Meeting, to be held at ſuch Time and Place as they ſhall think proper, ſuch Time not being leſs than Eight nor more than Fourteen Days from the Day on which ſuch Requeſt or Application ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized, empowered, and required, notwithſtanding any previous or intervening Adjournment of their Meetings, to aſſemble at the Time and Place ſo to be appointed, in order to put into Execution the Powers and Authorities hereby given to and veſted in them reſpecting any Matter for which ſuch Special Meeting ſhall be required; and in caſe the Buſineſs to be tranſacted at any General or Special Meeting of the ſaid Commiſſioners, to be held in purſuance of this Act, ſhall not be concluded and finiſhed on or within the Day appointed for ſuch Meeting, or if a ſufficient Number of Commiſſioners ſhall not attend for that Purpoſe, then and in ſuch Caſe any One or more of the Commiſſioners who may be then preſent ſhall adjourn ſuch Meeting to ſuch Time and Place, or Times and Places, as ſuch One Commiſſioner, or the major Part of ſuch Commiſſioners, if there be more than One preſent at any ſuch Meeting or Meetings, ſhall think proper and convenient, but no ſuch Adjournment ſhall be made for a longer Time than Two Calendar Months; and if it ſhall happen that there ſhall not appear at any Meeting to be held under the Powers of this Act, any Commiſſioner or Commiſſioners to adjourn, or if they ſhall omit to make an Adjournment, then and in ſuch Caſe and as often as the ſame ſhall ſo happen, any Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in Manner aforeſaid, appoint the Commiſſioners to meet at the Houſe or Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, within Twenty-one Days next after the Day on which ſuch former Meeting was to have been held, or any Five or more of the ſaid Commiſſioners may at any Time or Times revive or continue the Meetings of the ſaid Commiſſioners, by calling another Meeting to be held at ſuch Time or Times as any ſuch Commiſſioners ſhall appoint, and at any Place or Places within One Mile of the ſaid Railway or Tramroad, publick Notice being given in Manner aforeſaid by the ſame Commiſſioners, of all ſuch Revivals and Continuations of the ſaid Meetings: Provided always, that every Special Meeting of the Commiſſioners to be held upon ſuch Requeſt or Application as aforeſaid, for hearing or determining any particular Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company and any other Perſon or Perſons, ſhall be held at ſome Place within Three Miles of the Place where ſuch Complaint or Diſpute ſhall ariſe.

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

XX. And be it further enacted, That the ſaid Commiſſioners ſhall be and they are hereby authorized and required, at any of their Meetings, to examine Witneſſes upon Oath, to be adminiſtered by them, touching any Matter which may, in purſuance of this Act, be ſubmitted to the Conſideration of the ſaid Commiſſioners; and they are hereby empowered and enabled, by Writing under their Hands, to determine and adjuſt from Time to Time what Sum or Sums of Money ſhall be paid by the ſaid Company (either in Groſs or by an annual Rent or Payment) for the

the abſolute Purchaſe of or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, for making the ſaid Railway or Tramroad, or for any other the Purpoſes of this Act; and alſo to adjuſt and determine the Compenſation to be made by the ſaid Company for any Damages which may or ſhall be at any Time or Times hereafter ſuſtained by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, or other Hereditaments for or by reaſon of the ſevering or dividing the ſame, or by reaſon of the making, uſing, repairing, or maintaining, the ſaid Railway or Tramroad, and the Roads, Ways, or other Works or Conveniencies belonging thereto, or by Reaſon or Means of the Execution of any other of the Powers hereby given to the ſaid Company of Proprietors.

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

XXI. Provided always, and be it further enacted, That if the ſaid Company, or their General Committee for the Time being, or any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof in Writing to any Five or more of the ſaid Commiſſioners, within Twenty-one Days next after the ſame ſhall have been made, or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments, to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment cannot treat for themſelves, or make ſuch Agreement or Agreements as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not, within the before-mentioned Space of Twenty-one Days, produce and fully diſcloſe the State of the Title to the Premiſes which they are or ſhall be in Poſſeſſion of, and to the Intereſt which they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and are hereby empowered and required to iſſue a Warrant under their Hands and Seals to the Sheriff of the ſaid County of *Glamorgan*; and in caſe ſuch Sheriff or his Under-Sheriff ſhall be one of the ſaid Company, or enjoy any Office of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in queſtion, then to any one of the Coroners of the ſaid County, or to the Coroner of the Liberty of *Gower*, who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of the ſaid County and Liberty ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County then in being, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon,

Perſon, to impannel, ſummon, and return a Jury; and the ſaid Sheriff, Coroner, or other Perſon, is hereby required accordingly to impannel, ſummon, and return a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Eight nor more than Fourteen Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service (being ſo qualified as aforeſaid) to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Jurymen ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered and required, by Summons or Notice to be ſigned by Three or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary, to be examined as a Witneſs or Witneſſes touching the Matters in queſtion, either by or before them the ſaid Commiſſioners, or by or before any Jury or Juries as aforeſaid, as the Caſe may be, and to hear and examine ſuch Witneſs or Witneſſes upon Oath; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in queſtion, which Jury upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain the Sum of Money or Annual Rent to be paid for the Purchaſe of ſuch Lands, or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rents, or Recompence, ſo to be aſſeſſed by ſuch Jury; which ſaid Verdict and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary notwithſtanding.

Fine upon Sheriffs, &c. making Default.

XXII. And be it further enacted, That if the Sheriff, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing

ſhall

ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, ſhall, for everyſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering the Overplus, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to have been injured by the Default of ſuch Perſon; and that all and every Perſon and Perſons who in any Examination to be taken by virtue of this Act ſhall wilfully give falſe Evidence before the ſaid Commiſſioners, or before any ſuch Jury as aforeſaid, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

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

XXIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as hereinbefore directed, the ſaid Commiſſioners ſhall and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments or Property than had been previouſly offered by or on Behalf of the ſaid Company, before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid; or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company; or where, by reaſon of Abſence in Foreign Countries, or any other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from the ſaid Company as herein before mentioned, then and in all ſuch Caſes all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company; but if any Verdict ſhall be given for the ſame Sum or Rent that has been previouſly offered by or on Behalf of the ſaid Company, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch

ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, legally capacitated to treat and convey, or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where, by Reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame ſhall not be paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Commiſſioners, in and by ſuch Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures.

Perſons requeſting Juries to enter into Bonds to proſecute.

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

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

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of the Execution of any of the Powers of this Act, unleſs Application ſhall have been made in Writing in relation thereto, by or on Behalf of ſuch Perſon or Perſons to the ſaid Company, or to their Clerk, Fourteen Days at the leaſt before ſuch Complaint ſhall be made to the ſaid Commiſſioners, within the Space of Three Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

XXVI. And

Satisfaction to be made for Tythes.

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

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

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

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

XXVIII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Tythes, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively at any Time after the ſame ſhall have been actually ſo agreed for, determined, or aſſeſſed, or if the Perſon or Perſons ſo entitled or intereſted, or any of them, ſhall not be able to make a good Title thereto, to the Satisfaction of the ſaid Company, or cannot be found, or ſhall refuſe to receive the ſame or execute ſuch Conveyance, then upon the Payment of the ſaid Sum or Sums of Money into the Bank of *England*, in caſe the ſame ſhall be requiſite as herein-after mentioned, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid; and in all or any of the ſaid Caſes, as often as the ſame ſhall happen, it ſhall be lawful for the ſaid Company, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively (or before ſuch Payment or Tender or Security given by Leave of the Owners and Occupiers thereof) and then and thereupon ſuch Lands and Grounds, and other Hereditaments, together with the Yearly Profits

Profits thereof, and all the Estate, Use, Trust, and Interest, of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit, or giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand, of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion or Remainder, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security for the Purpose of making the said Railway or Tramroad, without the Leave and Consent of such Person or Persons respectively.

Money allowed for Lands, &c. purchased to be paid into the Bank in the Name of the Accountant General.

XXIX. And be it further enacted, That in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, 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, Tythes, or other Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money assessed and awarded for any Purchase Money, or in Recompence for any Damage 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, Tythes, or other Hereditaments, [*describing them*,] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, upon 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 Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Person or Persons making Claim thereto, and to make such 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 hereby required to give a Receipt or Receipts for the same, 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.

Estates purchased to vest absolutely in the Company.

XXX. And be it further enacted, That immediately after paying such Purchase Money into the Bank as aforesaid, the said Lands, Tythes, and Hereditaments, in respect whereof the same shall have been so paid, shall vest in the said Company in Manner and for the Purposes aforesaid, who shall be deemed in Law to be in the actual Possession thereof to all Intents and

and Purpoſes whatſoever, freed and diſcharged from all former and other Eſtates, Rights, Titles, Intereſts, Claims, and Demands whatſoever.

Verdicts to be recorded.

XXXI. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Judgements and Verdicts, ſhall be tranſmitted to and be kept by the Clerk of the Peace for the ſaid County of *Glamorgan*, and ſhall be deemed to be Records to all Intents and Purpoſes; and the ſame or true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of Two Shillings, and to have Copies thereof, paying for every Copy the Sum of Eight-pence for every One hundred Words, and ſo in proportion for any leſs Number of Words.

Application of Compenſation Money, when amounting to 20*l.*

XXXII. 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 hereof, for the Purpoſes hereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or any other Perſon or Perſons under any other 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 Oyſtermouth Railway or Tramroad Company*, together with the Name or Names of ſuch Perſon or Perſons as Three of the ſaid Commiſſioners ſhall by Writing under their Hands direct and appoint, 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 or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands 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 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 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 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

being have been entitled to the Rents and Profits of the Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

XXXIII. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 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 or Hereditaments so purchased, taken, or used, or of his, her, ortheir 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 of *England*, 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 Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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 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.

Where any Question shall arise touching the Title to the Money to be paid, the Person who shall be in Possession of the Lands, &c. shall be deemed entitled thereto according to such Possession.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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 Act, the Person or Persons who shall have been in Possession of such Lands, Tenements, or other Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, 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 other 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

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 other Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXXVI. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any ſuch Lands, Tenements, or other Hereditaments, the Purchaſe Money whereof ſhall be required to be paid into the Court of Chancery and to be applied in the Purchaſe of other Lands, Tenements, or other 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, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Company to raiſe and contribute amongſt themſelves, in ſuch Proportions, as they ſhall think proper, a competent Sum of Money for making and completing the ſaid Railway or Tramroad, and the Ways, Quays, Wharfs, and other Works and Conveniencies, belonging or requiſite thereto, not exceeding in the Whole the Sum of Eight thouſand Pounds (except as herein-after mentioned) and that the ſame ſhall be divided into Shares of One hundred Pounds each, and that ſuch Shares ſhall be numbered in regular Progreſſion, and every ſuch Share ſhall always be diſtinguiſhed by the Number to be applied to the ſame; and that no Perſon ſubſcribing thereto or becoming a Proprietor in ſuch Undertaking, do become a Proprietor of leſs than One Share or more than Ten Shares, either in his own Name or in the Name or Names of any other Perſon or Perſons, in Truſt for him or her (unleſs the ſame ſhall come to him or her by Will, Bequeſt, Deſcent, Right of Adminiſtration, or Marriage) upon pain of forfeiting to the ſaid Company all ſuch Shares exceeding Ten Shares; and that the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo raiſing and contributing the ſame, and their, ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute; and all Bodies Politick, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid Undertaking, and other the Purpoſes of the ſaid Subſcription, ſhall be entitled to and receive, after the ſaid Undertaking ſhall be completed, the entire and net Diſtribution of an equal proportionable Part according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received, by the ſaid Company by the Authority of this Act, and every Body Politick, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum

Sum towards carrying on the ſame in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politick, Coporate, or Collegiate, and all other Perſon or Perſons of and in the ſaid Undertaking, or the joint Stock or Fund of the ſaid Company, ſhall be deemed Perſonal Eſtate and tranſmiſſible as ſuch, and not of the Nature of Real Property.

Subſcribers to have a Vote for every One hundred Pounds.

XXXVIII. And be it further enacted, That all and every Body and Bodies Politick, Corporate, or Collegiate, and other Perſon or Perſons who ſhall by virtue of this Act have ſubſcribed for or ſhall become entitled to and be in the actual Poſſeſſion of One or more Share or Shares in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote for and in reſpect of every ſuch Share, but not exceeding Ten Votes in the Whole, although poſſeſſed of more then Ten Shares, in the ſtated and Special General Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, conſtituted under the Seal of ſuch Body Politick, Corporate, or Collegiate, or the Hand of ſuch other Perſon, every ſuch Proxy being a Proprietor in the ſaid Undertaking, and every ſuch Vote by Proxy ſhall be as good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered in any ſtated or Special General Aſſembly of the ſaid Company, ſhall be determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share; provided nevertheleſs, that no Perſon ſhall vote for more than Ten Shares as aforeſaid as Principal, nor more than Ten Shares as Proxy; the Appointment of which Proxies may be made according to the Form following:

Form of Proxy.

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

And that every Election of Committees and Officers, Queſtions, Matters, and Things, whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered in any General or Special Aſſembly of the ſaid Company to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share as aforeſaid; and that at every ſuch Aſſembly One of the Proprietors preſent ſhall be appointed Chairman, who ſhall not only be entitled to vote as a Proprietor or Proxy, but in caſe of an Equality of Votes ſhall have the deciſive and caſting Vote.

XXXIX. And

Proprietors may raiſe an additional Sum among themſelves if neceſſary.

XXXIX. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining, of the ſaid Railway or Tramroad, and other the Works hereby authorized to be made, and defraying all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company to raiſe and contribute amongſt themſelves in Manner and Form aforelaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe by the Admiſſion of New Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding the Sum of Four thouſand Pounds; and every Body Politick, Corporate, or Collegiate, or other Perſon being a Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and ſhall have a like Vote by themſelves, himſelf, or herſelf, or their, his, or her Proxies or Proxy, in reſpect of every One hundred Pounds of the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of the ſaid Undertaking, in proportion to the Sum that they, he, or ſhe, ſhall or may ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed, had originally been Part of the ſaid Sum of Eight thouſand Pounds.

Power to raiſe Money by Mortgage.

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

Form of Transfer.

'BY virtue of an Act, paſſed in the Forty-fourth Year of the Reign of King *George* the Third, intituled, *An Act* [*Here inſert the Title of this Act*] We the Company of Proprietors of the ſaid Undertaking, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand paid by *A. B.* of Do hereby bargain, ſell, and aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Undertaking, and all and ſingular the Rates ariſing and payable to us, by virtue of the ſaid Act, and all our Eſtate, Right, Title, and Intereſt, of, in, and to the ſame, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be fully paid and ſatisfied. Given under our Common Seal this Day of

And all and every Perſon or Perſons to whom ſuch Aſſignments ſhall be made, ſhall be equally entitled one with the other, to his, her, or their Proportion

Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned, to be advanced without any Preference, by reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall, within Thirty Days from the Date of every such Assignment, be entered in One or more Book or Books to be kept by the Clerk to the said Company, which Book or Books shall and may be perused at all seasonable Times, by any of the Proprietors or Creditors of the said Undertaking, and any other Person or Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

Form of Mortgage

'I *A. B.* of in Consideration of the Sum of paid by *C. D.* of Do hereby 'transfer a certain Mortgage made by *The Oystermouth Railway or Tramroad Company*, to bearing Date 'the Day of for securing the Sum 'of and all Interest now due and to become 'due thereon, and all my Right and Property therein, to the said *C. D.* 'Executors, Administrators, and Assigns. Dated, 'this Day of

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignment, for which the said Clerk shall be paid the Sum of Two Shillings; and after such Entry made, every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company, or any of them, shall be paid, made, or divided: Provided always, that no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment either as Principal or by Proxy at any Assembly or Meeting of the said Company, for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

Assignees not to vote.

General Assemblies.

XLI. And be it further enacted, That the First General Assembly of the said Company for putting this Act into Execution, shall be held at the *Bush* Inn, in the Town of *Swansea*, upon the Fourth Day of *July* in the Year of our Lord One thousand eight hundred and four, or as soon after as conveniently may be, at the Hour of Twelve of the Clock in the Forenoon, and all future General Assemblies of the said Company, except

except such General Assemblies as herein-after mentioned, shall be held on the First Wednesday in the Month of *July* in every Year, at the Hour of Twelve of the Clock in the Forenoon, at such Place or Places as the said Company at their preceding General Assemblies shall from Time to Time direct and appoint, of which future General Assemblies Fifteen Days previous Notice at the least shall be given, by publick Advertisement in some Newspaper usually circulating in the said County of *Glamorgan*, or in such other Manner as the said Company at their respective General Assemblies shall direct; and the said Company at such respective General Assemblies shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed of Stock to the Amount of Three Shares at the least in the said Undertaking, a Committee of Five or more Persons, qualified as aforesaid, to manage the Affairs of the said Company as herein directed, and the said Company shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to choose and elect others in Cases of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed or laid down by virtue of this Act, with regard to their Proceedings amongst themselves as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted); and shall have Power and Authority to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company, and the said Committee, and their Servants, Agents, and Workmen, and for the whole complete and total Superintendance and Management of the said Undertaking, and also for and concerning all such Goods, Wares, and Commodities, as shall be conveyed thereon, and also for the well governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Commodities, and other Articles and Things, upon any Part of the said Railway or Tramroad; and from Time to Time to alter and repeal the said Bye-laws, Rules, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any one Offence; which said Rules, Bye-laws, and Orders, being reduced into Writing, under the Common Seal of the Company, and printed, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money received, laid out, and disbursed, on Account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking, and the Works thereto belonging, but no Vote or Votes by Proxy shall be given or have any Power in or as to the auditing and Settlement of Accounts; and the said Company shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General Assemblies be thought proper and convenient.

XLII. Provided

General Aſſemblies for chooſing Committees to conſiſt of Forty Shares

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

Aſſembly of Proprietors may be ſpecially convened.

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

in

in such Notice, as if the same had been done at any stated General Assembly.

General Assembly to appoint Officers.

XLIV. And be it further enacted, That it shall be lawful for the said Company at any General Assembly, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company, and also to such Committee and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officers, having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper, and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officers, or any of them; and such Clerk or Clerks shall attend the General Assemblies of the said Company and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions, of the said Company and Committee respectively; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same; and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Eight-pence; and if any such Clerk or Clerks to the said Company and Committee, or to the Commissioners, shall refuse to permit any Proprietor or Proprietors to inspect or peruse any such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking; and in case any such Treasurer, Collector, or Clerk, shall die, be removed from, or quit the Service of the said Company of Proprietors, it shall be lawful for the said Company, at their said stated or Special General Assemblies, or for the Committee of the said Company of Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from, or quit the Service of the said Company, or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Assembly of the said Company of Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Company of Proprietors at such stated or Special General Assembly shall think proper.

Powers of the Committees, and Regulations.

XLV. And be it further enacted, That no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman, who, in case of an equal Division, shall always have a

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

tracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments and Materials, for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place so to be appointedas aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, 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; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place appointed by such Committee, or within Fourteen Days next ensuing, he, she, or they so neglecting or refusing shall forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid for the Space of Three Calendar Months next after the Time so appointed for Payment thereof, at the Place so to be appointed as aforesaid, then, he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefit thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors in proportion to their several Interests in the said Undertaking, or shall, at the Discretion of the said stated or Special General Assemblies, be publickly sold for the Use of and divided between the Rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk to the said Company, shall have been given to or Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively; and the same Share or Shares shall likewise be declared to be forfeited at some stated or Special General Assembly of the said Company within Twelve Calendar Months next after such Forfeiture shall have been incurred.

Proceedings in Actions for Calls.

XLVI. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear 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

many Share or Shares belonging to the ſaid Defendant or Defendants (as the Caſe may happen to be) whereby an Action hath accrued to the ſaid Company by virtue of this Act, without ſetting forth the ſpecial Matter; and on the Trial of 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 ſome Share or Shares in the ſaid Undertaking, and that ſuch Call or Calls was or were in fact made, and that ſuch Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made ſuch Call or Calls, or any other Matter whatſoever, and the ſaid Company ſhall thereupon be entitled to recover what ſhall appear due, unleſs it ſhall appear that any ſuch Call exceeded the Sum of Five Pounds for every Sum of One hundred Pounds, or was made within the Diſtance of One Calendar Month from the laſt preceding Call, or without Notice given as aforeſaid; and after Judgement ſhall be given for the ſaid Company in any ſuch Action, Execution ſhall not be ſtayed by reaſon of any Writ of Error brought by the Defendant or Defendants therein, unleſs ſuch Defendant or Defendants, with Two ſufficient Sureties ſhall firſt become bound to the ſaid Company by Recognizances, to be acknowledged in the Court in which Judgement ſhall be given, in Double the Sum adjudged to the ſaid Company by ſuch Judgement, to proſecute the ſaid Writ of Error with Effect, and alſo if the ſaid Judgement be affirmed, or the ſaid Writ of Error be *non-proſſed*, to ſatisfy and pay the Debt, Damages, and Coſts adjudged by the ſaid Judgement, and all Coſts and Damages to be awarded for Delay of Execution.

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

XLVII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company for the Purpoſe of the ſaid Undertaking, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner, ſhall be indemnified againſt all and every ſuch Infant or Infants, and againſt all and every other Perſon or Perſons whomſoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company ſhall be and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, on Condition that he, ſhe, or they ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians of any Infant or Infants, or to any other Perſon or Perſons who may be entitled

entitled to his or her Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwiſe upon ſuch Share or Shares, or other Sums of Money, as the ſame can be ſold for; and in caſe no Perſon or Perſons can be found who is or are willing to be admitted on ſuch Conditions as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the Reſt of the ſaid Company, in Truſt for, and for the equal Benefit of all the Reſt of the ſaid Proprietors, in proportion to their reſpective Intereſts in the ſaid Undertaking, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Shares may be ſold.

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

Form of Conveyance of Shares.

'I *A. B.* in Conſideration of paid
'to me by *C. D.* of Do hereby bargain, ſell, aſſign,
'and transfer to the ſaid *C. D.* the Sum of
'Capital Stock of and in the Undertaking called *The Oyſtermouth*
'*Railway or Tramroad*, to hold unto the ſaid *C. D.*
'Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules,
'Orders, and Reſtrictions, and on the ſame Conditions that I held the
'ſame immediately before the Execution hereof: And I the ſaid *C. D.* do
'hereby agree to take and accept the ſaid Capital Stock or Share of
' ſubject to the ſame Rules, Orders, Re-
'ſtrictions, and Conditions. As witneſs our Hands and Seals, the
' Day of

And on every ſuch Sale the ſaid Deed or Conveyance (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk or Clerks to the ſaid Company ſhall have entered in a proper Book or Books, to be kept for that Purpoſe, a Memorial of ſuch Transfer and Sale, for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than Five Shillings ſhall be paid for each Share ſo transferred, and the ſaid Clerk or Clerks is or are hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered, as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof as a Propiretor or Proprietors of the ſaid Undertaking.

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

XLIX. And be it further enacted, That after any ſuch Call of ſuch Money ſhall have been made by ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Undertaking, on pain of forfeiting his, her, or their reſpective Share or Shares therein to the ſaid Company, in Truſt for the Benefit of all the ſaid Proprietors, unleſs he, ſhe, or they, at the Time of

such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

Regulations as to the Acquisition of Shares;

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

by Marriage, &c.

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

LI. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company shall and are hereby required, at their First or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry to cause their Common Seal to be affixed thereto;

thereto; and shall also cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Five Shillings, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Power to take Rates, &c.

LII. And, in Consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway or Tramroad, and other Works hereby authorized to be made and maintained; be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Coals, Limestone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Railway or Tramroad; (that is to say),

Rates.

For all Iron, Goods, Wares, Merchandize, and other Things, which shall be carried or conveyed upon the said intended Railway or Tramroad (except Pig-iron, Iron-castings, calcined Iron Ore, Ironstone, Iron Ore, Rottenstone, Charcoal, Coal, Culm, Stonecoal, Coaks, Cinders, Timber, Stones, Tiles, Bricks, Clay, Limestone, Lime, Sand, and all Kinds of Manure) any Sum not exceeding Four-pence *per* Ton *per* Mile; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

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

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

And for all Ironstone, calcined Iron Ore, Iron Ore, Rottenstone, Coals, Culm, Stonecoal, Coaks, Cinders, Charcoal, Timber, Stones, Tiles, Bricks, and Clay, which shall be carried or conveyed upon the said intended Railway or Tramroad, any Sum not exceeding One Penny Halfpenny *per* Ton *per* Mile; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

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

Which said respective Rates shall be equal throughout the whole Length of the said intended Railway or Tramroad; and shall be paid to such Person

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

Full Tonnage to paid for a Quarter of a Mile.

LIII. Provided nevertheleſs, and be it further enacted, That in all Caſes where the Weight of Lading in any Waggon or other Carriage, ſo to be carried or conveyed on the ſaid Railway or Tramroad, ſhall not make up an even Hundred Weight, yet One full Hundred Weight ſhall be paid for to the ſaid Company of Proprietors.

Company empowered to leaſe the Rates, &c.

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

Owners of Waggons, *etc.* to give an Account of their Lading.

LV. And, for the better aſcertaining and more eaſy and effectual collecting of the ſaid Rates hereby directed to be paid to the ſaid Company of Proprietors, be it further enacted, That the Owner or other Perſon having the Care of any Waggon or other Carriage paſſing upon the ſaid Railway

Railway or Tramroad, or upon any Part or Parts thereof respectively, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by him or them, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be put in or upon each such Waggon, or other Carriage, from whence brought, and where the same is intended to be discharged; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay any Sum not exceeding Ten Shillings for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Waggon or other Carriage respectively, of which or of whose Lading such Account shall be refused or such false Account given, or whose Lading shall be delivered out as aforesaid (as the Case shall happen to be) over and above the aforesaid respective Rates which shall be payable for the same.

What Quantities of Goods shall be deemed a Ton.

LVI. And, for the better ascertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthen of the Waggons and other Carriages, carrying and conveying such Stone, Timber, and other Goods, Matters, and Things on the said Railway or Tramroad, be it further enacted and declared, That One hundred and twelve Pounds Weight Avoirdupoise of Coal, Coak, Culm, Lime, Freestone, Limestone, Timber, and all other Commodities, shall for the Purposes of this Act be deemed, rated, or estimated, as and for One hundred Weight, and Twenty hundred Weight of all Commodities whatsoever shall for the Purposes of this Act be deemed One Ton, any Usage of rating or estimating the same to the contrary thereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates and the Owner or other Person having the Care or Charge of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Things loaded therein, concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein contained, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Measure, Weight, or Quantity, than the Account given thereof by such Owner or other Person, then the same Owner or other Person giving such Account shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered

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

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

Power to fix the Price of small Parcels.

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

Railway to be free upon Payment of Rates under certain Restrictions.

LVIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Railway or Tramroad, and every Part thereof, and also to pass upon and use the said Railway or Tramroad with Waggons and other Carriages, Horses and other Cattle, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, upon Payment of such Rates as shall be demanded by the said Company, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company by virtue of the Powers herein granted; provided the said Waggons or other Carriages shall not, without the Consent of the said Company or their General Committee, pass upon the said Railway or Tramroad

Tramroad at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November*, *December*, *January*, and *February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March*, *April*, *September*, and *October*; and between the Hours of Four in the Morning and Ten in the Evening, during the Months of *May*, *June*, *July*, and *Auguſt*, in every Year.

No Waggon, *&c.* to paſs on Railway *unleſs* conſtructed as directed by the Company.

LIX. And be it further enacted, That no Perſon or Perſons whomſoever ſhall paſs upon any Part of the ſaid Railway or Tramroad with any Waggon or other Carriage whatſoever, unleſs the ſame ſhall be conſtructed agreeably to the Orders and Regulations of the ſaid Company, which Orders and Regulations ſhall be affixed upon a conſpicuous Part of every Tollhouſe erected on ſuch Railway or Tramroad, for the collecting of the Rates by this Act impoſed (except in croſſing the ſame for the convenient Occupation of the adjacent Grounds, or in paſſing any publick or private Carriage Road which may happen to croſs the ſaid Railway or Tramroad); and if any Perſon or Perſons whomſoever ſhall paſs upon any Part of the ſaid Railway or Tramroad, with any Waggon or other Carriage not conſtructed in the Manner herein-before directed (except as aforeſaid) he, ſhe, or they, ſo offending ſhall for every ſuch Offence forfeit and pay to the ſaid Company any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings.

For fencing off the Railway or Tramroad from adjoining Lands, *&c.*

LX. And be it further enacted, That the ſaid Company ſhall, at their own Coſts (within Six Calendar Months after any Part of the ſaid Railway or Tramroad ſhall be dug or laid out and formed) divide and ſeparate, and keep conſtantly divided and ſeparated, the ſaid Railway or Tramroad, or ſuch Part or Parts thereof reſpectively as ſhall be declared neceſſary by the ſaid Commiſſioners, in caſe there ſhall be any Doubt or Diſpute about the ſame, from the adjoining Lands or Grounds, by Poſts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences ſufficient to keep off Sheep and other Cattle, the ſame to be ſet out and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in the ſaid Company as aforeſaid; and the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, from Time to Time maintain and ſupport the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, ſo ſet up and made as aforeſaid; and alſo ſhall, at their own like Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport, ſuch and ſo many convenient Gates and Stiles, in, over, and through all the Hedges and Fences to be by them ſo made on the Side of ſuch Railway or Tramroad as aforeſaid, of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall at any of their publick Meetings from Time to Time judge neceſſary and appoint in caſe there ſhall be any Diſpute about the ſame, for the Uſe of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to ſuch Railway or Tramroad, and other Works, or any of them reſpectively; and in caſe the ſaid Company or their Agents ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the ſaid Railway or Tramroad, in Manner herein-before directed, or to make, erect, and ſet up ſuch Gates, Fences, and Stiles, in, over, and through the Fences on the Sides of the ſaid Railway or Tramroad as herein-before directed for the Uſe and Convenience of the reſpective Owners

or

or Occupiers of the Lands or Hereditaments adjoining or near to the ſame, or to maintain and ſupport ſuch Gates, Stiles, and Fences, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner as aforeſaid, for the Space of Three Calendar Months next after the Time to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments, who may be aggrieved by any ſuch Refuſal or Neglect, then and in every ſuch Caſe it ſhall be lawful for every or any of the Owners or Occupiers of the ſaid adjacent Lands, Grounds, or Hereditaments, who ſhall find himſelf, herſelf, or themſelves aggrieved by ſuch Refuſal or Neglect, to make, erect, and ſet up all ſuch Fences, Gates, Stiles, and other Conveniencies, as the ſaid Commiſſioners ſhall have before directed or appointed to be made, erected, and ſet up by the ſaid Company of Proprietors as aforeſaid, and to maintain, repair, and ſupport the ſame from Time to Time as Occaſion ſhall require, ſo that in making and maintaining ſuch Works as aforeſaid the ſaid Railway or Tramroad ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner than ſhall be neceſſary for the doing thereof; and all the reaſonable Coſts and Charges thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, Grounds, or other Hereditaments, who ſhall have ſo erected and made, repaired or maintained ſuch Works as aforeſaid, by the ſaid Company, within the Space of Three Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand in Writing ſhall have been delivered and made thereof to and from the ſaid Company, or any of their Clerks for the Time being; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners ſhall and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company which ſhall be found in or upon the ſaid Railway or Tramroad, or the Wharfs, Quays, or Warehouſes adjoining or near to the ſame, belonging to the ſaid Company, to be applied to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo incurred ſuch Coſts and Charges as aforeſaid, rendering to the ſaid Company, or to ſome of their known Agents or Collectors, the Overplus (if any) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners; and every or any of the ſaid Owners or Occupiers, upon Refuſal or Neglect of the ſaid Company to pay the ſaid Coſts and Charges as aforeſaid, ſhall and may alſo have ſuch and the like Remedy againſt the ſaid Company for the Recovery thereof by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act directed.

Lords of Manors and Land Owners may erect Wharfs, *etc.*

LXI. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the ſaid Railway or Tramroad ſhall be made by virtue of this Act, may build, conſtruct, or uſe any Wharfs, Quays, Landingplaces, Cranes, Weighbeams, or Warehouſes, in or upon his, her, or their reſpective own proper Lands, Grounds, or Waſtes adjoining to the ſaid Railway or Tramroad, with neceſſary Ways and Roads to the ſame, and may carry and convey thereto or therefrom, and land any Goods or Merchandize, Coal, Lime, or other Things,

upon

upon such Wharfs, Quays, or Landingplaces, or upon the Banks lying between the same and the said Railway or Tramroad; and may make and use proper and convenient Places for Waggons and other Carriages to lie and turn in and pass by each other, so that the making, constructing, or using thereof respectively do not obstruct or prejudice the using of the said Railway or Tramroad.

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

LXII. Provided always, and be it further enacted, That if any Lord or Lady of a Manor, or Land Owner, shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company, signifying that any Part or Parts of such Lands, Grounds, or Wastes, is or are necessary or proper to be used for the Purpose of making and erecting Wharfs, Landingplaces, Warehouses, Buildings, or other Conveniencies as aforesaid, for the Use of the said Undertaking, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Railway or Tramroad, to or from such Wharfs, Landingplaces, Warehouses, Buildings, or other Conveniencies as aforesaid, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Landingplaces, Quays, Warehouses, Buildings, Roads, and other Conveniencies as aforesaid, for the Use of the said Undertaking, as the said Commissioners shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice, then and in such Case the said Company shall have full Power and Authority, without any Hinderance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House,) for erecting and constructing proper and sufficient Wharfs, Landingplaces, Warehouses, Buildings, and other Conveniencies as aforesaid, and for laying out and making necessary and convenient Roads to or from the said Railway or Tramroad, to or from such Wharfs, Landingplaces, Warehouses, Buildings, or other Conveniencies as aforesaid, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is and hath been hereinbefore directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Further Allowance to the Company for Goods remaining upon their Warfs a certain Time.

LXIII. And be it further enacted, That if any Coals, Stone, Timber, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Railway or Tramroad, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company, or to any other Person or Persons, adjoining to the said Railway or Tramroad, for above the Space of Forty-eight Hours, then and in such Case the said Company, or such other Person or Persons shall be entitled to receive such reasonable Rates or Allowances, over and above the Rates hereinbefore authorized to be taken, as shall be agreed upon between the said Company, or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of such Coals, Stone, Timber, Goods, Wares, Merchandize, or other Things; and in case of any Dispute concerning the same, it shall be ascertained and adjusted by the said Commissioners, who are hereby authorized and empowered to make such Regulations from Time

Time to Time as they may think fit, for limiting and ascertaining the Rates of Wharfage to be taken by the said Company, and all and every such other Person or Persons, being the Owners of any such Wharfs or Quays as aforesaid.

Company not to use private Wharfs.

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

Owners to put their Names on the Outside of Waggons, *etc.*

LXV. And be it further enacted, That every Owner or Owners of any Waggon or other Carriage passing along the said Railway or Tramroad, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks to the said Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, Three Inches high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage; and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, or measured, at the Expence of the said Company, whenever it shall be required by them or any Person or Persons by them appointed for that Purpose; and every Owner of any Waggon or other Carriage, which shall pass upon the said Railway or Tramroad without having such Names and Figures thereon respectively as are herein-before directed, or who shall alter, erase, deface, or destroy such Names and Figures, or any Part thereof, or shall fix thereon any false Names or Figures, or who shall refuse to permit, and suffer such Waggon or other Carriages to be gauged, weighed, or measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Owners of Waggons to be accountable for Damages done by their Men, *&c.*

LXVI. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad shall be and is and are hereby made answerable for any Trespass, Damage, Spoil, or Mischief, that shall be done by his, her, or their Waggon or other Carriage, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tramroad, or other Works or Conveniencies to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever, or to the Owners or Proprietors of any Building, or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near to the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before any one Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath

Oath or Oaths of One or more credible Witneſs or Witneſſes (which Oath or Oaths ſuch Juſtice is hereby empowered and required to adminiſter) pay the Perſon or Perſons injured the Damages to be aſcertained by ſuch Juſtice, provided that ſuch Damages do not exceed the Sum of Five Pounds; and alſo ſhall, over and above ſuch Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings nor leſs than Ten Shillings, and all Coſts, Charges, and Expences attending ſuch Conviction; which Damages, Penalties, and Coſts, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Owner and Owners of ſuch Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, and the Overplus (if any) after ſuch Penalty, Damages, and the Coſts and Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; or if the Damages ſhall exceed the Sum of Five Pounds, then and in ſuch Caſe the Owner or Owners of ſuch Waggon or other Carriage may be ſued or proſecuted for the ſame in any of His Majeſty's Courts of Record; and if a Verdict or Judgement ſhall be given againſt him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained with full Coſts of Suit.

Owners to recover from their Servants any Sums for their Default.

LXVII. And be it further enacted, That in caſe the Owner or Owners of any Waggon or other Carriage as aforeſaid ſhall be compelled to pay any Penalty or to make Satisfaction for any Damage or Treſpaſs by reaſon of any wilful Neglect or Default done or committed by his, her, or their Servants or Waggoners, or any of them, ſuch Servants or Waggoners, and each and every of them, ſhall be liable to repay ſuch Penalty or Damage (with the Coſts thereof) to ſuch Owner or Owners; and in caſe of Nonpayment thereof upon Demand, and Oath made by ſuch Owner or Owners of the Payment made by him, her, or them, of ſuch Penalty or Satisfaction for Damages, and that the ſame and the Coſts thereof have or hath not been repaid to him, her, or them, by ſuch Servants or Waggoners, or any of them, although demanded (ſuch Oath to be made before any one Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred or paid) the Amount thereof ſhall be recovered and levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant or Waggoner, together with all Coſts and Charges attending ſuch Diſtreſs and Sale; and the ſaid Penalty and Satisfaction when recovered ſhall be paid to ſuch Owner or Owners in Diſcharge of ſuch Penalty and Satisfaction ſo by him, her, or them paid for the wilful Act or Default of ſuch Servant as aforeſaid; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice ſhall and is hereby empowered to commit ſuch Servant or other Perſon to the Common Gaol or Houſe of Correction for the ſaid County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Penalty on Perſons obſtructing the Railway, *etc.*

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall ſuffer the Loading of any Waggon or other Carriage uſing the ſaid Railway or Tramroad to lie over the Sides thereof, or ſhall overload any Waggon or other Carriage, or ſhall leave, place, or ſuffer any Waggon or other Carriage to be left or remain on any Part of the ſaid Railway or Tramroad, or other Works as aforeſaid, ſo as to obſtruct the Paſſage of

of any other Waggon or other Carriage, and ſhall not immediately, upon Notice given of ſuch Obſtruction, remove the ſame ſo as to make a free Paſſage for other Waggons or other Carriages paſſing thereon, every ſuch Owner or Owners, or other Perſon or Perſons having the Care of ſuch Waggon or other Carriage, ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds; and if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, or other Matter or Thing, upon any Part of the ſaid Railway or Tramroad to be made by virtue of this Act, or ſhall wilfully obſtruct, hinder, or prevent any Perſon in the Execution of this Act, or ſhall do any other Act, Matter, or Thing, to obſtruct the free Paſſage of the ſaid Railway or Tramroad, or any Part thereof, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay for every ſuch Offence any Sum nor exceeding Ten Pounds nor leſs than Forty Shillings; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Undertaking, break, throw down, damage, or deſtroy any Banks, or ſhall break, throw down, damage, deſtroy, ſteal, or take away any Part of the ſaid Railway or Tramroad, or other Works to be erected and made by virtue of this Act, or do any wilful Hurt or Miſchief to obſtruct, hinder, or prevent the carrying or completing, maintaining and ſupporting the ſame, every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm; or in Mitigation of ſuch Puniſhment, ſuch Court may award ſuch Sentences as the Law directs in Caſes of Petit Larceny, or otherwiſe every Perſon ſo offending, and being thereof lawfully convicted on the Oath of one or more credible Witneſs or Witneſſes before One or more of His Majeſty's Juſtices of the Peace where ſuch Offence ſhall be committed, ſhall forfeit any Sum not leſs than Double the Value or Amount of the Damages proved upon Oath to have been done at the Diſcretion of ſuch Juſtice or Juſtices, ſuch Penalty, together with reaſonable Coſts, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, rendering the Overplus (if any) to ſuch Offender; or ſuch Offender, ſhall and may be committed to the Common Gaol for the ſaid County of *Glamorgan*, for any Time not exceeding Four Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall have been convicted.

Mines reſerved to Lords of Manors and other Proprietors.

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

prejudicing, or obſtructing the ſaid Undertaking, or any of the Works or Conveniencies belonging thereto.

Proprietors of Lands, *etc.* may communicate.

LXX. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Lands, Mines, Seams or Veins of Coal, Culm, or Clay, or Quarries of Limeſtone or other Stones, to make any Railway or Tramroad in ſuch Manner as he, ſhe, or they ſhall think proper, through his or their Lands or Grounds, and alſo through the Lands or Grounds of any other Perſon or Perſons conſenting thereto, and acroſs and along any Road or Roads, to communicate with the ſaid Railway or Tramroad, ſo that the ſame be done without Injury or Damage to the ſaid Railway or Tramroad; and all ſuch Railways or Tramroads, ſo to be made as laſt mentioned, ſhall be publick and open to all Perſons for the Conveyance of any Minerals, Goods, Wares, or Merchandize or Things, in Waggons or other Carriages, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Railways or Tramroads ſhall be made, and his, her, and their Heirs or Aſſigns, ſuch and the like Rates as ſhall for the Time being be payable to the ſaid Company for the Conveyance of the like Articles upon the ſaid Railway or Tramroad reſpectively.

Directing the Company to build Wharfs at certain Places

LXXI. And be it further enacted, That the ſaid Company ſhall and they are hereby directed to make and erect at their own Expence, and for ever afterwards maintain and keep in Repair, good and ſufficient Wharfs, to communicate with the ſaid intended Railway or Tramroad adjoining the Roads, Lanes, and Places following, that is to ſay, a Wharf and Yard late in the Poſſeſſion of *John Mills* deceaſed; the *Old Rope-Walk Lane*, the *Bathing-Houſe Road*, *Saint Helens Road*, *Brinmill Road*, *Sketty Road*, *Lower Sketty Road*, *Black Pill Road*, the Lane leading to *Biſhopſton*, *Grange Lane*, *Weſtcroſs Lane*, and *Norton Lane*; and that the ſaid Wharfs ſhall and may be uſed by all Perſons carrying or conveying any Goods, Wares, or Things along the ſaid Railway or Tramroad, for the Purpoſe of depoſiting, ſhipping, or otherwiſe carrying away any Coal, Culm, Limeſtone, Stones, Goods, Wares, and any other Matter or Thing whatſoever, without rendering any Satisfaction for the ſame to the ſaid Company, provided the uſing thereof reſpectively ſhall not occaſion any Injury to the ſaid Railway or Tramroad.

Saving the Rights of the Duke of *Beaufort* and all other Perſons.

LXXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to affect, prejudice, alter, diminiſh, abridge, take away, or add to any Royalties, Rights, Property, Duties, Payments, Powers, Authorities, Juriſdictions, Privileges, Liberties, and Franchiſes whatſoever, of or belonging to the ſaid Duke of *Beaufort*, his Heirs, Aſſigns, or Succeſſors, within the Seigniories of *Gower* and *Kilvey*, as Lord or Lords thereof, and otherwiſe, or any future Lords and Ladies thereof, and otherwiſe; or any other Perſon or Perſons whomſoever; but that the ſame ſhall remain and be to him and them entire, wholly and altogether, as if this Act had never paſſed (other than and except ſo far as reſpects the Power given by this Act for making and maintaining Railways or Tramroads under the Reſtrictions herein contained); any Thing herein contained to the contrary notwithſtanding.

For preſerving the Rights of the Corporation of *Swanſea*.

LXXIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend in any Manner whatſoever

whatſoever to affect, prejudice, alter, abridge, leſſen, or take away or add to any of the Rights, Tolls, Dues, Benefits, Privileges, Emoluments, Liberties, Franchiſes, or any former or other Juriſdictions, which the Porteeve, Aldermen, and Burgeſſes of the Borough of *Swanſea* for the Time being and their Succeſſors were poſſeſſed of or had a Right to by Charter, Preſcription, Cuſtom, or otherwiſe howſoever before the paſſing of this Act; but that the ſaid Portreeve, Aldermen, and Burgeſſes for the Time being, and their Succeſſors, ſhall have full Power, Liberty, and Authority to take and receive all Quayage, Tolls, and Duties on Goods, Wares, and Merchandize, and other Things diſcharged from or loaded into any Ship or Veſſel within the Harbour of *Swanſea*, and all other Duties and Profits whatſoever, in the ſame Manner as if this Act had never been paſſed; any Thing herein contained to the contrary notwithſtanding (other than and except ſo far as reſpects the Powers given by this Act for making and maintaining Railways or Tramroads under the Reſtrictions herein contained).

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

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

Recovery of Forfeitures.

LXXV. And be it further enacted, That all Penalties or Forfeitures for Offences committed againſt this Act, or any Rule, Bye-law, or Order to be made by the ſaid General Aſſembly and Committee or either of them as aforeſaid, ſhall upon Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid County of *Glamorgan*, or Place where the Offence ſhall be committed, either by the Confeſſion of the Party or Parties, or by the Oath of any credible Witneſs or Witneſſes, be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant); and the Overplus, after ſuch Penalties and Forfeitures, and the Coſts and Charges attending ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods or Chattels; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures and all ſuch Coſts and Charges, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County or Place wherein the Offence ſhall be committed, there to remain, without Bail or Mainprize, for ſuch Time as ſuch Juſtice ſhall direct, not exeeeding Four Calendar Months, unleſs

unleſs ſuch Penalties, and all ſuch Coſts and Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied; and ſuch Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall go and belong to the ſaid Company, and be applied for the Purpoſes of this Act.

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

LXXVI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Form of Conviction.

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

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

Compelling Payment of Subſcription.

LXXVIII. And be it further enacted, That all and every Perſon and Perſons who have or hath already ſubſcribed, or who ſhall hereafter ſubſcribe any Money for and towards the making and maintaining the ſaid Railway or Tramroad, and other Works hereby authorized to be made as aforeſaid, ſhall pay the Sum or Sums of Money by him, her, or them reſpectively ſubſcribed, or to be ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the Committee of Management of the ſaid Company of Proprietors by virtue of the Powers and purſuant to the Directions of this Act, at ſuch Time and Times and Place and Places as ſhall be appointed for that Purpoſe by the ſaid Committee in the Manner herein-before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the Sum or Sums ſo to be called for from him, her, or them, at the Time or Times and Place or Places, and in the Manner to be appointed for that Purpoſe as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXIX. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by an Order or Judgement made or given in purſuance of any Rule, Bye-law, or Order of the ſaid Company

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

Limitation of Actions.

LXXX. And be it further enacted, That no Action, Suit, or Information ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons for any thing done or to be done in purſuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed, in, by, or under this Act, unleſs One Calendar Month's previous Notice ſhall be given by the Perſon or Perſons intending to commence and proſecute ſuch Action, Suit, or Information to the ſaid Company, or to their Clerk or Treaſurer for the Time being, nor unleſs ſuch Action, Suit, or Information ſhall be brought or commenced within Three Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action, Suit, or Information, ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action, Suit, or Information ſhall have been brought or commenced before or after the Times ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for recovering Coſts of Suit in any other Caſes by Law.

LXXXI. And

Penalty on Persons carrying Coal and Culm on the Railway to be shipped to the Westward of *Swansea* Piers.

LXXXI. And whereas considerable Sums of Money have been already expended in the Improvement of the Harbour of *Swansea*: And whereas it is intended further to improve the same by the Erection of an Eastern Pier: Be it therefore further enacted, That, for and in respect of all Coal and Culm which shall be carried along the said Railway or Tramroad, or any Part thereof, and which shall afterwards be put on Shipboard at any Place to the Westward of the Western Pier of *Swansea* Harbour, there shall be paid to the Trustees for the Time being of *Swansea* Harbour, to be by them applied for the Benefit of the said Harbour and not otherwise, the Sum of Five Shillings for every Ton of such Coal and Culm as shall be so shipped as aforesaid, over and above the Tonnage or Duty to be paid to the said Company of Proprietors, and which Sum of Five Shillings shall be answered and paid by the said Company of Proprietors to the said Trustees of *Swansea* Harbour; and the said Company of Proprietors shall have the same Means and Remedies for recovering the same from the Person or Persons who shall carry or convey or cause to be carried or conveyed along the said Railway or Tramroad, or any Part thereof, such Coal or Culm as aforesaid, as are hereby given for recovering the other Rates and Duties which shall be payable for Goods to be carried or conveyed along the said Railway or Tramroad, and shall be authorized to prevent any Coal or Culm being carried along the said Railway or Tramroad, or any Part thereof, unless the Person or Persons who shall so carry or convey such Coal or Culm as aforesaid, or cause the same to be carried or conveyed, shall first give Security to the said Company of Proprietors that none of such Coal or Culm, nor any Part thereof, shall be put on Shipboard at any Place to the Westward of *Swansea* Western Pier until the said Five Shillings *per* Ton shall be first accounted for and paid by the Person or Persons who shall ship or cause the same to be shipped.

Penalty on Persons carrying Coal and Culm on the Railway in certain Cases.

LXXXII. Provided always, and be it further enacted, That no Coals, Culm, Limestone, Lime, or other Minerals, Goods or other Articles or Things whatsoever, which shall have been carried or conveyed upon any Part or Parts of the *Swansea* Canal, at any Time or Times except when the Water in the said *Swansea* Canal shall flow over the Waste Weir or Weirs now erected or hereafter to be erected upon the Long Pond of the said *Swansea* Canal called the *Morriston Pond*, or on the Sides thereof, (such Waste Weir or Weirs so to be erected and maintained not exceeding the Height and Dimensions of the Waste Weir now erected there), shall afterwards proceed or pass upon or be carried or conveyed along the said Railway or Tramroad by this Act authorized to be made, or any Part or Parts thereof, upon pain that the Owner or Owners of any Coals or other Articles or Things which shall proceed or pass or be carried or conveyed contrary to the Directions last aforesaid, shall forfeit and pay to the Company of Proprietors of the *Swansea* Canal a Penalty or Sum after the Rate of Five Shillings *per* Ton for every Ton of Coals or other Articles or Things which shall so proceed or pass or be carried or conveyed contrary to the Directions last aforesaid; to be levied or recovered by the Company of Proprietors of the said *Swansea* Canal in like Manner as any other Penalties or Forfeitures are by this Act authorized to be levied or recovered.

Penalties not recoverable in certain Cases.

LXXXIII. Provided always That none of the Penalties or Forfeitures hereby made payable to the said Company of Proprietors of the *Swansea* Canal shall commence or be payable or recoverable by virtue of this Act, until after the said Company of Proprietors of the *Swansea* Canal shall, at their

their own Expence, have made and completed a good and ſufficient Railway or Tramroad of the ſame Form and Conſtruction as that by this Act authorized to be made from and communicating with the lower Termination of the *Morriſton Pond* aforeſaid, at or near the Head, and above the Fourth Lock of the ſaid *Swanſea* Canal, to and communicating with the ſaid Railway or Tramroad by this Act authorized to be made, at or near or adjoining the ſame at or near the lower End of the ſaid *Swanſea* Canal; nor after ſuch Railway or Tramroad ſhall be made and completed by the ſaid Company of Proprietors of the *Swanſea* Canal, ſhall any of the Penalties or Forfeitures hereby made payable to them, be payable or recoverable during ſuch Time or Times as the ſaid Railway or Tramroad, ſo to be made by the ſaid Company of Proprietors of the *Swanſea* Canal, ſhall not be in good and ſufficient Repair.

Regulation reſpecting the Landing of Goods.

LXXXIV. Provided alſo, and be it further enacted, That no Coals, Culm, Limeſtone, Lime, or other Minerals, Goods or other Articles or Things whatſoever, which ſhall at any Time or Times whatſoever (whether the Water ſhall then flow over the Waſte Weirs aforeſaid or not) have been depoſited or landed upon any of the Wharfs, Quays, or Places belonging to the ſaid Company of Proprietors of the *Swanſea* Canal (except ſuch as ſhall be depoſited on a certain Piece of Ground at the lower End of the Baſon of the ſaid *Swanſea* Canal near the Termination thereof, in the Town of *Swanſea*, of the Length of Twenty-two Yards, lying on the North-weſt Side of the ſaid Baſon, and extending to the Turnpike Road) ſhall afterwards proceed or paſs, be carried or conveyed upon the ſaid Railway or Tramroad by this Act authorized to be made, or any Part or Parts thereof, upon pain that the Owner or Owners of any ſuch Coals, or other Articles or Things which ſhall proceed or paſs, be carried or conveyed, upon the ſaid Railway or Tramroad contrary to the Directions laſt aforeſaid, ſhall forfeit and pay to the ſaid Company of Proprietors of the *Swanſea* Canal, a Penalty or Sum after the Rate of Five Shillings *per* Ton for every Ton of Coals or other Articles or Things which ſhall proceed and paſs, be carried or conveyed, contrary to the Directions laſt aforeſaid; to be levied or recovered by the Company of Proprietors of the ſaid *Swanſea* Canal in the ſame Manner as any other Penalties or Forfeitures are by this Act authorized to be levied or recovered.

Limiting the Time for completing the Railway.

LXXXV. Provided always, and be it further enacted, That the ſaid intended Railway or Tramroad by this Act authorized to be made, ſhall be made and completed fit for general Uſe before the Firſt Day of *January* One thouſand eight hundred and eight, and that if the ſame ſhall not be then made and completed, this Act and all the Powers hereby given ſhall become void and of no Effect.

Publick Act.

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

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