



ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

Cap. 30.

An Act for extending the *Neath* Canal Navigation, and for amending an Act, passed in the Thirty-first Year of the Reign of His present Majesty, for making the said Canal. [26th May 1798.]

WHEREAS by an Act, passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Canal or Navigable Communication from or near a certain Place called Abernant, in the County of Glamorgan, to and through a certain Place called The Brick Field, near Melyn Crythan Pill, into the River Neath, near the Town of Neath, in the said County*, several Persons therein named were united and made One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Neath Canal Navigation*, and were authorized to make the said Canal, with the several Works relating thereto, and to raise any Sum of Money for defraying the Expenses thereof, not exceeding Thirty-five thousand Pounds: And whereas the said Company of Proprietors, in pursuance of the Powers given them by the said recited Act, have proceeded in making the said Canal and other Works thereby authorized, and have nearly completed the same to the Extent authorized by the said recited Act: And whereas by Surveys lately made it appears that the said Canal may be extended from the present Termination thereof, near the Town of *Neath*, into the said River *Neath*, at a certain Place called *Giants Grave Pill*, in the Parish of *Britonferry*, in the said County; and that such Extension of Canal will render the said Canal more convenient and useful, and be of publick Utility; and the said Company are willing and desirous, at their own Ex-

Act recites
31 Geo.
III, for mak-
ing *Neath*
Canal Navi-
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That ex-
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Canal will be
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Utility.

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pence,

pence, to make, complete, and maintain the said Extension; but the same cannot be done without the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall be lawful for the said Company of Proprietors to cause the said Extension of the said Navigation to be made, carried on, and completed, and to defray the Expences already incurred, and which shall be incurred on Account thereof, out of the Money to arise by virtue of the said recited Act; and such Extension shall be deemed and taken to be Part of the said Canal to all Intents and Purposes; and the said recited Act, and the several Powers, Provisions, Directions, Rules, Regulations, and other Matters and Things therein contained, as well relating to the said Company of Proprietors, as to the Proprietor or Proprietors of any Manor, Estate, or Land, or any other Person or Persons as is or are therein particularly mentioned, (so far as the same are applicable, or the Nature and Circumstances of the Case will admit), shall extend and be put in Execution with respect to the said Extension, for the making, completing, maintaining, and using the same, and for the making, maintaining, and using any Roads, Rail Ways, or Waggon Ways, Inclined Planes, Bridges, or Cuts, to communicate therewith, and for making, erecting, and maintaining Towing Paths, Wharfs, Warehouses, and other Works and Conveniences at or near the Sides thereof, and for collecting, receiving, and recovering Rates of Tonnage and Wharfage of all Goods, Merchandizes, and Things which shall be navigated, carried, or conveyed upon or along the same, and in all other Respects in like Manner and as fully and effectually as if the said Extension had been Part of the Canal authorized or directed to be made and completed by virtue of the said recited Act.

Proprietors
may cause
said Extension
to be
made;

and such
Extension be
deemed Part
of said Canal.

Form of Con-
veyance of
Lands to the
Company.

II. And whereas it is desirable that some short Form should be prescribed for the Conveyance of such Lands to the said Company of Proprietors as are now under Contract, and shall hereafter be contracted to be purchased by them for the Purposes of this and the said recited Act, be it therefore further enacted, That all Lands, Tenements, and Hereditaments, which are or shall be set out or ascertained, or are or shall be taken and purchased, or contracted to be taken and purchased, by the said Company of Proprietors, pursuant to any of the Directions, and for the Purposes of this or of the said recited Act, shall and may be conveyed and assured by the Person or Persons by this or the said recited Act authorized and empowered to convey the same, or by the Person or Persons already by Law enabled and competent so to do, unto the said Company of Proprietors, by a Deed or Deeds in Writing, in the following Form; (that is to say),

Form of Con-
veyance to
Proprietors
of such Lands
as are now
under Con-
tract, and
shall here-
after be pur-
chased for
the Purposes
of this and
said recited
Act.

KNOW all Men by these Presents, That I *A. B.* of
in Consideration of the Sum of _____ to me paid [or, in
Consideration of the Annual Rent of _____ to be from thence-
forth yielded and paid to me by Two Half-yearly Payments] by the
Company of Proprietors of the *Neath* Canal Navigation, do hereby, in
pursuance of, or by force and virtue of the Powers in that Behalf con-
tained in an Act of Parliament, made in the Thirty-first Year of the
Reign of His Majesty King *George* the Third, intituled, [*insert the Title*
of

of the Act], grant, bargain, release, and convey, [if Freehold, or, bargain, sell, and assign, if Leasehold], unto the said Company of Proprietors, all [here insert the proper Description of the Lands or Hereditaments intended to be conveyed] and all my Estate and Interest therein, to hold unto and to the Use of the said Company of Proprietors and their Successors for ever [or, if Leasehold or for any partial or qualified Estate or Interest, specifying the Estate, Term, or Interest intended to be conveyed] according to the true Intent and Meaning of the said Act, or an Act of the Thirty-eighth Year of the Reign of King George the Third, for amending the first-mentioned Act, and extending the said Canal [making the necessary Variations according to the Circumstances of every particular Case.] In Witness whereof I have hereunto set my Hand and Seal the
Day of in the Year of our Lord

And that all Conveyances and Assurances to be made to any other Person or Persons besides the said Company of Proprietors, for effecting and completing any Sale or Exchange of any Lands, Grounds, or Hereditaments, pursuant to and within the Intent and Meaning of this or the said recited Act, shall and may be made by a Deed or Deeds in Writing, in such and the like Form as is before prescribed for Conveyances to the said Company of Proprietors, or as near thereto as Circumstances will permit; and that all such Conveyances and Assurances to the said Company, or to any other Person or Persons as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes, and shall be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, in Possession, Reversion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seisin, or Inrolment, and without any Fine or Recovery of the Hereditaments to be therein respectively comprized.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, by and with the Consent of the Owners and Occupiers of the several Lands, Tenements, and Hereditaments, and their Lessees, necessary to be taken, cut through, or used, or which may be damaged thereby, but not otherwise, to make any Navigable Cut or Cuts, with a Towing Path or Towing Paths thereto, from the said Canal to any Place or Places within the Distance of Four Miles from any Part of the said Canal, and such Cut or Cuts, when made and completed, shall be deemed and taken as Part or Parts of the said Canal, for and in respect of the Payment of Rates thereon, and for every other Use and Purpose of the said recited Act and this Act.

That Proprietors may, with Consent of the Parties interested, make any Cut or Cuts, etc. from said Canal to any Place within Four Miles therefrom.

IV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make and complete such Rail or Waggon Ways or Roads to or from the said Canal, or to or from any Cut or Cuts to be made therefrom by virtue of the said Act or this Act, and also to make, build, erect, and set up, in or upon the said Rail or Waggon Ways or Roads, or upon the Lands adjoining or near thereto, and to make, repair, support, vary, or alter such and so many Bridges or other Works, Machines and Conveniences, as to and when the said Company of Proprietors shall think requisite and convenient, in the like Manner, and for the like Purposes, and under the same Regulations and Restrictions as by the said recited Act are enacted and provided with respect to the Proprietor or Proprietors of any Manor, Estate, or Lands, or other Persons, as therein particularly mentioned,

Company may make Railways.

mentioned, are empowered to make Rail Ways, Waggon Ways, and Roads to the said Canal, they the said Company of Proprietors making Satisfaction, in the Manner in the said recited Act mentioned, for all Damages to be sustained by the Owners or Proprietors of and Persons interested in such Lands, Tenements, or Hereditaments, Waters or Water-courses respectively, as shall be taken, used, or prejudiced, in or by the Execution of this Act, and this Act shall be sufficient to indemnify the said Company of Proprietors, their Agents and Workmen, and all other Persons, for what they shall do by virtue of the Powers hereby granted.

The Company not to make any Rail Ways or dig any Materials in the Abbey Lands without the Consent of the Owners.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to authorize or empower the said Company of Proprietors, their Successors or Assigns, or their Servants or Workmen, or any other Person or Persons, to make any Collateral Cut, Canal, Branch, Railway, Stone, or other Road, or to open or drive any Level or Levels upon or through the Lands or Grounds which are now the Property of the Right Honourable *George Lord Dynevor*, *John Compton* Esquire, the Right Honourable *Welbore Lord Mendip*, and *Ann D'Oyley* Widow, or either of them, situate in the Parish of *Cadoxton juxta Neath*, in the County of *Glamorgan*, or to dig, take, and carry away any Soil, Clay, Gravel, Stone, or other Materials from any of the said last-mentioned Land or Ground, without the Licence or Consent in Writing from the said *George Lord Dynevor*, *John Compton*, *Welbore Lord Mendip*, and *Ann D'Oyley*, first had and obtained.

Tonnage Rates on Railways.

VI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for the Tonnage of all Goods, Merchandizes, and Things which shall be carried over and upon the said Rail Ways, Waggon Ways, or Roads, the like Rates of Tonnage as the said Proprietors are authorized in and by the said recited Act to take for the Tonnage and Wharfage of Coal, Culm, Iron Stone, Iron Ore, Lead Ore, Timber, and other Goods, Merchandizes, and Things navigated, carried, or conveyed upon or through the said Canal; and that the Rates by this Act authorized to be demanded and taken shall be paid, demanded, sued for, recovered, and received, and be under and subject to the like Regulations with respect to the reducing or advancing the same, in such and the like Manner as the Rates authorized to be demanded and taken in and by the said recited Act.

Reserving the Rights of the Corporation of *Neath*, to certain Rates or Duties.

VII. And whereas the Portreeve, Aldermen, and Burgeses of the Borough of *Neath*, are or claim to be entitled to certain Rates or Duties for or in respect of all Ships and other Vessels loading or unloading at the Wharfs or Lands belonging to the said Portreeve, Aldermen, and Burgeses; in order therefore that the said Portreeve, Aldermen, and Burgeses, and their Successors, may not be injured or prejudiced by reason of making the said Extension, be it further enacted, That the said Portreeve, Aldermen, and Burgeses, and their Successors, shall be entitled to, and shall have and receive, for or in respect of every Ship or Vessel which shall take in, or discharge, at or near the Termination of the said Extension of the *Neath* Canal at *Giant's Grave* aforesaid, any Goods, Wares, or Merchandize which shall have been, or which shall afterwards be navigated or conveyed along such Part of the said Extension as will be made

made through Lands or Grounds the Property of or belonging to the said Portreeve, Aldermen, and Burgeſſes, ſuch and the like Rates or Duties as they would have been entitled to in caſe ſuch Ship or other Veſſel had been loaded or unloaded at any Quay or Wharf belonging to the ſaid Portreeve, Aldermen, and Burgeſſes, and ſhall have the ſame Powers and Remedies for recovering Payment of ſuch Rates or Duties as they have for the Recovery of any Rates or Duties for or in reſpect of Ships or other Veſſels being loaded or unloaded at any ſuch Quay or Wharf, notwithstanding ſuch Ships or other Veſſels may not be in the Limits of the ſaid Borough.

VIII. Provided always, and be it further enacted, That nothing in this Act ſhall authorize or empower the ſaid Company of Proprietors to make, build, or erect any Dwelling Houſes or other Buildings or Erections on ſuch Part of the Lands near *Giant's Grave* aforeſaid, in the ſaid Pariſh of *Briton Ferry*, intended to be purchaſed by the ſaid Company of Proprietors of the Right Honourable Lord *Vernon*, and marked in the Plan of the ſaid intended Extension (depoſited with the Clerk of the Peace for the ſaid County of *Glamorgan*) with the Letters “a a a,” nor any Buildings or Erections on ſuch other Part of the Land alſo intended to be purchaſed of the ſaid Lord *Vernon*, and marked in the ſaid Plan for “Wharfs,” and lying between the ſaid intended Canal and the ſaid River *Neath*, (and coloured in the ſaid Plan, Yellow), except Wharfs, Quays, Cranes, Machines, and other Conveniences for the landing, ſhipping, and unſhipping of Goods, Wares, and Merchandizes, without the Conſent in Writing of the ſaid Lord *Vernon*, or the Perſon or Perſons for the Time being, entitled to the Freehold and Inheritance of *Briton Ferry* Demefne, firſt had and obtained for that Purpoſe.

To prevent the Company of Proprietors from erecting Buildings on certain Lands to be purchaſed of Lord *Vernon*.

IX. And, in order to prevent the Value of Houſes and Lands in the Town of *Neath* aforeſaid from being leſſened by the building of a new Town at or near the Termination of the preſent Extension of the ſaid Canal, be it further enacted, That no Houſe or Building, Houſes or Buildings whatſoever, (other than and except ſuch Farm Houſes or other Buildings, as may be neceſſary for the Uſe and Occupation of the Farmers and Landholders next after mentioned), and alſo ſuch other Houſes or Buildings as may be built or erected by the Owner or Owners, Proprietor or Proprietors of ſuch Lands for the Time being, and not uſed for the Purpoſes of any Trade or Manuſactury, or as a Houſe or Houſes of publick Entertainment), ſhall at any Time hereafter be erected or built on any of the Farms or Lands of the ſaid Lord *Vernon*, on the Eaſt Side of the River *Neath*, called *The Demefne Lands of Briton Ferry*, not intended to be purchaſed by the ſaid Company of Proprietors, within the Diſtance of Half a Mile from the Termination of the propoſed Extension of the ſaid Canal, and that if any Houſe or Building, Houſes or Buildings, ſhall at any Time hereafter be erected or built contrary to the Intent and Meaning of this Clauſe, the ſame ſhall be deemed and taken to be a common Nuiſance, and ſhall and may be proſecuted as ſuch.

For reſtraining the Erection of Buildings at the Termination of the Canal.

X. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both Great and Small, which would have been iſſuing from or out of any of

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Recompence to be made for Tythes.

the Lands which have been, or which shall be taken or made use of for the Purposes of the said recited Act and this Act, to the several Persons who now are, or at any Time hereafter might have been entitled to such Tythes, according to their respective Interests therein, such Tythes to be estimated, with respect to such Lands as have been already taken, at the Average Value of Four Years next preceding the taking of such Lands, and with respect to such Lands as shall be hereafter taken, at the Average Value of Four Years, commencing at *Michaelmas-day* One thousand seven hundred and ninety-three, and ending at *Michaelmas-day* One thousand seven hundred and ninety-seven, such respective 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 by the said recited Act directed to be ascertained: Provided always, That such Recompence and Satisfaction shall be made to all Spiritual Persons by an Annual Rent.

For regulating
the Charges of
Warehouse
Room.

XI. And be it further enacted, That the Charges for Warehouse Room for any Goods, Wares, or Merchandizes, in any Warehouse erected or to be erected, and belonging to the said Company of Proprietors, or any Land Owner or Land Owners, or other Person or Persons, shall always be regulated by the Charges made for the Warehouse Room of the like Goods, Wares, or Merchandizes, in the Warehouses upon the *Staffordshire* and *Worcestershire* Canal, at *Stourport*, in the County of *Worcester*, and that no more shall be demanded or taken by the said Company of Proprietors, or any other Person or Persons, for such Warehouse Room as aforesaid, than shall for the Time being be usually paid or payable for the Warehouse Room of the like Articles at *Stourport* aforesaid.

For paying the
Expences of
this Act.

XII. And be it further enacted, That the Costs, Charges, and Expences attending or incidental to the obtaining and passing of this Act, shall be paid out of the Monies now in the Hands of the Treasurer of the said Company of Proprietors, or out of the First Monies which shall be received by him by virtue of the said recited Act.

Publick Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1798.