

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

· Cap. 106.

An Act for enabling the Company of Proprietors of the Hay Railway to amend, vary, and extend the Line of the faid Railway, and for altering and enlarging the Powers of an Act passed in the Fifty-first Year of the Reign of His present Majesty, for making and maintaining the said Railway.

[20th May 1812.]

HEREAS by an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled An Act for making and main- 51 G.3. taining a Railway or Tram Road from or near the Public Wharf of the Brecknock and Abergavenny Canal, in the Parish of Saint John the Evangelist, in the County of Brecon, to or near to a certain Place called Parton Cross, in the Parish of Eardisley, in the County of Hereford, the several. Persons therein-named, and their several and respective Successors, Executors, Administrators, and Assigns, were incorporated by the Name and Style of " The Hay Railway Company," and were thereby authorized and empowered to make and maintain a Railway or Tram Road and other Works in the Manner therein particularly mentioned: And whereas the faid Company of Proprietors have proceeded in the Execution of the Powers vested in them by the said recited Act: And whereas it is expedient that the said Company of Proprietors should be authorized and empowered to alter and vary the Line of the said Railway, from the said Public Wharf of the Beknock and Abergavenny Canal, in the Parish of Saint John the Evangelist, [Loc. & Per.]

in the County of Brecon, through and into the several Parishes of Saint John the Evangelist, Llanhamlach, Llangasty-Tallyllyn, Llanvihangel-Tally-Ilyn, Llangorse, Talgarth, and Aberllunvy, in the said County of Brecon, and to alter and vary the Line of the said Railway in other Parts thereof, within the Parishes of Aberllunvy, in the County of Brecon; Glasbury, in the County of Radner; Llanigen, and Hay, in the said County of Brecon; Cusop, Hardwicke in Clifford, Clifford, Witney, Winforton, and Eardisley, in the said County of Hereford: And whereas it is also expedient that the faid Company of Proprietors should be authorized and empowered to extend the Line of the said Railway to the Village of Eardisley, in the Parish of Eardisley, in the said County of Hereford, instead of to Parton Cross in the same Parish and County; and it is also expedient, that some of the Powers and Provisions of the said recited Act should be altered, amended, and enlarged; but the beneficial Purposes aforesaid cannot be effected without the Aid and 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 affembled, and by the Authority of the same, That the faid recited Act, and all and every the Tolls, Duties, Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatfoever therein contained, (fave and except fuch. Parts of the same as are hereby altered, varied, or repealed), shall be, and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual, for making, completing, preferring, and maintaining the Line of the Railway or Tram Road, and other Works to be made by virtue of this Act, and for carrying the several Purposes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents. and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this Act.

Power of former Acts extended to this.

Power of Deviation.

II. And he it further emacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered in heu and stead of making such Railway or Tram Road in the Line directed to be ptade by virtue of the said recited Act, of the Fifty-sirst Year of the Reign of His present Majesty, through the several Parishes of Saint John the Evangelist, Llanddew, Llanvillo, Talgarth, Broyniss, and Aberllunvy, in the said County of Brecon, to deviate from such Line, and by themselves and their Agents, Servants, Officers, and Workmen, to make, complete, and maintain such Railway or Tram Road, from the faid Public Wharf of the Brecknock and Abergavenny Canal in the Parish of Saint John the Evangelist, in the said County of Brecon, through the leveral Parishes of Saint John the Evangelist, Llanhamlach, Llangasty-Tallyllyn, Llanvihangel-Tallyllyn, Llangorse, Talgarth, and Aberllunvy, in the said County of Breeon; and also in lieu and stead of making such Railway or Tram Road in the Line directed to be made by virtue of the same Act, to deviate from such Line within the said Parishes of Aberllunuy, in the County of Brecon; Glasbury, in the County of Radnor; Llanigon, and Hay, in the County of Brecon; Cusop, Hardwicke in Clifford, Clifford, Whitney, Winforten, and Eardisley, in the County of Hereford; and by themselves, their Agents, Officers, Servants, and Workmen, to make, complete, and maintain fuch Railway or Tram Road from the Publick Whatf of the Brecknock and Abergavenny Canal, in the Parish of Saint John

John the Evangelist, in the County of Brecon, into the Parish of Eardisley, in the County of Hereford, according to and in conformity to the Map or Plan herein directed to be certified by the Right Honourable the Speaker of the House of Commons; and also in lieu and stead of making such Railway or Tram Road to or near to a certain Place called Parton Cross, in the Parish of hardisley, in the said County of Hereford, as directed by the said recited Act to deviate from such Line, and by themselves, their Agents, Officers. Servants, and Workmen, to extend, make, complete, and maintain fuch Railway or Tram Road, from the said Public Wharf of the Brecknock and Abergavenny Canal before described, to the Village of Eardisley, in the faid Parish of Eardissey, in the said County of Hereford, according to the Line delineated on the said Map or Plan herein directed to be certified by the Right Honourable the Speaker, as aforesaid; and the said Company of Proprietors, their Agents, Officers, Servants, and Workmen, and each and every of them are hereby invested with such and the like Powers, Authorities, and Remedies in all Respects, and to all Intents and Purposes whatsoever, for the making, completing, and maintaining the said Railway or Tram Road in such Line, and the several Works necessary thereto, as if such Line had been particularly mentioned and described in the said recited Act; they, the said Company of Proprietors, their Agents, Officers, Servants, and Workmen doing as little Damage as may be in the carrying of this Act into Execution, and making Satisfaction in Manner mentioned in the said recited Act for all such Damage as shall be sustained by the Owners or Proprietors of, or other Persons interested in the Lands, Tenements, and Hereditaments respectively, which shall be taken, used, or prejudiced by or on the Behalf of the said Company of Proprietors in the making, completing, and maintaining the faid Line or Lines of Railway or Tram Road to be made by virtue of this Act; and the said Company of Proprietors, their Agents, Servants, Officers, Workmen, and Labourers, and all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, Corporations, Aggregate and Sole, Husbands, Guardians, Trustees, Feostees in Trust for charitable Uses, Committees, Executors, and Administrators, and other Trustees, and every other Person or Persons whosoever, shall have, and is and are hereby invested with such and the like Powers, Authorities, Remedies, Abilities, Interests, Privileges, and Advantages, and shall be and is and are hereby made subject and liable to luch and the like Rules, Conditions, Directions, Regulations, Restrictions, Controul, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal in relation to the repairing, maintaining, supporting, and Government of the said Line of Railway or Tram Road, and other Works to be made by virtue of this Act, as are mentioned, given, granted, prescribed, established, and inflicted in and by the said recited Act, to all Intents and Purpoles whatfoever.

III. And be it further enacted. That from and after the passing of this Part of Act, so much of the said recited Act as restrains the said Company of Proprie- former Act tors from making a Deviation in the laid Line of the laid Railway of more repealed. than One hundred Yards, without the Consent of the Owners of the Land where such Deviation shall be made, shall, as far as relates to the Lands within the leveral Parishes of Abertlunvy, in the County of Brecon; Glasbury, in the County of Radnor; Llanison, and Hay, in the County of Brecon; Cujop, Hardwicke in Clifford, Clifford, Whitney, Winforton, and Eardisley, in the County of Hereford, be and the same is hereby repealed. IV. And

Plan and Book of Reference to be authenticated

IV. And whereas Levels and Surveys have been taken to ascertain the Practicability of making the said Deviations, and a Map or Plan, and a Book of Reference thereto have been made in consequence of such Levels bytheSpeaker and Surveys, through, across, or over the several Estates, Lands, or and deposited. Grounds now or lately belonging or reputed to belong to the several and respective Persons particularly mentioned in the said Book of Reference, be it therefore enacted, That there shall be Four Parts 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 respective Clerks of the Peace for the said Counties of Brecon, Radnor, and Hereford, and the other with the Clerk of the faid Railway 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 One Shilling and no more for each Examination, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixperice for every One Hundred Words, and so in Proportion for any greater or less Number of Words; and either of the said Maps or Plans and Book 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 Six Days Notice to him given for that Purpose shall, and he is hereby required from Time to Time to produce the Map or Plan, and Book of Reference to be so deposited with him as aforesaid, before the Commissioners acting in Execution of the said recited Act and this Act, or any Jury or Juries to be impannelled by virtue of the said recited Act or 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 Confent.

V. And be it further enacted, That the said Company of Proprietors in making the Line of the said Railway or Tram Road by this Act authorized to be made, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Plan, and set forth in the faid Book of Reference, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands, Tenements, or Hereditaments which would be affected by such. Deviation do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the Course or Direction of such Line of the faid Railway or Tram Road, in case all Person or Persons, Body or Bodies: Politic, Corporate, or Collegiate, to whom the Lands, Tenements, or Hereditaments to be cut through or made use of for the Purposes of such Deviation shall belong shall consent thereto; such Consent in the Case of Individuals to be given by Writing under their Hands, and in the Case of Bodies Corporate to be given under their Common Seal.

Land Owners omitted in the ference not to obstruct the making of the Deviation.

VI. Provided always, and be it further enacted, That the said Company Book of Re- of Proprietors shall and may make such new Line of Railway or Tram Road to be made by virtue of this Act, and specified in such Map or Plan. thereof, and shall and may make such Deviations from the same and other. Works

Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of the Commissioners acting in the Execution of the faid recited Act and this Act, and to be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of such other Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to enable the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the faid new Line of Railway or Tram Road to be made by virtue of this Act, or any of the Works necessary thereunto or thereunto belonging, any House or other Building which was erected or built on or before the First Day of May last, or any Land or Ground which on the said First Day of May last was set apart and used as and for a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, fave and except fuch Buildings, Lands, or Grounds as are specified in the Schedule to this Act annexed.

VIII. And whereas the said Company of Proprietors are by the said Part of recited Act authorized and directed to hold General and Special Affemblies former Act within the Town of Hay, and One of such General Assemblies to be holden repealed. on the last Monday in the Month of September in every Year: And whereas it would be more convenient to the said Company of Proprietors, and tend to the forming General Assemblies, if the Time appointed for holding the faid General Assembly was altered from the last Monday in September in each Year, and instead thereof the Third Monday in September in each Year appointed for holding the said General Assembly; be it therefore enacted, That from and after the passing of this Act, One General' Assembly of the said Company of Proprietors for the Purposes of this and the said recited Act shall be holden at the Town of Hay, in the County of Brecon, on the Third Monday in the Month of September in each and every Year, in lieu and stead of the said last Monday in the Month of September in each Year, as directed by the said recited Act, any Thing therein contained to the contrary notwithstanding.

IX. And be it further enacted, That it shall and may be lawful to and Proprietorsat for the said Company of Proprietors, at any General or Special Assembly any General to be holden under or by virtue of the Powers contained in this or the said make Orders recited Act, to make or alter any Rule or Regulation for the good Govern- for the Goment of the said Company, their Agents or Workmen, and that at the General vernment of Assembly to be holden on the said Third Monday in the Month of September the Concern. next after any such Rules or Regulations shall have been made, the same shall be taken into Consideration and determined upon by such General Assembly; and that if at such General Assembly there shall be Persons present who shall be possessed of or entitled to vote in respect of Two hundred and fifty Shares in the faid Undertaking, either as Principals or Proxies, and such Rules and Regulations shall be confirmed, the same [Loc. & Per.] shall 24 T

shall be considered a Bye Law or Bye Laws of the said Company, and shall not at any future General Assembly of Proprietors be rescinded, altered, or amended, unless there shall be Persons present at such subsequent General Assembly, who shall be possessed of or entitled to vote for or in respect of, at least Two hundred Shares in the said Undertaking, either as Principals or Proxies, who shall vote for such rescinding or Alteration, any Thing in the said recited Act contained to the contrary notwithstanding.

Power enabling the Proprietors of Whitney Bridge to

X. And whereas by the said recited Act it was enacted, that nothing therein contained should extend, or be construed to extend to prejudice the Proprietors of the Bridge erected over the River at Whitney, in pursuance of an Act made in the Thirty-seventh Year of the Reign of His present erect a Gate Majesty; and that if any Person or Persons other than the said Company on the Tram of Proprietors, their Agents, Clerks, and Servants, and all Tram Carriages, Horses, and Drivers actually employed on the Railway or Tram, Road thereby authorized to be made, should pass over the Bridge intended to be made by the said Company of Proprietors over the River Wye, at or near the Village of Whitney, or should pass in any Ferry Boat, or other Boat or Vessel to be employed by the said Company of Proprietors in ferrying or conveying any Tram Carriages, Horses, Agents, Clerks, Servants, or Drivers, every Person so offending should for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings to the Proprietor or Proprietors of Whitney Bridge for the Time being: And whereas the said Provision has been deemed ineffectual to prevent the Evafion of the Tolls payable to the Proprietors of Whitney Bridge, under the faid Act of the Thirty-seventh Year of His present Majesty; be it therefore enacted, That it shall and may be lawful for the Company of Proprietors of the Hay Railway, and they are hereby authorized and empowered to erect and set up a House, Bar, or Gate near or adjoining to the Bridge intended to be erected by the said Company over the River Wye, within the Distance of One Mile from the Bridge erected under the Authority of the said Act of the Thirty-seventh Year of His present Majesty: Provided always, that if such Company of Proprietors shall neglect or refuse to erect such House, Bar, or Gate within Six Months after the Erection of the said intended Bridge, then it shall and may be lawful to and for the said Proprietor or Proprietors for the Time being of the said Bridge called Whitney Bridge, and he and they is and are hereby authorized and empowered to erect and fet up fuch House, Gate, or Bar: Provided always, that the Keeper of the said Gate or Bar to be erected by the said Proprietor or Proprietors of Whitney Bridge shall at all Times, upon Request of the Company of Proprietors of the Hay Railway, or any One of them, their Agents, Clerks, Servants, and of all Drivers of Tram Carriages, open the same Gate or Bar for the Passage of fuch Proprietor, Agent, Clerk, Servant, Tram Carriages, Horses, and Drivers employed on the said Railway; and in case of Neglect, Refusal, or Absence of the Keeper of the said Gate, the Proprietor or Proprietors. of Whitney Bridge for the Time being shall forfeit and pay for every such Offence to the Company of Proprietors of the Hay Railway any Sum not exceeding Forty Shillings, to be levied and recovered by such Ways and Means as are directed for the Recovery of Penalties and Forfeitures by the said recited Act of the Fifty-first Year of His present Majesty.

XI. And be it further enacted, That the Costs and Charges of obtaining Costs, &c. and passing this Act, and of making the Surveys, Plans, and Estimates how to be incident thereto, and all other Costs, Charges, and Expences concerning paid. the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the first Money that shall come to their Hands. after the passing this Act, by virtue of the said first recited Act.

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

The SCHEDULE to which the foregoing Act refers.

Number on the Plan.	OWNERS.	occupiers.	Description of Property.	What Parish and County.
	Proprietors of the Brecknock and Abergavenny Canal Navigation Trustees of the	In Hand -	Wharf - {	Breconsbire. Saint John the Evangelist.
	Brecon Turnpike		A Garden -	ditto.
}	Sir Charles Morgan, Bart.		Plantation of young } Trees	ditto.
5	Thomas Prosser Sir Charles Morgan, } Bart.	Tho. Meredith, Efq.	A Garden Farm Yard and Rick Yard	ditto.
31	Cha. Prichard, Esq.	James Fiam - 3	and runtery	Llangorfe.
43	Earl of Ashburnham		Cottage & two Gardens An Orchard and 7	1
44	}	David Thomas -{	planted Ground	ditto.
45 50 52 55 56 57	Catherine Watkins William Maddy Earl of Ashburn- ham John Jones and Llewellin Jones fame Thomas Wood, Esq. William Price Thomas Wood, Esq.	Simon Davies fame Samuel Proffer John Edwards Samuel Proffer Evan Proffer John Jones and Llewellin Jones John Evans Henry Allen, Efq. Mary Price	Two Orchards An Orchard ditto Two Orchards An Orchard & Garden An Orchard Two Orchards, Garden, and Two Farm Yards An Orchard and	ditto. Aberllunvy. ditto. ditto. ditto.
73 75 76 77 79	Williams Allen Clerk Henry Allen, Esq.	John Morgan, Gent.	A Shed, an Orchard, & Ground planted with Forest Trees An Orchard A Cottage & Garden An Orchard ditto	Glaibury. ditto.

Number on the Plan.	OWNERS.	OCCUPIERS.	Description of Property.	What Parish and County.
04	John Baynham Henry Allen, Efq. Thomas Wood, Efq. Mrs. Eliz. Wynter	iame	An Orchard & Garden A Garden & Orchard	Radnorshire. Glasbury. ditto. ditto. ditto.
Ω ~	· Como			Breconshire.
93 96 97 98 99 100	Benjamin Collett James Jones, Efq. James Jones, Efg.	In Hand James Parry Mary Davies, Widow Jeremiah Cartwright Michael Bridgwater William Acton John Giles	An Orchard & Garden An Orchard An Orchard Cottage and Garden An Orchard & Garden Garden and Orchard Two Orchards An Orchard Two Orchard TwoOrchards,Farm	Llanigon.
103	Hon. Roach Harley	Thomas Wheeler	Yard and Garden \ Two Orchards, Two \ Gardens, and Two \ Earm Variation	ditto.
276 277	Benjamin Davies Hannah Watkeys Edward Allen W. Williams, the	Benjamin Davies Hannah Watkeys - Edward Allen Churchwardens	Farm Yards Two Gardens Garden Orchard Orchard	ditto. ditto. ditto. ditto.
279 280,,281	Trustees of Ann Higgs (James Bevan, Esq Honourable Roach)	Hay J James Bevan	Garden ditto	ditto.
282 283 284	Harley Walter Watkins, Efq. Samuel Maddy	James Price James Watkins Matt. James Jarvis Richard Brett	ditto ditto ditto ditto -	ditto. ditto. ditto. ditto.
286, 287 288 288 a	Thomas James - { John Milward Edm. Cheese, Esq	Thomas James Elizabeth Lewis John Milward John Morgan	ditto ditto ditto	ditto. ditto. ditto. ditto.
29I	Thomas Purchas Thomas Lloyd	Thomas Purchas Thomas Lloyd Thomas Wilmore James Prichard	ditto	ditto. ditto.
		Joseph Connel John Jackson Thomas Evans	ditto -	ditto.
295		Thomas Howells Richard Connel Lemuel Allen William Philips Whitaker Widow Morgan	Garden Tenter Ground -	ditto.
29 6		William Parry William Bowcott Jriah Watkins Charles Rumfey ames Bowcott	Gardens -	ditto.

Number on the Plan.	owners.	OCCUPIERS.	Description of Property.	What Parish and County.
				Herefordsbire.
	Sir Geo. Cornewall, Bt.		A Garden	;
	Tomkyns Dew, Esq.		ditto -	Whitney.
366 a	ì) ~	An Orchard	ditto.
368	fame	Richard Higgins -	Nee i	ditto.
372 a 374 a	fame		A Farm Yard and } Rick Yard	ditto.
375 a	fame	1ame {	Garden and Farm } Yard }	ditto.
403	John Lewis - {	In Hand and Samuel } Baynham - }	chard 5	Winforton.
404		j	An Orchard	ditto.
}	Emilor Damis - {	In Hand and Ann } Bailiss }	Garden - 5	ditto.
408	Thomas Perry, Efq.	John Harris -	An Orchard -	Eardifley.

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