



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. v.

An Act for erecting and maintaining a Bridge over the River *Wye* at a Place called *Hoarwithy Ferry*, in the Parishes of *Hentland* and *King's Caple* in the County of *Hereford*, and for making convenient Approaches thereto.

[26th April 1855]

WHEREAS the building and maintaining of a Bridge over the River *Wye*, at or near a Place called *Hoarwithy Ferry*, with convenient Approaches thereto, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing to carry the said Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

8 & 9 Vict
cc. 16. & 18.
incorporated.

[*Local.*]

I

II. In

The Hoarwithy Bridge Act, 1855.

Short Title.

II. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression “*The Hoarwithy Bridge Act, 1855.*”

Subscribers incorporated.

III. Sir *Hungerford Hoskyns* Baronet, *Henry Morgan Clifford* Esquire, *Thomas Powell Symonds* Clerk, *George Roberts Terry*, *Thomas Taylor Lewis* Clerk, *John Cleave*, *William Stallard junior*, *James Wallace Richard Hall*, *George Thomas Taylor*, *William Matthews*, *John Wheeler*, *John Bennett*, *Charles Bennett*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Bridge herein-after described, with all proper Approaches, Works, and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated therewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of “*The Hoarwithy Bridge Company*,” and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. Subject to the Powers of converting Loans into Capital in “*The Companies Clauses Consolidation Act, 1845*,” contained, the Capital of the Company in Shares shall be Four thousand Pounds; and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Shares.

V. The Number of Shares into which the said Capital shall be divided shall be Four hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. Five Pounds *per* Share shall be the greatest Amount of any Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls.

Power to borrow on Mortgage.

VII. It shall be lawful for the Company from Time to Time to borrow on Mortgage of their Undertaking any Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds; but no Part of that Sum shall be borrowed until Three thousand two hundred Pounds of the said Capital of Four thousand Pounds shall have been subscribed, and Two thousand four hundred Pounds thereof paid up; and all and every Part of the Money so to be borrowed shall be applied in carrying the Purposes of this Act into execution.

VIII. It

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VIII. It shall be lawful for the Mortgagees of the Company to enforce Payment of the Arrears of Interest due on any such Mortgages by the Appointment of a Receiver; and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Five hundred Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

IX. Whenever and so long as the Interest upon the Mortgages made under the Powers of this Act shall be duly paid within Three Calendar Months next after the same shall become due, the Holder of any such Mortgage shall not be entitled to enter into possession of any Toll Gates, Toll Houses, and Buildings of the Company, or into the Receipt of the Tolls arising therefrom, or of the Rent payable upon any letting of such Tolls; and if such Mortgagee shall enter into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he may reimburse himself any Costs to which he may be entitled; and such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Mortgage shall be payable, render to the Company a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgage up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Company, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the Company or any Person appointed by them to receive the same.

Mortgagees not to take possession but for Payment of Arrears of Interest.

X. The Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Five Shares in the Undertaking.

Number and Qualification of Directors.

XI. *Thomas Powell Symonds Clerk, George Robert Terry, Thomas Taylor Lewis Clerk, John Cleave, James Wallace Richard Hall, William Stallard the younger, William Matthews, and George Thomas Taylor* shall be the First Directors of the Company.

First Directors.

XII. The Quorum of a Meeting of Directors shall be Three.

Quorum.

XIII. The Directors appointed by this Act, or such of them as shall not die or resign, or become disqualified, or be removed, shall continue in Office until the First Ordinary General Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may

Election of Directors at First General Meeting.

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may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent
Election of
Directors.

XIV. At the First Ordinary General Meeting to be held in every Year after the First General Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the Companies Clauses Consolidation Act, 1845.

Power to
build the
Bridge and
make Ap-
proaches
thereto.

XV. It shall be lawful for the Company to build and to maintain and keep in repair a good and substantial Bridge, with Abutments made of Stone, Iron, Brick, Wood, or other durable Materials, at or near the said Place called *Hoarwithy Ferry*, over the said River *Wye*, from the Side or Bank of the said River in the Parish of *Hentland* in the County of *Hereford* to the opposite Side or Bank of the said River in the Parish of *King's Caple* in the same County, and for the Purposes aforesaid from Time to Time to dig and make proper Foundations in the said River and on the Lands on each Side thereof, and make Dams in the said River during the Construction or Repair of the said Bridge, and cut and level and embank and secure the Banks thereof, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, and do and execute all and every other Things or Thing necessary or convenient for building, maintaining, and repairing the said Bridge, and to open, make, and maintain proper and convenient Roads, Avenues, and Approaches to communicate with the said Bridge on each Side of the River, and to alter, vary, divert, widen, maintain, and put in repair the present Roads leading to the said Ferry, or such Part or Parts thereof as the said Company shall think fit or expedient.

Bridge and
Approaches
to be made
according to
deposited
Plans.

XVI. Whereas a Plan and Section of the said Bridge and Approaches, showing the Situation and Levels thereof, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited for public Inspection with the Clerk of the Peace for the County of *Hereford*: Therefore, subject to the Provisions and Powers of Deviation in this Act contained, the said Bridge and Approaches shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and

according

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according to the Levels defined on the said Sections; and, subject to the aforesaid Provisions, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

XVII. If any Omission, Misstatement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the Plan or Book of Reference deposited as aforesaid, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices acting for the County of *Hereford* for the Correction thereof; and if it shall appear to such Justices that such Omission, Misstatement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been misstated or erroneously described; and such Certificate shall be deposited with the said Clerk of the Peace for the County of *Hereford*, and also with the Parish Clerk of the Parish in which the Lands affected thereby shall be situate, and such Certificate shall be kept by the said Clerk of the Peace and Parish Clerk respectively along with the other Documents to which the same relates, and thereupon the said Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to execute the Works in accordance with such Certificate.

Errors, &c. may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

XVIII. It shall be lawful for the Company, and their Agents, Servants, and Workmen, from Time to Time and at all Times from and after the passing of this Act, to bring, place, lay, work, and use any Timber, Stone, Bricks, Lime, or other Materials for making or building or for repairing and maintaining the said Bridge, Approaches, or Works, or to bring, place, and lay any Stones, Gravel, or other Materials for making, repairing, or amending the said Landing Places or Approaches or Works, or any of them, or for executing any other of the Purposes of this Act, in, upon, through, and over any Lands, not being Garden or Pleasure Ground, within One hundred Yards of the said Bridge or Approaches respectively, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands; and in case of Dispute about the Amount of such Damage and Satisfaction, the same shall be settled by any Two or more Justices of the Peace for the County of *Hereford*, and such Justices are hereby authorized and empowered to hear, settle, and determine the same accordingly.

Power to deposit Materials on Lands within 100 Yards of Bridge or Approaches, on making Satisfaction to Owners.

As to settling of Disputes.

XIX. It shall be lawful for the Company, and their Agents, Servants, and Workmen, to enter upon any Lands upon or through which the said
 [Local.] K Bridge,

Power to set out the Bridge, Approaches, &c.

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Bridge, Approaches, or Works are intended to be made or to pass, and also upon any adjoining Lands or Grounds, to examine and survey the same, and to ascertain and set out such Parts thereof as may be thought necessary or convenient for carrying into execution the Purposes of this Act, and also from Time to Time to construct and make all necessary Walls, Arches, Culverts, Ditches, Drains, and Fences, and to do and perform all other Matters and Things which shall be necessary or proper for the making, completing, amending and maintaining the said Bridge, Approaches, and Works, doing as little Damage as may be, and making full Satisfaction in manner herein-after directed to the respective Owners and Occupiers of all Lands which shall be taken, used, prejudiced, or damaged in the Execution of the Powers hereby granted.

Company empowered to deviate from Plans to a certain Extent.

XX. In making the said Bridge, Roads, and other Works by this Act authorized, the Company shall have Power to deviate from the Line delineated on the Plan deposited as aforesaid: Provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated on the said Plan, nor to a greater Extent than Fifty Yards from the Centre Line delineated upon the said Plan; nor shall such Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Power to deviate from Levels described on Section.

XXI. In constructing the said Bridge, Approaches, and other Works, the Company may deviate from the Levels of the same, as referred to the Datum Line described on the Section deposited as aforesaid: Provided that the Extent of any such Deviation shall not exceed Five Feet, unless the Owners and Occupiers of the Land where such Deviation is intended to be made shall consent to a greater Deviation, or if a public Highway is affected thereby unless Two or more Justices for the County of *Hereford*, in Petty Sessions assembled, shall consent to a greater Deviation.

Level of Roads and Fence to Bridge.

XXII. The Inclinations of the Road over the said Bridge, and of so much of any Road leading thereto as shall be made, diverted, or altered by the Company under the Provisions of this Act, shall not be steeper than One Foot in Thirty Feet; and the Company shall make and permanently maintain a good and sufficient Fence on each Side of the said Bridge of not less Height than Four Feet.

Period for compulsory Purchase of

XXIII. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised

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exercised after the Expiration of One Year from the passing of this Act. Lands limited.

XXIV. The Bridge and Approaches by this Act authorized shall be completed within Two Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same shall cease: Provided always, that, notwithstanding the Expiration of such Period, it shall be lawful for the Company from Time to Time to improve, maintain, repair, or rebuild such of the Works by this Act authorized as they shall have executed within the said Period of Two Years. Period for Construction of Works limited.

XXV. Previously to commencing the said Bridge at or near *Hoarwithy Ferry*, or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval; and when such Bridge and Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if such Bridge or Works shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit. Plans, &c. to be deposited at the Admiralty before Commencement of Works.

XXVI. During the Construction of the said Bridge and Works connected therewith, the Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of such Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of such Bridge every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and which Light shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral, or the Commissioners for Lights to be kept burning at Night during Construction of Bridge.

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for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Power to Admiralty to order a Local Survey at Expense of Company.

XXVII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of the said Bridge and Works, or either or any of them, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

If Bridge, &c. fall into Decay, Admiralty may remove the same at Expense of Company.

XXVIII. If any Bridge or Work to be constructed by the Company at or near *Hoarwithy Ferry*, or in, under, over, through, or across the River *Wye*, or if any Portion of such Bridge or Works affecting such River, or any Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Power to purchase "Hoarwithy Ferry."

XXIX. It shall be lawful for the Company and they are hereby empowered to acquire, take, and hold the ancient Ferry called "*Hoarwithy Ferry*," with the Rights and Appurtenances thereunto belonging, making Satisfaction to all Persons interested therein; and every Provision, Clause, Matter, and Thing in "The Lands Clauses Consolidation Act, 1845," contained, concerning the Purchase and Sale, Conveyance, and vesting of Lands and Hereditaments to be taken or used for the Purposes of this Act, and the Purchase Money thereof, and all other Provisions, Matters, and Things whatsoever of that Act, concerning such Lands and Hereditaments, and the Owners thereof and Persons interested therein, shall extend and be applicable to the said Ferry, with its Rights, Members, and Appurtenances, and the Owners thereof and the Persons interested therein: Provided always, that the Powers granted by this Act to take Tolls shall have no Operation until the said Ferry shall have become vested in the said Company.

XXX. The

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XXX. The Company, from and after they shall be in possession of the said Ferry under or by virtue of this Act, shall and may keep and use Boats for the carrying and conveying Persons, Horses, or other Beasts, Cattle, and Carriages over the said Ferry, for the customary Rates of Charge, until the said Bridge so to be erected shall be built and completed, or until the Period herein-before limited for the Completion of the said Bridge shall have expired, whichever shall first happen, and it shall not be lawful for any other Person to carry or convey Persons, Horses or other Beasts, Cattle, or Carriages over the said Ferry, or within the Limits thereof, for Profit.

Ferry-boats to be kept by the Company until the Bridge is built.

XXXI. In case at any Time after the said Bridge shall have been completed the Passage over the same shall become dangerous in consequence of Accident or Damage, or it shall be considered desirable to alter or repair or rebuild the said Bridge, or any Part thereof, the Company shall and may, during such Time as shall be necessary for altering, repairing, or rebuilding the said Bridge, or any Part thereof, provide a sufficient Ferry over the said River, and receive such Tolls as are herein-after authorized to be taken for passing over the said Bridge, provided that such Ferry shall continue for such Time only as shall be necessary for altering, repairing, or rebuilding the said Bridge.

Ferry-boats to be provided in case of Accident to Bridge.

XXXII. The Company may, as soon as conveniently may be after a Passage shall be made over the said Bridge, cause to be erected and set up a Turnpike Gate or Gates, or Toll Gate or Gates, at or upon the said Bridge, and at or upon some or One of the said Roads, Avenues, or Approaches leading thereto or branching therefrom, belonging to the Company, at any Part or Parts thereof, and from Time to Time shall and may remove the said Turnpike or Toll Gate, or Turnpikes or Toll Gates, and erect or set up another Turnpike or Toll Gate, or other Turnpikes or Toll Gates in lieu thereof, at any Place or Places upon any Part or Parts of the said Bridge or Roads, Avenues or Approaches respectively, and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Turnpike or Toll Gate, as the Company shall think proper; and the respective Tolls following may be demanded and taken at the Turnpike or Toll Gate to be erected as aforesaid by such Person or Persons as the Company or any Lessee of the Tolls shall from Time to Time appoint (of which Appointment a Certificate in Writing, signed by the Secretary or Clerk of the Company or such Lessee, as the Case may require, shall for all Purposes be sufficient Evidence); (that is to say,)

Power to erect Toll-gates and to take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Omnibus, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule,
 [Local.] L Chair,

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Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Threepence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Threepence :

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny, and if carrying more than One Person an additional Sum of One Penny :

For every Ass, laden or unladen, the Sum of One Halfpenny, and if carrying more than One Person an additional Sum of One Halfpenny :

For every Ox, Cow, Bull, or Neat Cattle, the Sum of One Halfpenny :

For every Calf, Pig, Sheep, or Lamb, the Sum of One Farthing :

For every Carriage drawn or propelled by Steam, or any Means other than Animal Power, the Sum of Two Shillings and Sixpence :

For every Foot Passenger or Person on foot (except the Person or Persons, not exceeding Two in Number, actually driving and accompanying any Waggon, Wain, Cart, or other such Carriage) who shall pass over the said Bridge, the Sum of One Halfpenny :

And for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire), or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage the Sum of One Halfpenny :

Such respective Tolls to be paid before any such Person, or any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass or to repass through such Turnpike or Toll Gate, and which said Tolls shall be and the same are hereby vested in the said Company and their Successors for the Purposes of this Act: Provided always, that only One full Toll shall be demanded or taken for each Time of passing or repassing over the said Bridge: Provided also, that on the opening of the Bridge for public Traffic no Tolls shall be levied in respect of the said Ferry, excepting during the Periods at which a Ferry is herein-before required to be provided by the Company.

Table of
Tolls to be
put up.

XXXIII. After any Toll Gate shall be erected by virtue of this Act, the Company shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated; and it shall not be lawful for the said Company

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Company to demand or take or cause to be demanded or taken any Tolls for or in respect of any Horse, Cattle, Beast, or Carriage, except for and during such Time as the Board so painted as aforesaid shall remain affixed to such Toll Gate.

XXXIV. Provided always, That no Toll shall be demanded or taken for any Horses or Carriages attending Her Majesty or any of the Royal Family, or returning after having so attended, or for any Horse, Beast, Cattle, or Carriage of whatever Description to be employed in conveying or guarding Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from conveying or guarding the same, or for any Soldiers upon their March or upon Duty, or for any Horse, Cattle, or Carriages attending them with their Arms and Baggage, and returning after having been so employed, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Commissariat or other Public Stores of or belonging to Her Majesty, or to and for the Use of Her Majesty's Forces, or for any Militia or Volunteers, upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise, or for any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniforms of their respective Corps at the Time of claiming such Exemptions as aforesaid, or for Horses, Carts, or Waggons employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed.

Exemption
from Toll.

XXXV. The said Tolls, or any Rents payable in respect of the same, which shall be collected and received under or by virtue of this Act, shall be applied and disposed of in the Manner herein-after mentioned; (that is to say,) in the first place, in paying the Expenses for the Time being of carrying this Act into execution, and of keeping the said Bridge, Toll Houses, and Roads in proper Repair and Condition; secondly, in paying to the Mortgagees under this Act the Interest to which they shall be respectively entitled; and thirdly, in paying Interest at a Rate not exceeding Five Pounds *per Centum per Annum* to the Shareholders on the Sums from Time to Time paid up by them upon their respective Shares; and the Surplus thereof, if any, shall be carried to the Credit of a Sinking Fund.

Application
of the Tolls.

XXXVI. All Moneys carried to the Credit of the Sinking Fund shall from Time to Time be invested by the Company in the Purchase

Moneys
carried to
the Credit of
of the Sinking

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Fund to be invested.

of Exchequer Bills or other Government Securities, until the same shall be of sufficient Amount to pay off the Sums to which the Sinking Fund is applicable, or some Part thereof, which the Directors shall think ought then to be paid off.

Application of Sinking Fund.

XXXVII. The Sinking Fund shall be applied, first, in paying off Mortgages created or issued under this Act, and secondly in repaying to the Shareholders the Monies which shall have been paid up on their respective Shares, together with such an Amount as may be required to make up, together with the Sums which may from Time to Time have been received as Dividend on such Shares, a Sum equal to Interest at the Rate of Five Pounds *per Centum per Annum* on the Amounts paid on such Shares respectively, from the Time at which such Amounts shall have been paid.

Mode of paying off Mortgages or cancelling Shares.

XXXVIII. Whenever the Directors shall think fit to pay off One or more of the said Mortgages, or to repay to the Shareholders any such Moneys as aforesaid, they shall decide the Order in which such Mortgages shall be paid off by Lot among the Mortgagees, and may apply any Moneys at their Disposal for such Purpose in repaying the Shareholders rateably, or may decide by Lot the Order in which they shall be repaid, and shall cause a Notice, signed by the Secretary or Clerk, to be given to the Persons entitled to the Money to be paid off, or to the Shares in respect of which Payments are to be made, and such Notice shall express the Sum to be applied in Payment of Debt or repaying Shareholders, as the Case may be, and the Time and Place at which Payment will be made.

When Shareholders have been repaid, Shares to be cancelled.

XXXIX. Whenever the full Amount which shall have been paid on any Share, together with such an Amount (if any) as may be required to make up the aforesaid Amount of Interest upon the same, shall have been repaid, or paid to the Person entitled thereto, then such Share shall be forthwith cancelled, and shall not be re-issued.

Power to stop any Person refusing to pay Toll.

XL. If any Person subject to the Payment of the Tolls hereby made payable, or any of them, shall, after Demand made thereof by any Collector appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, or Cattle for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize and distrain any Horse or other Beast or Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast,) and any Carriage drawn

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drawn by such Horse, Cattle, or Beast; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person so seizing and distraining shall and may sell the Horses, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted; and if any Person shall fraudulently or forcibly pass over the said Bridge or through any or either of the said Toll Gates without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLI. It shall be lawful for the Company from Time to Time, at any General or Special General Meeting to be held in pursuance of this Act, to lessen or reduce all or any of the Tolls hereby granted for such Time as they shall think proper, and to raise again the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted, and the Tolls so lessened or reduced or raised again shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are authorized or directed to be collected, recovered, and applied.

Power to vary the Tolls.

XLII. The Tolls to be taken by virtue of this Act shall at all Times be charged equally, and after the same respective Rate, upon all Persons passing over or using the said Bridge, and in respect of all Horses, Beasts, Cattle, and Carriages of whatsoever Description; and no Reduction or Advance of the said Tolls shall either directly or indirectly be made partially or in favour of any particular Person or Party, but every such Reduction or Advance of Tolls shall extend and take place in respect of the same Description of Beasts, Cattle, and Carriages, and to all Persons or Parties whomsoever, passing over or using the said Bridge, anything herein contained to the contrary thereof in anywise notwithstanding.

Toll to be charged equally.

XLIII. Every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a Board with a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Toll

For preventing Toll Collectors from taking undue Toll, or misbehaving.

[*Local.*]

M

Collector

The Hoarwithy Bridge Act, 1855.

Collector shall not place such Board, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Company made in pursuance thereof, or shall demand and take a Toll from any Person who shall be exempted from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person from reading the Inscriptions on the said Board or upon the Table of Tolls by this Act required to be put up at every Toll Gate of the Company, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer of the Company, or any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence as the Justice or Justices before whom the Complaint shall be heard shall adjudge.

Penalty on
evading
Tolls.

XLIV. If any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage at or near to the said Bridge, or at or near to any Toll House or Gate to be erected or set up by virtue of this Act, and afterwards put on or add the same after having passed the said Bridge or any Toll House or Gate as aforesaid, with Intent to evade and thereby shall evade or endeavour to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or receive from or deliver to any other Person or Persons any Note or Ticket, with Intent to evade or to enable or assist any other Person or Persons to evade the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for
crossing the
River within
1,000 Yards
of the
Bridge.

XLV. From and after the Day on which the said Bridge shall be opened for the Use of the Public, it shall not be lawful for any Person, or for any Horse, Cattle, or Carriage to pass over or across the said River *Wye*, with Intent to evade the Tolls, by means of the *Hoarwithy Ford*, or within One thousand Yards on either Side of the said Bridge, except by means of such Bridge; and if any Foot Passenger, Horse, Beast, Cattle, or Carriage shall pass over or across the said River with such Intent, within One thousand Yards of the said Bridge, without Payment of the Toll by this Act authorized to be collected in respect thereof, every such Foot Passenger, and every Person having the Care or Charge of such Horse, Beast, Cattle, or Carriage,

The Hoarwithy Bridge Act, 1855.

Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLVI. In case any Dispute shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress made for Nonpayment of such Toll, it shall be lawful for the Collector or the Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Toll due and the Charges of the keeping and selling the Distress, be ascertained by some Justice or Justices of the Peace for the County of *Hereford*, who, upon Application made to him or them for that Purpose, shall have Power to determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem just and reasonable.

For settling Disputes concerning Tolls.

XLVII. It shall be lawful for the Directors to lease or demise all or any of the said Tolls for any Term of Years not exceeding Three Years at any One Time, for such Rent payable at such Times and under such Covenants and upon such Conditions as they shall think fit, which Rent shall be applied for the Purposes of this Act.

Power to lease the Tolls.

XLVIII. When and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for the Directors, or Lessee of the Tolls, as the Case may be, to discharge such Collector or Receiver so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall be vested with the like Power and Authority and be answerable and accountable in like Manner in all respects as the Collector or Receiver who shall so die or be discharged would have been; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person who may have the Possession of any Toll House or Building, or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Two Days next after Demand thereof made by Notice in Writing signed by the Secretary of the said Company or by such Lessee for that Purpose, given to such Collector or Receiver or any Person or Persons, or left at such Toll House, Building, or Premises, then and in every of

Directors may remove Collectors and appoint others.

If discharged Collectors refuse to deliver up Toll Houses any Justice may grant Warrants, and Constables enter and remove them.

the

The Hoarwithy Bridge Act, 1855.

the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the County of *Hereford*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the said County, with such Assistance as may be necessary, to enter into such Toll House or other Buildings or Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of the same, and put the said Company or Lessee, or such new appointed Collector or Receiver, or such other Person as they or he shall appoint as aforesaid, into the Possession thereof.

For prevent-
ing Nui-
sances on
the Bridge
and Roads.

XLIX. If any Person shall wilfully or negligently injure, destroy, or otherwise damage, or shall ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Bridge or Roads, or the Avenues or Approaches thereto, or shall wilfully obstruct the Passage thereof, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways, or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Bridge, Roads, Avenues, or Approaches thereto, so as to damage the said Bridge, Roads, Avenues, or Approaches thereto, or any Part thereof, or if any Person shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice who shall hear any such Complaint, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads, Avenues, or Approaches as conveniently may be, in, upon, or on the Sides of the said Bridge, Roads, Avenues, or Approaches thereto, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, or Rubbish whatsoever upon any Part of the said Bridge, Road, Avenues, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Same Penal-
ties for de-
stroying
Bridge as
under Act of
7 & 8 G. 4.
c. 30.

L. The said Bridge, and the Toll Houses and Toll Gates, Works, and other Property belonging to the said Company, shall be deemed and taken to be a public Bridge within the Meaning of an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to malicious Injuries to Property.*

LI. If

The Hoarwithy Bridge Act, 1855.

LI. If any Person having the Care of any Boat, Barge, or other Vessel which shall be navigated upon the said River shall wilfully, carelessly, or negligently cause, permit, or suffer any Damage or Injury to be done to the said Bridge by any such Boat, Barge, or other Vessel, then and in every such Case the Owner or Owners of every such Boat, Barge, or other Vessel shall be answerable and liable to make Satisfaction to the Company for all such Damage or Injury.

Bargeowners to be answerable for Damage done by their Servants.

LII. In all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or any Dispute respecting the same, shall be ascertained and determined by One or more Justice or Justices of the Peace for the County of *Hereford*.

Damages and Charges in case of Dispute to be settled by Justices.

LIII. All Offences under this Act, and all Penalties and Forfeitures, Damages, Charges, Tolls, and Costs inflicted, imposed, or ordered to be paid or payable under or by virtue of this Act, or by virtue of any Byelaw, Rule, or Order to be made in pursuance thereof, may be taken cognizance of or recovered under the Provisions of the Act 11 and 12 of *Victoria*, Chapter Forty-three; and all such Penalties shall be paid to the Company unless the convicting Justice or Justices shall think fit to award a Portion not exceeding One Moiety thereof to the Informer.

Recovery and Application of Penalties, &c.

LIV. It shall be lawful for any Constable or Toll Collector, or any Officer or Agent of the Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Place of Abode shall be unknown to such Constable, Toll Collector, Officer, or Agent, who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the County of *Hereford*, without any other Warrant or Authority than this Act; and such Justice may deal with such Offender in the same Manner as if he had been duly summoned or brought by Warrant before him.

For securing Offenders whose Names, &c. are unknown.

LV. In all Cases in which it may be necessary for the Company to serve any Summons or Demand, or any Notice or any Writ or other Proceeding at Law or in Equity, upon any Corporation or Person whomsoever under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Secretary or Clerk for the Time being of the said Company without being required to be under the Common Seal of the said Company, and may be personally delivered to such Person or left at his last or most usual Place of Abode in

Declaring what shall be good Service of Notice by the Company.

[*Local.*]

N

England

The Hoarwithy Bridge Act, 1855.

England or Wales, or be delivered to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or principal Officer, or at his last or usual Place of Abode, which shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases where any other Mode of Service is by this Act particularly directed.

Annual Account to be made up and transmitted to the Clerk of the Peace, and to be open to Inspection.

LVI. The Company shall in every Year cause an Annual Account in Abstract to be prepared, showing the whole Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and by the Auditors; and shall send a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Hereford* on or before the Expiration of One Month from the Day on which such Account shall end; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection; and if the Company omit to prepare or send such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Expenses of Act.

LVII. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

When Debt paid off, and Shares cancelled Powers of Act under certain Circumstances to cease.

LVIII. When and so soon as the whole of the Mortgage Debt of the Company, with all Interest due thereon, shall have been paid off, and the whole of the Shares of the Company shall have been cancelled in manner aforesaid, the Powers of this Act shall, in the event of the County of *Hereford* being then by Law liable to maintain the said Bridge, cease and for ever determine; or in the event of the said County not being so liable, then the said Bridge shall be vested in the Justices of the Peace for the County of *Hereford* for the Time being as Trustees for executing this Act, and such Trustees shall have all the Powers of the Company for executing this Act: Provided always, that they shall levy only so much Toll as may be necessary for maintaining the said Bridge, and keeping the same in repair.

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