

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xlviii.

An Act for making a Bridge over the River Wye, near to the Even Pitt Ferry, and Approaches thereto; for discontinuing and regulating Ferries near to the Bridge; and for other Purposes.

[13th July 1857.]

HEREAS the making of a Bridge over the River Wye, near to the Even Pitt Ferry, in the Parishes of Founhope and Holme Lacy in the County of Hereford, with Roads and Approaches thereto, would be of public Advantage: And whereas the Persons in this Act named in that Behalf, and others, are willing to make and maintain the Bridge, and the Roads and Approaches, and it is expedient that they be incorporated as a Company for the Purpose: And whereas it is expedient that the User of the Even Pitt Ferry and the Shipley Boat Ferry, both over the River between the Parishes of Holme Lacy and Fownhope, and the Ox Ford, through and across the River between the Parishes of Holme Lacy and Hampton Bishop, and the Old Mill Ford, through and across the River between the Parishes of *Holme Lacy* and *Fownhope*, be discontinued, and that the Roads leading to those Fords respectively be stopped up: And whereas the several Objects of this Act cannot be attained without [Local.] the

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 Commons, in this present Parliament assembled, and by the Authority of the same (as follows); to wit,

Short Title.

I. That this Act may be cited for all Purposes as "Founhope and Holme Lacy Bridge Act, 1857."

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

II. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," are incorporated with this Act; and the Word "Lands," in "The Lands Clauses Consolidation Act, 1845," and in this Act respectively, includes the Ferries mentioned in this Act.

Same Meanings to Words in incorporated Acts

III. The several Words to which by the Acts wholly or partially incorporated with this Act Meanings are assigned, have in this Act the same respective Meanings, unless there be in the Subject or Conand this Act. text something repugnant to or inconsistent with such Construction.

The Fownhope and Holme Lacy Bridge Company incorporated.

IV. Thomas Evans, Richard Hereford, Thomas Playfair Williams, George Roberts Terry, William Winniatt, John Bearcroft Downing, and Henry Gibbons, and all other Persons who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining the Bridge and Roads by this Act authorized, and carrying this Act in all other respects into execution, and for such Purposes are by this Act incorporated by the Name of "the Founhope and Holme Lacy Bridge Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes, but subject to the Restrictions of this Act.

Capital.

V. The Capital of the Company shall be Three thousand Pounds, in Three hundred Shares of Ten Pounds each.

Calls.

VI. Two Pounds Ten Shillings a Share shall be the greatest Amount of any One Call, and Two Months at least shall be the Interval between successive Calls, and not more than Three Fourths of a Share shall be called up in any One Year.

Power to borrow on Mortgage.

VII. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole One thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital be subscribed for and One Half thereof be 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. The Mortgagees may enforce the Payment of the Arrears of Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Two hundred Pounds.

Arrears may be enforced by Appointment of a Receiver.

IX. When and so long as the Interest on any Mortgage is duly Mortgagees paid within Three Months after it becomes due, the Mortgagee thereunder shall not enter into possession or receipt of the Property while Incomprised in the Mortgage, or the Income thereof.

not to take possession terest is paid.

X. If any Mortgagee enter into such Possession or Receipt he may Mortgagee reimburse himself all Costs to which he is entitled, and he shall, within Twenty-one Days after every yearly Day for Payment of the Interest on his Mortgage, render to the Company a true Account of his Receipts and Expenditure while so in possession or receipt, with proper Vouchers for the same.

in possession to account.

XI. If it appear by any such Account that the Interest due on When Inhis Mortgage up to the last of such yearly Days, and all such Costs terest and are fully paid and satisfied, then the Mortgagee so in possession or Mortgagee to receipt shall, when thereunto required by the Company, pay to their deliver up Treasurer the Balance (if any) in his Hands, and deliver to the possession. Company, or to any Person appointed by them to receive the same, Possession or Receipt of the mortgaged Premises, or the Income thereof.

Costs paid.

XII. All and every Part of the Moneys raised by the Company by Application Shares and by borrowing shall be applied only for the Purposes by this of Moneys. Act authorized.

XIII. The Number of Directors shall be Seven, and the Qualifica- Number and tion of a Director shall be the Possession in his own Right of Five Shares.

Qualification of Directors.

XIV. Thomas Evans, Thomas Playfair Williams, Richard Here- First Diford, George Roberts Terry, Thomas Lechmere, Henry Gibbons, and rectors. William Winniatt shall be the First Directors.

XV. The Directors appointed by this Act shall continue in Office Election of until the First Ordinary Meeting held after the passing of this Act; Directors at FirstGeneral and at that Meeting the Shareholders present, personally or by Proxy, Meeting. may continue in Office the Directors appointed by this Act, or any of them, or may elect new Directors to supply the Places of those uot continued

continued in Office, the Directors appointed by this Act being eligible for Election.

Power to take Lands for the Works.

XVI. Whereas Plans and Sections of the Bridge, Roads, and Works, showing the Situation and Levels thereof, and the Lands in or upon which the same are intended to be made, and Books of Reference to the Plans, have been deposited with the Clerks of the Peace for the County of Hereford: Therefore, subject to the Provisions of this Act, the Company may make the Bridge, Approaches, and Roads by this Act authorized in the Line or Course, and within the Limits of Deviation, and upon the Lands shown on those Plans and described in those Books of Reference, and according to the Levels defined on those Sections, and may enter upon, take, and use such of those Lands as they think proper for the Purpose.

Errors in Plans may be corrected by Justices, who shall certify the same.

XVII. If there be any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, shown on the deposited Plans or described in the deposited Books of Reference, the Company, after giving Ten Days Notice to the Owners of the Lands in question, may apply to Two Justices acting for the County of Hereford for the Correction thereof, and if it appear to the Justices that the Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in the Certificate state the Particulars of the Omission, and in what respect any such Matter is mis-stated or erroneously described.

Certificate of Correction of Errors to be deposited.

XVIII. The Certificate of the Justices shall be deposited with the Clerk of the Peace for the County of Hereford, and a Duplicate thereof with the Parish Clerk of the Parish in which the Lands in question lie, and the Certificate and Duplicate respectively shall be kept by the Clerk of the Peace and the Parish Clerk respectively with the other Documents to which the same relate, and thereupon the deposited Plans and Books of Reference shall be deemed to be corrected according to the Certificate, and the Company may execute the Works in accordance with the Certificate.

Power for Company to purchase Ferries.

XIX. The Company may purchase, take, and hold the ancient Ferries called respectively the Even Pitt Ferry and the Shipley Boat Ferry, both over the River between the Parishes of Holme Lacy and Fownhope, with the Rights and Appurtenances thereunto belonging.

Powers for compulsory Purchases limited.

XX. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years after the passing of this Act.

XXI. The

XXI. The Works which the Company are by this Act authorized Works to execute comprise the following; (that is to say,)

authorized to be executed

First. A good and substantial Bridge over the River Wye, near to as herein the Even Pitt Ferry, in the Parishes of Founhope and Holme mentioned. Lacy in the County of Hereford, with Abutments of Stone, Brick, Iron, or other durable Materials, and with all proper Approaches, Works, and Conveniences; the Bridge to commence on the Western Side of the River in the Parish of Holme Lacy in or near to a Field belonging to Sir Edwyn Francis Scudamore Stanhope Baronet, and occupied by John Bonnor, numbered 267 on the Tithe Commutation Map for that Parish, and adjacent to the River, and to terminate on the Eastern Side of the River in the Parish of Founhope, in or near to the Turnpike Road from the City of Hereford to Fownhope, and Waste Lands lying between the Turnpike Road and the River:

Secondly. A Road to the Bridge at the Western End thereof, to commence at or near to a Point in the public Highway leading from the Village of *Holme Lacy* to Ox Ford, and which Point is situated at a Gateway leading into a Field belonging to Sir Edwyn Francis Scudamore Stanhope Baronet, and occupied by John Bonnor, numbered 263 on the Tithe Commutation Map of the Parish of Holme Lacy, and to terminate at or near to the Western End of the Bridge:

Thirdly. A Road to the Bridge at the Eastern End thereof, to commence at or from the Turnpike Road from Hereford to Founhope, and to terminate at or near to the Eastern End of the Bridge:

Fourthly. For the Purposes of the secondly described Road, the altering, raising, and widening of the Turnpike Road from the City of Hereford to Fownhope, such altering, raising, and widening to commence at or near to a Point on the Turnpike Road situated One hundred and twenty Yards South-westward from a Messuage in the Occupation of William Wheatstone, abutting on the Turnpike Road at or near to Even Pitt, and to terminate at or near to a Point in the Turnpike Road situated Fifty Yards North-eastward from a Messuage in the Occupation of Moses Wheatstone, abutting on the Turnpike Road at or near to Even Pitt.

XXII. In making the Bridge, Roads, and other Works, the Com- As to Limits pany may deviate from the Line delineated on the deposited Plans, of Deviation but not to a greater Distance than the Limits of Deviation delineated on the Plans.

XXIII. Provided always, That no such Deviation shall extend into Not to exthe Lands of any Person whose Name is not mentioned in the Books of Reference without his previous Consent, unless his Name is omitted mentioned in by Mistake, and the Fact that the Omission proceeded from Mistake Books of [-Local.]

Lands not Reference.

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Fownhope and Holme Lacy Bridge Act, 1857.

be certified as by this Act is provided for Cases of unintentional Errors in the Books of Reference.

Power to deviate from Levels on Section.

XXIV. In making the Bridge, Approaches, and other Works, the Company may deviate from the Levels thereof as referred to on the Datum Line shown on the deposited Sections, but not to any Extent exceeding Five Feet.

Inclination of Road.

XXV. The Inclination of the Road over the Bridge, and of so much of any Road leading thereto as is made or altered by the Company under this Act, shall not be steeper than One Foot in Thirty Feet.

Fence to Bridge.

XXVI. The Company shall make and maintain on each Side of the Bridge a good and sufficient Fence of not less Height than Four Feet.

Incidental Works.

XXVII. For the Purposes of the Works the Company from Time to Time may dig and make proper Foundations in the River and on the Lands on each Side thereof, and make Dams in the River during the making or repairing of the Bridge, and cut, level, embank, and scour the Banks of the River, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, and other Impediments, and execute all other Works necessary or convenient for building, maintaining, and repairing the Bridge and the Approaches to communicate with the Bridge on each Side of the River.

Power to enter on Lands for Surveys and Work.

XXVIII. The Company from Time to Time may enter upon the Lands in or through which the Bridge, Approaches, and Roads are intended to be made, and also upon any adjoining Lands, to examine and survey the same, and to ascertain and set out the Parts thereof requisite for the Execution of this Act, and may make and do all Walls, Arches, Culverts, Ditches, Drains, Fences, Works, and Things requisite for the making, maintaining, and repairing of the Bridge, Approaches, and Roads, doing as little Damage as may be, and making full Satisfaction to all Parties interested for all Damage so done.

Power to get Materials.

XXIX. The Company may enter on any Lands lying within Seventy-five Yards from such Part of the Turnpike Road from the City of Hereford to Fownhope as is to be altered, raised, and widened, and may obtain Materials therefrom for such altering or raising, and for the making of the Bridge, Approaches, and Roads, doing as little Damage as may be, and making full Compensation to all Parties interested for all Damage so done: Provided, that the Company shall not so enter any Plantation attached or belonging to a House, or a Park, planted Walk, Avenue, or Ground ornamentally planted; and for

those

those Purposes, and no other, the Provisions with respect to the temporary Occupation of Lands near the Railway during the Construction 8 25 9 vict. thereof, of "The Railway Clauses Consolidation Act, 1845," are in-porated. corporated with this Act; and the Expression "the Railway" in those Provisions means, for the Purposes of this Act, the said Part of the Turnpike Road and the Bridge, Approaches, and Roads by this Act authorized to be made.

XXX. After the Bridge is opened for public Traffic, the Company Power to from Time to Time may set up such Toll Gates at or upon the Bridge, Approaches, and Roads, and remove the Toll Gates and set up others Toll Houses. in lieu thereof as they think fit, and from Time to Time may provide and maintain such Toll Houses and other Conveniences near to the Toll Gates as they think fit.

provide Toll Gates and

XXXI. Before commencing the Bridge or the Works connected Plans, &c. to therewith the Company shall submit to the Surveyor for the County be approved by County of Hereford Plans, Sections, and Working Drawings thereof for his Surveyor. Approval; and, except as is by this Act otherwise provided, the Bridge and the Works connected therewith shall be executed only in accordance with such Approval; and when the Bridge and the Works connected therewith are executed or commenced, the Company shall not, except as is by this Act otherwise provided, at any Time alter or extend the same without first obtaining his Approval.

XXXII. After the Completion of the Bridge and the Works con- Bridge to be nected therewith, and except as is by this Act otherwise provided, repaired to Satisfaction the Company shall keep the same in repair to the Satisfaction of the Satisfaction of the of County County Surveyor; and if, after Seven Days Notice in Writing from Surveyor. the County Surveyor to the Company specifying any Repair required by him, they fail to proceed with the Repairs so specified, the same may be done by him, or under his Superintendence, in like Manner in all respects as if the Bridge were a County Bridge, and the Expense thereof shall be recoverable by him from the Company in any Court of competent Jurisdiction.

XXXIII. Provided always, That if and whenever any Difference Differences shall arise between the Company and the County Surveyor with between the respect to any of the Plans, Sections, and Working Drawings for, or the Construction, Alteration, Extension, or Repair of the Bridge, or any Works connected therewith, the Company may submit the Matter veyor may be referred in difference to the Justices of the Peace for the County of Hereford, to Justices. at any of their General Quarter Sessions assembled, and they may hear and determine the Matter in difference, and make such Order thereon and on all incidental Matters, including Costs, as they think just, and every such Order shall be binding on all Parties interested:

Company and the County Sur-

Provided

Provided also, that if and whenever any such Difference relates to any Repairs of the Bridge, or any Works connected therewith, the Company, if they think fit, may submit the Matter in difference to any Two or more Justices of the Peace appointed to superintend the Repairs of County Bridges reparable by the County of *Hereford*, and such Justices may inspect the Bridge and the Works connected therewith, and make such Order thereon and on all incidental Matters, including Costs, as they think just, and every such Order shall be binding on all Parties interested.

Light on:
Bridge to be kept burning at Night.

XXXIV. During the Execution of the Bridge and the 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 at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and if the Company fail to exhibit and keep any such Light burning, they shall for every such Failure forfeit not exceeding Ten Pounds.

Fords to be disused.

XXXV. After the Day on which the Bridge is opened for public Traffic, no Person, and no Horse, Beast, Cattle, or Carriage, shall, with Intent to evade the Tolls, pass over, through, or across the River by means of the Ox Ford or the Old Mill Ford, or at any other Place within a Distance of One Mile measured in a straight Line on either Side of the Bridge; and if any Person, Horse, Beast, Cattle, or Carriage pass over, through, or across the River at either of the said Fords, or at any other Place within the aforesaid Distance of the Bridge, without Payment of the Toll to be demanded and taken for the passing of such Person, Animal, or Carriage over the Bridge, every such Passenger and every Person having charge of such Animal or Carriage shall for every such Offence forfeit not exceeding Five Pounds.

Roads to Fords to be stopped up. XXXVI. After the Bridge is completed and opened for public Use, the Company may stop up the several Roads which lead to the Ox Ford through and across the River between the Parishes of Holme Lacy and Hampton Bishop, and to the Old Mill Ford, through and across the River between the Parishes of Holme Lacy and Fownhope respectively, and which Roads shall be shown on a Plan signed by the Right Honourable Henry FitzRoy, which for the Purposes of this Act the Company shall, within Six Months after the passing thereof, deposit with the Clerk of the Peace for the County of Hereford.

Period for Completion of Works.

XXXVII. The Bridge, Approaches, and Roads shall be completed within Three 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 that

that Period, the Company from Time to Time may improve, maintain, repair, or rebuild such of the Works as they execute within that Period.

XXXVIII. After the Company have under this Act purchased any Ferry Boats Ferry, and thenceforth until the Bridge is completed, or the Period by this Act limited for the Completion thereof expires, they may and Bridge built. shall keep and use Boats for carrying Persons, Horses, Beasts, Cattle, and Carriages over such Ferry for the customary Rates of Charge, and no other Person shall convey for Profit any Person, Horse, Beast, Cattle, or Carriage over such Ferry, or within the Limits thereof.

to be kept by Company till

XXXIX. If and whenever after the Bridge is completed the Company Passage over it becomes dangerous, in consequence of Accident or to provide Ferry Boats Damage, or it is considered desirable to alter or repair or rebuild the in case of Bridge, or any Part thereof, the Company may and shall, during the Accident to Time necessary for altering, repairing, or rebuilding the Bridge, or any Part thereof, provide a sufficient Ferry over the River, and may demand and take in respect of the Ferry such Tolls as are by this Act authorized to be taken for passing over the Bridge; provided that such Ferry shall continue for such Time only as is necessary for altering, repairing, or building the Bridge: Provided always, that No Ferry after the Bridge is opened for public Traffic, no Toll shall be levied Toll to be taken when in respect of any Ferry of the Company, except only during the Time Bridge open. when the Company is by this Act authorized or required to provide a Ferry.

XL. The Company may from Time to Time demand and take for Power to Persons, Animals, and Carriages from Time to Time passing over, for passing along, or upon the Bridge, Approaches, and Roads, or any of them, or any Part thereof respectively, any Tolls not exceeding the following; Approaches, (to wit,)

take Tolls over Bridge, and Roads.

For every Horse or other Beast drawing any Coach, Stage Coach, Omnibus, Van, Caravan, Sociable, Berlin, Landau, Chariot, Visà-vis, Barouche, Phæton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or any like Carriage, Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other like Carriage, Fourpence:

For every Horse or Mule laden or unladen, and not drawing, Twopence:

For every Ass laden or unladen, One Halfpenny; and if carrying more than One Person, One Penny:

For every Ox, Cow, Bull, or Neat Cattle, One Penny: For every Calf, Pig, Sheep, or Lamb, One Farthing: [Local.]

For

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

For every Foot Passenger (except the Person or Persons, not. exceeding Two, actually driving and accompanying any Waggon,. Wain, Cart, or other such Carriage) passing over the Bridge, One Halfpenny:

And for every Person riding 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 riding upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, One Halfpenny.

Tolls to be passing, &c.

XLI. The Toll's respectively shall be paid before any such Animal, taken before Carriage, or Person be entitled to pass or repass through any Toll. Gate: Provided always, that only One full Toll shall be demanded or taken for each Time to pass or repass over, along, or on the Bridge, Approaches, and Roads, or any Part thereof: Provided also, that no more than Two full Tolls shall be taken for such passing or repassing in any One and the same Day.

Tolls vested

XLII. The Tolls by this Act granted are by this Act vested in in Company, the Company for the Purposes of this Act, and if under this Act the Justices of the Peace for the County of Hereford become Trustees for executing this Act, the Tolls shall thereupon become vested in them. as such Trustees for the Purposes of this Act.

Power to vary Tolls.

XLIII. The Company from Time to Time at any General or Special General Meeting may reduce all or any of the Tolls for such Time as they think proper, and again raise all or any of the Tolls, so that the Tolls never exceed the Amount by this Act limited; and the Tolls, whatever be their Amount, shall be collected, recovered, and applied as by this Act provided.

Tolls to be charged equally.

XLIV. The Tolls shall at all Times be charged equally and after the same respective Rate upon all Persons, and in respect of all Horses, Beasts, Cattle, and Carriages of whatever Description, and no Reduction or Advance of the Tolls shall either directly or indirectly be made partially or in favour of any particular Person, but every such Reduction or Advance shall take effect with respect to all Persons, and to all Animals and Carriages of the same respective Sort.

Tolls to be taken by Toll Collectors.

XLV. The Tolls may be demanded and taken at the Toll Gates from Time to Time provided under this Act by such Persons as the Company and the Lessees of the Tolls respectively from Time to Time appoint to be the Toll Collectors.

XLVI. Pro-

XLVI. Provided always, That the Company shall not demand or Tolls not to take any Toll under this Act until the Even Pitt Ferry and the Shipley Boat Ferry respectively are vested in the Company.

be taken till Ferries vested in Company.

XLVII. After any Toll Gate is erected by virtue of this Act, the Company shall put up and afterwards continue at every such Toll Gate a Table printed in distinct and legible Black Letters, on a Board with White Ground, containing a List distinguishing the several Tolls to be paid by virtue of this Act, and shall renew the Boards whenever any of the Letters or Figures thereon are worn out, defaced, or oblitered, and the Company shall not demand or take at any Toll Gate any Toll except while the Board so painted remains affixed to the Toll Gate.

Table of Tolls to be

XLVIII. Provided always, That no Toll shall be demanded or Exemptions from Tolls. taken,—

First. For any Horse or Carriage attending Her Majesty, or any of the Royal Family, or returning after having so attended:

Secondly. For any Horse, Beast, Cattle, or Carriage of whatever Description, employed in conveying or guarding Mails of Letters or Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying or guarding the Mails or Expresses, or returning from conveying or guarding the same:

Thirdly. For any Soldier upon March or upon Duty:

Fourthly. For any Horse, Cattle, or Carriages attending Soldiers with their Arms and Baggage, or returning after being so employed:

Fifthly. For any Waggon, Wain, Cart, or other Carriage whatsoever, or any Horses or other Beast drawing the same, which is employed in conveying any Ordnance or Commissariat, or other Public Stores of or belonging to Her Majesty, or to or for the Use of Her Majesty's Forces:

· Sixthly. For any Militia or Volunteers dressed in the Uniforms of their respective Corps upon their March, or in going to or returning from the Place appointed for and on the Days of Exercise:

Seventhly. For any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them dressed in the Uniforms of their respective Corps, in going to or returning from the Place appointed for and on the Days of Exercise:

Eighthly. For any Horse, Cart, or Waggon employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisioner sent by any legal Warrant, or returning empty after being so employed.

XLIX. If

Power to stop Persons failing to pay Toll, and to seize and distrain Horses, &c.

XLIX. If any Person subject under this Act to the Payment of any Toll, after Demand made thereof by any Collector appointed to receive the same, fail to pay the Toll, the Collector, by himself or taking such Assistance as he thinks necessary, may stop and prevent the Passage of the Person so failing, and may seize and distrain the Horse, Beast, or Cattle in respect of which the Toll is payable, with their Bridles, Saddles, Gear, Harness, or Accourtements (except the Bridle or Reins of any Horse or Beast separate from the Horse or Beast, and any Carriage drawn by such Horse, Beast, or Cattle).

For settling Disputes concerning Tolls and Distresses;

L. If and whenever any Dispute happens about the Amount of Toll due, or the Charges of seizing, keeping, or selling any Distress for Nonpayment of such Toll, the Collector or the Person distraining may retain the Distress, or the Money arising from the Sale thereof, until the Amount of the Toll due and of the Charges 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, may determine the Matter in dispute, and may also award such Costs to be paid by either Party to the other as to the Justice or Justices seems reasonable.

and to sell
Distress for
Payment
of Toll and
Charges of
Distress, &c.

LI. If the Toll and the reasonable Charges of such Seizure and Distress be not paid within Three Days after the Seizure and Distress, the Person so seizing and distraining may and shall sell all the Horses, Beasts, Cattle, Chattels, and Carriages so seized and distrained, or any Part thereof, returning the Overplus (if any) of the Proceeds of the Sale, after deducting the Toll and the reasonable Charges of the Seizure and Distress and Sale, and what (if any) remains unsold, upon Demand to the Owner thereof.

Penalty for fraudulently passing Bridge, &c.

LII. If any Person fraudulently or forcibly pass over the said Bridge or through any Toll Gate without having paid the Tolls, or assault, obstruct, or interrupt any Person employed in the Collection of the Tolls, every Person so offending shall for every such Offence forfeit not exceeding Forty Shillings.

Toll Collector to place his Name on Toll House.

LIII. Every Toll Collector shall 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 the 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 is upon Duty.

Toll Collectors liable to Penalties LIV. If any Toll Collector commit any of the following Offences, every such Toll Collector so offending shall for every such Offence forfeit

forfeit not exceeding Forty Shillings; that is to say, if any Toll for Offences Collector,

herein named.

Firstly. Do not place such Board and continue the same so placed during the whole Time he is on Duty:

Secondly. Demand or take from any Person greater or less Toll than he is by this Act, or any Resolution or Order of the Company made in pursuance thereof, authorized to demand or take:

Thirdly. Demand and take Toll from any Person exempted from the Payment thereof and claiming such Exemption:

Fourthly. Refuse to permit any Person to read, or in anywise hinder any Person from reading the Inscriptions on such Board or on the Table of the Tolls put up at the Toll Gates:

Fifthly. Refuse to tell his Christian or Surname to any Person who having paid any Toll demands the same:

Sixthly. In answer to any such Demand give a false Name:

Seventhly. On the legal Toll being paid or tendered unnecessarily detain or wilfully hinder or prevent any Passenger from passing through the Toll Gate.

LV. If any Person take off any Horse or other Beast from any Penalty for Carriage at or near to the Bridge, or at or near to any Toll Gate set evading up under this Act, and afterwards put on the Horse or Beast after having passed the Bridge or any Toll Gate with Intent to evade and thereby evades or endeavours to evade the Payment of any Part of the Toll, or forges, counterfeits, or alters, or receives from or delivers to any other Person any Note or Ticket with Intent to evade the Payment of any Part of the Tolls, or if any Person cause any such Act to be done, or aid or abet any Person so acting, every Person so offending shall for every such Offence forfeit not exceeding Forty Shillings,

LVI. If any Person commit any of the following Offences, every Penalty for Person so offending shall for every such Offence forfeit any Sum not damaging Bridge, &c., exceeding Forty Shillings; (that is to say,)

and other

Firstly. If any Person wilfully or negligently destroy, injure, or Offences. damage any Footpath or Causeway on the Side of any Part of the Bridge, Approaches, or Road:

Secondly. If any Person ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any such Footpath or Causeway:

Thirdly. If any Person wilfully obstruct the Passage of the Bridge, or any of the Approaches or Roads:

Fourthly. If any Driver of any Waggon or other Carriage wilfully or carelessly break or damage any of the Posts or Stones erected for the Security of any such Footpath or Causeway:

Fifthly. If any Person scrape off any Mud, Soil, or other Thing from any Part of the Bridge, Approaches, or Roads so as to damage the same:

[Local.]

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Sixthly.

Sixthly. Except in the Case of Waggons, Carts, or other Carriages, during a reasonable Time for loading or unloading, standing as near as conveniently may be to the Side of the Bridge, Approach, or Road, if any Person without reasonable Cause, to be allowed by the Justice who hears the Complaint, leave any Waggon, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, on or at the Side of the Bridge, Approaches, and Roads, or any Part thereof, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto:

Seventhly. If any Person place any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, or Rubbish whatsoever, on any Part of the Bridge, Approaches, or Roads or the Sides thereof, to the Prejudice thereof or to the

Annoyance of any Person travelling thereon.

Penalty for destroying Bridge, &c.

7 & 8 G. 4. c. 30. LVII. The Bridge, and the Toll Houses and Toll Gates, Works, and other Property of the Company, shall be deemed a public Bridge within the Meaning of the Act of the Session of the Seventh and Eighth Year of George the Fourth, intituled An Act for consolidating and amending the Laws relative to Malicious Injuries to Property.

Barge Owners answerable for Damage done by their Servants.

LVIII. If and whenever any Person having the Care of any Boat, Barge, or other Vessel navigated on the River, wilfully, carelessly, or negligently cause or suffer any Damage or Injury to be done by the Vessel to the Bridge, the Owner of the Vessel shall be liable to make Satisfaction to the Company for all such Damage or Injury.

Power to lease the Tolls.

LIX. The Company from Time to Time may lease all or any of the Tolls for not exceeding Three Years at any One Time, to such Persons, at such Rents, payable at such Times, and under such Covenants and upon such Conditions as the Company think fit, which Rents shall be applied for the Purposes of this Act.

Appointment of Toll Collector.

LX. The Company, or during any Lease of the Tolls the Lessees thereof, from Time to Time may appoint such fit Persons as the Company or the Lessees think proper to be the Collectors of the Tolls by this Act granted, and every Person so from Time to Time appointed Toll Collector may demand and take the Tolls accordingly.

Removal of Toll Collector. LXI. If and whenever any Toll Collector dies or fails to perform or becomes incapable of performing his Duty, or absconds or absents himself, the Company or the Lessee of the Tolls may discharge the Toll Collector so in default, and may appoint some fit Person to be Toll Collector in the Stead of the Toll Collector deceased or so in default.

LXII. A Cer-

LXII. A Certificate in Writing, under the Hand of the Secretary of the Company, or, as the Case may be, of the Lessee of the Tolls, shall for all Purposes be sufficient Evidence of the Appointment or Removal of any Toll Collector.

Evidence of Appointment and Removal of Toll Collector.

LXIII. If, whenever any Toll Collector so discharged, or the Power to Wife, Widow, or any of the Children, Family, or other Representa- obtain from tives of any Toll Collector deceased or so discharged, or any other Toll Col-Person having the Possession of any Toll House or other Building or Property of the Company, fail for Two Days after Demand, by Notice session of Toll House, in Writing signed by the Secretary of the Company, or by the Lessee &c. of the Tolls, and given to such Toll Collector or to any such Person, or left at the Toll House, Building, or Premises, to deliver up Possession thereof as so demanded, any One or more Justice or Justices of the Peace of the County of *Hereford*, by Warrant under his or their Hand and Seal or Hands and Seals, may order any Constable or other Peace Officer for the County, with requisite Assistance, to enter into the Toll House, Building, or Premises in the Daytime, and to remove all Persons found therein, with their Goods, out of the same, and put the Company or Lessee, or newly-appointed Toll Collector, or any other Person, into possession thereof.

discharged lector Pos-

LXIV. Where any Damage or Charge is by this Act directed or Disputes as authorized to be paid, and the Manner of ascertaining the Amount to Damages thereof is not otherwise provided for, the Amount, in case of Non- to be settled payment thereof or Dispute respecting the same, shall be ascertained by Justices. and determined by One or more Justice or Justices of the Peace for the County of Hereford.

and Charges

LXV. All Offences under this Act, and all Penalties, Damages, Recovery Charges, Tolls, and Costs imposed or payable under this Act, or and Appliby virtue of any Byelaw, Rule, or Order made in pursuance thereof, cation of Penalties,&c. may be taken cognizance of or recovered under the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, intituled An Act to facilitate 11 & 12 Vict. the Performance of the Duties of Justices of the Peace out of Sessions c. 43. within England and Wales with respect to Summary Convictions and Orders, and all such Penalties shall be paid to the Company, except so far as the convicting Justices award not more than One Half thereof to the Informer.

LXVI. Any Constable or Toll Collector, or any Officer or Agent For securing of the Company, and all such Persons as he respectively calls to his Offenders Assistance, and without any Warrant other than this Act, may seize Names, &c. and detain any Person whose Name and Place of Abode are unknown are unto the Person so seizing, and who commits any Offence against this

Act, and may convey him before a Justice of the Peace for the County of *Hereford*, and the Justice may deal with the Offender as if he had been duly summoned or brought by Warrant before him.

Scrvice of Notice by the Company.

LXVII. Where it is necessary for the Company to serve any Summons, Demand, Notice, Writ, or other Proceeding at Law or in Equity upon any Person, 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 of the Company, and need not be under the Common Seal of the Company, and shall be sufficiently served by being delivered personally to such Person, or being left at his then usual or last Place of Abode or Business in *England*, or being delivered to some Clerk or other Officer of such Person being a Corporation, or being left at the Office of such Clerk or principal Officer, or at his or their usual or last Place of Abode or Business in *England*.

Yearly Account to be made up and transmitted to Clerk of the Peace.

LXVIII. The Company shall in every Year prepare a yearly Account in abstract, showing the whole Receipts 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 then last, 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 Account, free of Charge, to the Clerk of the Peace for the County of Hereford on or before the Expiration of One Month after the Day on which the Account ends, 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 fail so to prepare or to send any such Account, they shall for every such Failure forfeit not exceeding Twenty Pounds.

Application of the Tolls.

LXIX. The Tolls and any Rents payable in respect thereof respectively collected and received under this Act shall be applied as follows; (to wit,)

First. In paying the Expenses of executing this Act and keeping the Bridge, Toll Houses, Approaches, and Roads and Works in proper Repair and Condition:

Secondly. In paying to the Mortgagees under this Act the Interest to which they respectively are entitled:

Thirdly. In paying in every Year a Dividend at a Rate not exceeding Six Pounds per Centum per Annum to the Shareholders on the Sums from Time to Time paid on their respective Shares:

And fourthly. The Surplus (if any) shall be carried to the Credit of the Sinking Fund under this Act.

LXX. The Company from Time to Time may receive from any Person willing to pay the same any Money to be added to or to form the Sinking Fund under this Act; and all Moneys so paid shall be towards the carried by the Company to the Credit of the Sinking Fund accordingly.

Power for Persons to contribute Sinking Fund.

LXXI. All Moneys carried to the Credit of the Sinking Fund, Moneys and the Income of the Sinking Fund, shall from Time to Time be carried to Credit of invested by the Company in the Purchase in their Name of Exchequer Sinking Bills or other Government or Parliamentary Securities, and be accu-Fund to be mulated: Provided always, that whenever it is requisite to apply the Sinking Fund or any Part thereof as by this Act provided, the Company may and shall convert the same into Money.

LXXII. The Sinking Fund shall be applied by the Company, Application first, in paying off the Mortgages under this Act; and, secondly, of Sinking Fund in rein paying off the Shares by repaying to the Shareholders the Moneys deeming paid on their respective Shares, with such a Sum, if any, as is Mortgages requisite to make up every Deficiency of the yearly Dividend of Six off Shares. Pounds per Centum per Annum, to be paid thereon as by this Act provided.

LXXIII. Whenever the Company think fit to pay off any of the Mode of Mortgages the Directors shall decide by Lot which of the Mortgages paying off Mortgages are to be paid off, and whenever the Company think fit to redeem or redeeming any of the Shares, they may do so by Repayment on all the Shares, Shares. or may decide by Lot which of the Shares are to be redeemed.

LXXIV. Whenever the Company decide in redeeming any Mort- Notice of gages or Shares, they shall, by Notice in Writing signed by their Payment or Redemption Secretary or Clerk, given or sent by Post to the Persons entitled to to be given. the Mortgages to be paid off, or to the Shares in respect of which Payments are to be made, state the Sum to be so paid, and the Time and Place at which Payment thereof will be made.

LXXV. Whenever the full Amount paid on any Share, with the Shares to be Sum (if any) requisite to make up the full Six Pounds per Centum cancelled per Annum Dividend thereon, is paid to the Person entitled thereto, deemed. the Share shall thereupon be wholly extinguished, and the Certificate thereof shall be delivered to the Company, and be cancelled by them: Provided always, that the Company shall not be bound to make any Payment in full Redemption of a Share unless the Certificate of the Share be so delivered to them, or it be shown to the Satisfaction of the Directors that the Certificate is lost or destroyed.

When Mortgage paid off
and Shares
extinguished,
Justices may
elect Bridge
to become
a County
Bridge, or to
be transferred to
Justices.

LXXVI. When and so often as the whole of the Mortgage Debt of the Company, with all Interest due thereon, is paid off, and all the Shares in the Capital of the Company are extinguished, and all the Debts and Liabilities of the Company are paid or discharged, the Justices of the Peace for the County of Hereford, at their General Quarter Sessions assembled, may elect either that the Bridge shall thenceforth be a County Bridge, or to take upon themselves the Powers and Liabilities of this Act, and in either Case the Company shall thereupon be dissolved and cease to exist: Provided always, that the Justices shall not elect that the Bridge shall be a County Bridge without the Consent of the Parish of Holme Lacy in Vestry assembled.

If Justices so elect, Bridge to become County Bridge, and Road Parish Road.

LXXVII. If the Justices so elect with such Consent that the Bridge shall be a County Bridge, then the Bridge shall for ever thereafter be a County Bridge, and the same and the Approach and Road thereto made by the Company at the Eastern End thereof, and such Part as lies within Three hundred Feet of the Western End of the Bridge of the Approach and Road thereto made by the Company at the Western End thereof, and the Land Arches (if any), Banks, Fences, Works, and Conveniences thereof respectively, shall accordingly be repaired and maintained by the Inhabitants of the County of Hereford, and the Residue of the Road to the Bridge made by the Company at the Western End thereof shall thenceforth be a Parish Road, and the same, and the Banks, Fences, Works, and Conveniences thereof, shall accordingly be repaired and maintained by the Parish of Holme Lacy.

If Justices elect to take Bridge, they shall have Power to exercise the Powers of this Act.

LXXVIII. If the Justices so elect to take on themselves the Powers and Liabilities of this Act, then the Bridge, Approaches, and Roads shall thereupon be by this Act vested in the Justices of the Peace for the County of *Hereford*, as Trustees for executing this Act, and they, as such Trustees, shall have all the Powers of the Company for executing this Act accordingly: Provided always, that the Trustees shall levy only so much Toll as is necessary for maintaining and keeping in repair the Bridge, Approaches, and Roads.

Company to remove Toll Gates.

LXXIX. Provided always, That if the Bridge becomes under this Act a County Bridge, the Company, before the Dissolution thereof, shall remove and sell the Materials of the Toll Gates and Toll Houses set up and provided by them under this Act, and, to the reasonable Satisfaction of the County Surveyor, level and make good the Sites thereof; and the Proceeds of such Materials when sold shall be paid over by the said Company to the Treasurer of the County of Hereford, to be applied in aid of the County Rate.

LXXX. When the Company is dissolved, the Lands which at the Time of the Dissolution of the Company are vested in them under this Act shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same, but subject to the Passage of the Public over the Lands so vested, and to the several Lands, but Provisions of this Act with respect to the Repair and Maintenance of Rights of the Bridge, Roads, and Approaches.

When Company dissolved, their Lands to vest in Owners of adjoining subject to the Public.

LXXXI. When the Company is dissolved, the Old Mill Ford and Re-opening the present Road, shown on the Plan to be deposited for the Pur- of Old Mill Ford and poses of this Act as leading thereto, shall thereupon be re-opened, Road and that Road shall thenceforth be repaired and maintained by the thereto. Persons who, if this Act were not passed, would be liable to repair and maintain it.

LXXXII. The Subscription Contract which, pursuant to the Subscription Standing Orders of Parliament, was entered into with respect to the Contract to be valid. Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

LXXXIII. All the Costs, Charges, and Expenses of and incident Expenses of to the preparing, for obtaining, and passing of this Act shall be paid Act. by the Company.

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