ANNO TRICESIMO SEPTIMO

# Georgii III. Regis.

## CAP. LVI.

An Act to amend an Act made in the Twentieth Year of the Reign of His preſent Majeſty, for building a Bridge acroſs the River *Wye*, between *Whitney* and *Clifford* in the County of *Hereford*.

[9th *May* 1797.]

WHEREAS an Act was made in the Twentieth Year of the Reign of His preſent Majeſty, intituled *An Act for building a Bridge acroſs the River* Wye, *between* Whitney *and* Clifford *in the County of* Hereford: And whereas the ſeveral Perſons thereby appointed Undertakers for building the ſaid Bridge, in purſuance of the Directions of the ſaid Act, cauſed a ſubſtantial Bridge of Stone to be erected, which, owing to the Badneſs of the Foundation in the Bed of the River, ſoon after fell down, and Two other Bridges of Stone have been ſince erected, which, from the ſame Cauſe, have been undermined and ſwept away by the Floods that frequently happen in the ſaid River: And whereas the Erection of the ſaid reſpective Bridges was attended with a very heavy Expence to the ſaid Undertakers, and it is found to be impracticable to erect a Bridge over the ſaid River entirely of Stone, as directed by the ſaid recited Act, without an Expence far exceeding what can be recompenſed by the Annual Income

Preamble. 20 Geo. III. Cap. 27, recited.

Income of the Tolls now payable for paſſing over the ſame, but a Bridge of Timber and Stone may ſafely be built, which will be equally convenient to the Public: And whereas *Thomas Longfellow* of the Town of *Brecon* in the County of *Brecon*, *John Longfellow* of the ſame Place, and *John Phillips* of the Town of *Hay* in the ſaid County, Aſſignees of *Sarah Weale* Widow, Relict of *Thomas Weale* Gentleman, deceaſed, and Copartners, are willing, as well on the Behalf of the ſaid *Sarah Weale* as on their Behalf and at their own Expence, to undertake to build, ſupport, and maintain ſuch Bridge as aforeſaid: And whereas, in order effectually to carry the Intentions of the ſaid recited Act into Execution, it is neceſſary that the ſame ſhould be altered and amended: May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid *Thomas Longfellow*, *John Longfellow*, and *John Phillips*, for and on the Behalf of the ſaid *Sarah Weale* and Copartners, as alſo on their own Behalf, ſhall be and are hereby conſtituted and appointed Undertakers for building, ſupporting, and maintaining the ſaid intended Bridge; and that it ſhall and may be lawful for the ſaid Undertakers, their Heirs and Aſſigns, and they are hereby authorized, empowered, and required, within the Space of Two Years next after the paſſing of this Act, at their own proper Coſts and Charges, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and others, to build a good and ſubſtantial Bridge of Timber and Stone acroſs the ſaid River, at or near the Place where the late Bridge was ſituated, between the Villages of *Whitney* and *Clifford* in the County of *Hereford*, fit and proper for the Paſſage of Travellers and Carriages; and for that Purpoſe to cauſe any Shelves or other Obſtructions in the ſaid River to be removed, and all Beds of Gravel, Sand, Mud, or other Impediment to be taken away, and the Banks of the ſaid River to be dug and cut in ſuch Manner as ſhall be neceſſary and proper for building the ſaid Bridge; and from Time to Time, and at all Times hereafter, to do, or cauſe to be done, all other Things neceſſary and convenient for erecting, ſupporting, and maintaining the ſaid Bridge; and after the ſaid Bridge ſhall be built as aforeſaid, the ſame ſhall for ever be and remain a Public Bridge; and all Perſons, Horſes, Cattle, and Carriages ſhall have free Liberty (upon Payment of the reſpective Tolls herein-after granted) to paſs over the ſame, without any Hindrance or Interruption of or by the ſaid Undertakers, their Heirs and Aſſigns, or any other Perſon or Perſons whomſoever.

Undertakers to build the Bridge.

The Place where.

II. Provided always, That the Center or Middle Arch, Span, or Bearing of the ſaid Bridge, ſhall be at leaſt Thirty Feet wide in the clear, and at leaſt Fifteen Feet high above the uſual Height of the Water in the ſaid River, in order that a ſufficient Paſſage may be left for the Navigation of Boats, Barges, and other Veſſels; and that the Carriage Way over the ſaid Bridge ſhall be Twelve Feet wide at the leaſt; any Thing herein contained to the contrary thereof notwithſtanding.

Dimenſions of the Middle Arch of the Bridge.

III. Pro-

III. Provided alſo, That in caſe the ſaid Bridge, when built, ſhall at any Time thereafter be ſwept away by the Floods, or otherwiſe rendered impaſſable, the ſaid Undertakers ſhall and are hereby directed and required, within Two Years after the ſame ſhall happen, to rebuild or effectually repair the ſaid Bridge. Bridge to be repaired within a certain Period.

IV. And be it further enacted, That it ſhall and may be lawful for the ſaid Undertakers, their Heirs and Aſſigns, their Servants and Workmen, from Time to Time, to ſearch for and dig, and to take and carry away ſuch Quantity or Quantities of Stones as they ſhall think proper in, upon, and from any Part of *Brilley Common* in the County of *Hereford*, and in, upon, and from the Lands belonging to Maſter *John Savigar*, known by the Name of *Lower Bridge Court*, in the ſaid Pariſh of *Brilley*, for the Purpoſe only of building and repairing the ſaid Bridge and the Toll Houſe thereunto belonging, they the ſaid Undertakers, their Heirs and Aſſigns, making Satisfaction to the Occupiers of ſuch Lands for the Damage that ſhall be done thereby; and that the ſaid Undertakers, their Heirs and Aſſigns, their Servants and Workmen, ſhall leave the Ground or Pits from whence ſuch Stones ſhall be taken, ſo that the ſame ſhall not be dangerous to Paſſengers or Cattle. Undertakers may get Materials.

V. And be it further enacted, That all the Powers, Authorities, Penalties, Forfeitures, Exemptions, Matters, and Things contained in the ſaid recited Act ſhall be, and the ſame are hereby extended to this Act, and (except where any Alteration is made by this Act) ſhall be applied, practiſed, and put in Execution for rebuilding, ſupporting, repairing, and maintaining the Bridge by this Act directed and authorized to be erected, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this preſent Act. Powers of former Act extended to this.

VI. And be it further enacted, That, in lieu and inſtead of the Tolls authorized to be taken and levied by the ſaid recited Act, it ſhall and may be lawful for the ſaid Undertakers, their Heirs or Aſſigns, or ſuch Perſon or Perſons as they ſhall, by Writing under their Hands and Seals, appoint, from Time to Time, and at all Times hereafter, to demand, collect, and receive, to and for the only proper Uſe and Behoof of the ſaid Undertakers, their Heirs or Aſſigns, before any Perſon or Perſons, Horſes, Cattle, or Carriages, ſhall be permitted to paſs over the ſaid Bridge, ſuch Tolls as the ſaid Undertakers, their Heirs or Aſſigns, ſhall think proper, not exceeding the reſpective Sums following; (that is to ſay,) Tolls.

For every Horſe, Mare, Gelding, Ox, or other Beaſt drawing any Carriage, the Sum of Four Pence Halfpenny:

For every Horſe, Mare, or Gelding, laden or unladen, and not drawing, the Sum of Two Pence:

For every Perſon or Foot Paſſenger, the Sum of One Penny:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence; and ſo in Proportion for any greater or leſs Number:

And for every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence; and ſo in Proportion for any greater or leſs Number:

Which ſaid reſpective Tolls ſhall be and are hereby veſted in the ſaid Undertakers, their Heirs and Aſſigns, and ſhall be paid to them accordingly; and the ſame and every Part thereof ſhall and may be demanded, levied, and recovered in the ſame Manner, and by the ſame Ways and Means, as the Tolls granted in and by the ſaid recited Act are thereby authorized and directed to be demanded, levied, and recovered.

Tolls to be taken but Once a Day.

VII. Provided always, and be it further enacted, That none of the Tolls herein-before granted ſhall be demanded or taken by any Perſon or Perſons more than Once on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, ſuch Perſon or Perſons producing a Ticket denoting Payment of the ſame (which Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver on Demand, *gratis*, on Receipt of the ſaid Tolls).

Preventing Perſons counterfeiting, &c. the Tickets.

VIII. And be it further enacted, That if any Perſon ſhall give to or receive from any Perſon, other than the Collector of the ſaid Tolls, any ſuch Ticket as aforeſaid, or ſhall forge or counterfeit any ſuch Ticket, or make uſe of any forged or counterfeited Ticket, knowing the ſame to be forged or counterfeited, whereby the Payment of any of the ſaid Tolls ſhall be avoided, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to and for the Uſe of the ſaid Undertakers, their Heirs and Aſſigns, to be levied and recovered in the ſame Manner as any other Penalty for evading Payment of the Tolls granted by the ſaid recited Act is thereby authorized to be levied and recovered.

Exempting certain Inhabitants of *Whitney* from Toll:

IX. Provided always, and be it further enacted, That none of the Inhabitants of the Pariſh of *Whitney* in the County of *Hereford*, who have or ſhall have a Right of Paſturage on the Common called *Whitney Common*, (which lies on the oppoſite Side of the ſaid River,) ſhall be charged or chargeable with any of the Tolls herein-before granted for the Paſſage of their Horſes, Oxen, Cows, or Sheep over the ſaid Bridge for the ſole Purpoſe of depaſturing on the ſaid Common, and on their Return from ſuch depaſturing.

Penalty on Perſons claiming Exemption not entitled thereto.

X. Provided alſo, That if any Perſon or Perſons ſhall claim or take the Benefit of any ſuch Exemption, not being legally entitled to the ſame, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to and for the Uſe of the ſaid Undertakers, their Heirs and Aſſigns, to be levied and recovered in Manner herein-before directed.

Puniſhing Perſons ferrying over the River.

XI. And be it further enacted, That if any Perſon or Perſons, after the ſaid Bridge ſhall be completed, ſhall uſe or employ any Boat, Barge, or other Craft, in ferrying or conveying over the ſame River, within the Diſtance of One Mile below Bridge, each Perſon or Perſons ſo fording or conveying ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to be levied and recovered in Manner herein-before directed.

XII. And

XII. And be it further enacted, That if any Renter or Collector of the said Tolls, who shall be discharged from his Office, shall neglect or refuse to deliver up the Possession of the Toll House, and the Appurtenances thereunto belonging, which he enjoyed in consequence of his Appointment to collect the said Tolls, upon Notice delivered to him of his Discharge, under the Hands and Seals of the said Undertakers, their Heirs or Assigns, to be left at such Toll House, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Hereford*, by Warrant under his Hand and Seal, to authorize and direct any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day Time, and to remove the Person or Persons who shall be found therein, together with his or their Goods and Chattels, out of such House, and to put the new-appointed Collector in the Possession thereof. Compelling Collectors when discharged to deliver up Toll Houses.

XIII. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices at any General Quarter Sessions of the Peace to be holden for the said County of *Hereford*, within Four Calendar Months after the Cause of Complaint shall have arisen, the Person appealing first giving or causing to be given Twenty-one Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the said Undertakers, their Heirs or Assigns, or to One of them, or to their Collector, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Hereford*, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and such Determination shall be binding and conclusive to all Intents and Purposes. Appeal.

XIV. And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County of *Hereford*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, Limitation of Actions.

or if, upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the Recovery of the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

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

FINIS.

ANNO REGNI

# GEORGII III.

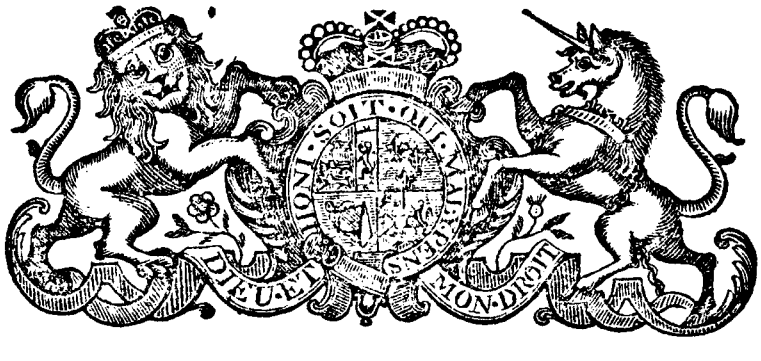
REGIS

*Magnæ Britanniæ, Franciæ, & Hiberniæ,*

TRICESIMO SEPTIMO.

At the Parliament begun and holden at *Weſtminſter*, the Twelfth Day of *July*, *Anno Domini* 1796, in the Thirty-ſixth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Twenty-ſeventh Day of *September* 1796; being the Firſt Seſſion of the Eighteenth Parliament of *Great Britain*.




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