



CHAP. lxxv.

An Act to authorize the construction of a bridge over the river Crouch in Essex, to be called "The Cricksea Bridge." A.D. 1869.

[24th June 1869.]

WHEREAS the construction of a bridge over the River Crouch at Cricksea, in Essex, would be attended with great local and public advantage, and the persons herein-after named, with others, are willing, at their own expense, to construct such bridge :

And whereas a plan and section showing the line and levels of the bridge and of the approaches thereto, 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 required, or which may be taken for the purposes of the bridge, have been deposited with the clerk of the peace for Essex, and are herein-after referred to as the deposited plan, section, and book of reference :

And whereas the object aforesaid cannot be accomplished 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 Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Cricksea Bridge Act, 1869." Short title.

2. "The Companies Clauses Consolidation Act, 1845;"

Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to "cancellation and surrender of shares," and to "debenture stock;"

"The Lands Clauses Consolidation Act, 1845;" and

"The Lands Clauses Consolidation Acts Amendment Act, 1860;"

are (except where expressly varied by this Act) incorporated with and form part of this Act.

[Local.-65.]

A

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8 & 9 Vict.
cc. 16. and 18.
23 & 24 Vict.
c. 106. and
26 & 27 Vict.
c. 118. in-
corporated.

A.D. 1869.

Interpreta-
tion of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the company," means the company incorporated by this Act; the expressions "the bridge" and "the undertaking," mean respectively the bridge and works connected therewith by this Act authorized; the expression "tollgate," shall mean and include all tollgates from time to time erected upon or across the bridge, or the approaches thereto; the word "carriage" shall mean and include all carriages, coaches, stage coaches, omnibuses, cabs, flies, vans, caravans, chariots, chaises, post-chaises, curricles, phætons, cars, gigs, dogcarts, calashes, taxed carts, chairs, and other vehicles by whatever names known respectively adapted or used for the conveyance of persons or light articles, and also all hearses and breaks, and all other vehicles not comprised by this Act in the word "cart" or "waggon;" the word "cart" and the word "waggon" shall respectively mean and include all carts, waggons, wains, vans, caravans, drays, timber carriages, drags, sledges, and other vehicles by whatever names known, which respectively are adapted or used for the conveyance of heavy articles; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company
incorporated.

4. George Edward Weddall, Thomas George Margary, Thomas Rich Grimes, 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, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Cricksea Bridge Company," and by that name shall be a 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 of this Act, and their undertaking shall be called "The Cricksea Bridge."

Power to
make bridge
according to
deposited
plans.

5. Subject to the provisions of this Act the company may make and maintain, in the line and according to the levels shown on the deposited plan and section, the bridge and approaches herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated

on the deposited plan and described in the deposited book of reference as may be required for that purpose : A.D. 1869.

The works herein-before referred to and authorized by this Act will be wholly situate in the county of Essex, and are the following :

A bridge over the River Crouch, commencing in the parish of Canewdon, on the south bank of the said river, near the south landing place of the Cricksea Ferry, and terminating on the opposite side of the river, near the high-water landing place of the said ferry :

An approach to the bridge on each side of the river.

6. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described on the plans or in the book of reference, the company may, after giving ten days notice to the owner, lessee, or occupier of the lands affected by such proposed correction, apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly; and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for Essex, and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates, and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate, and the company may proceed with the works in accordance with such certificate.

Errors and omissions in plans, &c. may be corrected.

7. The company may, in the construction of the bridge, deviate from the lines thereof to the extent delineated upon the deposited plan, but not in any case into any land not described in the deposited plan and book of reference without the previous consent in writing of the owner, lessee, and occupier of such land; and the company may deviate from the levels of the bridge as marked on the deposited section to any extent not exceeding five feet.

Deviations from lines on plans and sections.

8. The capital of the company shall be twelve thousand pounds in one thousand two hundred shares of ten pounds each.

Capital.

9. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

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Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

11. The company may from time to time borrow on mortgage any sum not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole capital of twelve thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the fortieth section of "the Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Debenture stock.

13. The company may create and issue debenture stock.

Application of moneys.

14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

15. The first ordinary meeting of the company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the company shall be held in the months of February or March and of August or September in every year.

Quorum of general meetings.

16. The quorum of general meetings of the company shall be five shareholders present in person or by proxy holding in the aggregate not less than five thousand pounds in the capital of the company.

Number of directors.

17. The number of directors shall be three.

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18. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Qualification of directors.

19. The quorum of a meeting of directors shall be two.

Quorum.

20. George Edward Weddall, Thomas George Margary, and Thomas Rich Grimes shall be the first directors of the company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "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 same Act.

First directors.

Election of directors

21. 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 three years from the passing of this Act.

Powers for compulsory purchase limited.

22. The company shall, on or near the bridge during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as may from time to time be required by the Board of Trade, and also after the completion of the bridge such lights (if any) as the Trinity House of Deptford Strond may think necessary, and if the company fail to comply in any respect with the provisions of this section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on bridge, &c.

23. The company shall construct the bridge with spans of such headway and waterway and with such opening span and according to such plan as the Board of Trade directs or approves.

Construction of bridge.

24. The company shall at all times maintain to the satisfaction of the Board of Trade a sufficient channel through the opening span, and shall be subject to and shall abide by such regulations with regard to the user of the bridge as may from time to time be made by the Board of Trade, and if the company fail in any respect to abide by any such regulation as aforesaid, they shall for every

User of bridge.

A.D. 1869. such offence be liable to a penalty not exceeding twenty pounds, without prejudice to any remedy against them for any loss or damage sustained by any person.

Board of Trade may deepen channel if company fail to do so.

25. If the company shall not maintain such channel as aforesaid through the opening span of the bridge, the Board of Trade may do the work themselves at the expense of the company, and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the company.

Abatement of work abandoned or decayed.

26. If the bridge be abandoned or suffered to fall into decay, the Board of Trade may abate and remove it or any part of it and restore the site thereof to its former condition at the expense of the company, and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the company.

Survey of works by Board of Trade.

27. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of the bridge, the company shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the company.

Securing compensation in respect of existing ferry.

28. It shall not be lawful for the company to open the bridge for public traffic until they shall have made full compensation to the owner and lessee of Cricksea Ferry in respect of the said ferry and ferry rights and the loss to be sustained by the public house adjacent thereto by the discontinuance of the said ferry, such compensation to be settled in case of difference in the manner provided by "The Lands Clauses Consolidation Act, 1845;" and in construing that Act for the purposes of this enactment, the word "land" shall include ferry and ferry rights, and on the opening of the bridge for public traffic Cricksea Ferry shall be discontinued, but in all other respects the rights in connexion with such ferry shall on payment of the before-mentioned compensation vest in the company.

Power to erect toll-gates and collect tolls.

29. The company may erect upon or across the bridge or the approaches thereto any toll gate and toll house with out-houses and conveniences thereto, and from time to time alter or take down and rebuild or discontinue and remove the same or any of them as they shall think proper, and take thereat as toll for each time of passing

or repassing the bridge any sum they shall from time to time direct not exceeding the sums following; (that is to say,) A.D. 1869.

For a horse or beast drawing any carriage, ninepence, and for each additional horse or beast so drawing, threepence: Tolls.

For a horse or beast drawing any waggon, one shilling, and for each additional horse or beast so drawing, threepence:

For every horse, mule, or ass not drawing any carriage or cart, fourpence:

For every ox, cow, bull, or head of neat cattle, twopence per head:

For every calf, swine, sheep, or lamb, one penny per head:

For every foot passenger (except the person actually driving any waggon), one penny:

For every person who shall ride in or upon any waggon (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, one penny:

which said respective tolls shall be paid before any person, or any horse, cattle, or beast, or any carriage or cart, shall pass through any toll gate, and which tolls shall be and are hereby vested in the company for the purposes of this Act.

30. No carriage or vehicle propelled or moved by the power of steam or machinery shall cross the bridge, excepting with the consent of the company, and on payment of such toll as they shall demand. Traction by steam or machinery prohibited.

31. In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls the sum of one halfpenny may be demanded and taken in lieu of such fractional part. Fractional part of a halfpenny.

32. No tolls shall be demanded or taken for Her Majesty or any of the Royal Family, or for any person, horse, or carriage attending Her Majesty or any of the Royal Family, or returning therefrom, or for any officer or officers of customs, or persons employed for the prevention of smuggling whilst on duty or proceeding to or returning from the same, or for any policeman on duty; or for any horse, cart, or waggon employed only in carrying or conveying any vagrant sent by a legal pass, or any prisoner sent by a legal warrant, or returning empty after having been so employed, or for any person attending the same or for any such vagrant or prisoner; or for any horse or carriage of whatever description or any person employed or to be employed in carrying the mails of letters and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back

A.D. 1869. from conveying or guarding the same ; or for any soldier or marine on march or on duty, or for any officer or man in Her Majesty's Navy or Coast Guard Service upon duty, or for the horse of any officer or soldier on march or on duty, or for any horse or other beast, or any cart, carriage, or waggon employed in carrying or conveying or returning empty from carrying or conveying, having been employed only in carrying or conveying the arms or baggage of any such officer or soldier or marine, or of any officer or man in Her Majesty's Navy or Coast Guard Service upon duty, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled officer or soldier or marine or any officer or man in Her Majesty's Navy or Coast Guard service respectively sick, wounded, or disabled, or for any person in charge of the same ; or for any waggon, wain, cart, or other carriage whatsoever, or the horse or other cattle drawing the same, or the person in charge thereof employed in conveying any naval, victualling, ordnance, or barrack or commissariat or other public stores of or belonging to Her Majesty, or for the use of Her Majesty's sea, land, or coast guard forces, or returning empty from having been so employed ; or for any horse furnished by or for any person belonging to any corps of yeomanry or volunteer cavalry, and ridden by him in going to or returning from any place appointed for and on the days of exercise, inspection, or review, or on other public day, or for any yeomanry cavalry man or volunteer cavalry or infantry, provided that such person be dressed in the uniform of his corps, and shall have his arms, furniture, and accoutrements according to the regulation of such corps at the time of claiming the exemption ; and if any person shall claim and take the benefit of any of the exemptions by this Act granted, not being entitled to the same, every such person for every such offence shall forfeit any sum not exceeding forty shillings.

Tolls to be charged equally.

33. The aforesaid tolls shall at all times be charged equally upon all persons for or in respect of persons and things under the same circumstances, and no reduction, exemption, or advance in the tolls shall either directly or indirectly be made partially or in favour of or against any particular person.

List of tolls to be exhibited on a board.

34. A list of the tolls from time to time authorized to be taken shall be published by the same being painted upon a board in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and such board shall be exhibited at every toll gate or toll bar where such tolls shall be payable.

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35. No tolls shall be demanded or taken by the company during any time at which the boards herein-before directed to be exhibited shall not be so exhibited.

Tolls to be taken only whilst board exhibited.

36. If any person, subject to the payment of the tolls hereby made payable, or any of them, or any person having charge of any horse, beast, carriage, or thing in respect of which toll is payable, shall, after demand made thereof by any collector appointed to receive toll, neglect or refuse the same, or any part thereof, such collector by himself, or taking such assistance as he shall think necessary, may stop and prevent the passage of the person so neglecting or refusing, or of the horse, beast, carriage, or thing for or in respect of which such tolls ought to have been paid until full payment thereof, or may seize and distrain any horse or other beast, together with the bridles, saddles, gears, harness, and accoutrements thereunto belonging, or any carriage drawn by any such horse or beast, or any article or thing in or upon the same or belonging to such person, and if such tolls and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress made, the person so seizing and distraining shall and may sell the horse, beast, carriage, or thing so seized or distrained, returning the overplus (if any) upon demand, to the owner thereof after such tolls and the reasonable charges occasioned by such seizure, distress, and sale shall be deducted.

Power to stop any person refusing to pay toll.

37. If any person shall forcibly pass along the bridge, or through any toll gate, without having paid the tolls, or shall assault, interrupt, or obstruct any person employed in the collection of the tolls, every person offending in any of such cases shall for every such offence forfeit any sum not exceeding five pounds.

Penalty for evading toll.

38. In case any dispute shall happen respecting the demanding or taking, or the payment of tolls, or the amount of tolls due, or the charges of keeping or selling any distress, the person distraining may 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 keeping and selling the distress shall be paid, or until such dispute shall be heard and determined by some justice of the peace, who upon application made to him for that purpose shall examine the matter upon oath of the parties or other witnesses, and shall 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 shall seem reasonable, all which costs in case the same shall not be forthwith paid shall and may be levied and recovered by distress and sale of

For settling disputes concerning tolls.

A.D. 1869. the goods and chattels of the person so directed to pay the same by warrant under the hand and seal of such justice, which warrant every such justice is hereby empowered to issue, and the overplus (if any), after payment of such costs and the costs of such distress and sale, shall be returned, upon demand, to the person whose goods and chattels shall have been distrained and sold.

For punish-
ing toll col-
lectors mis-
behaving.

39. Every collector of the tolls shall place his Christian and surname painted on a board, in distinct and legible characters, on some conspicuous part of the toll house or toll gate whereat he shall be on duty immediately on his coming on duty, and shall continue the same so placed during the whole of the time he shall be on duty, and if any collector of the tolls shall not place such board as aforesaid, and keep the same there during the time he shall be on duty, or shall demand or take a greater or less toll than he shall be authorized to do by virtue of the powers of this Act, and of the the orders of the company, or shall demand or take a toll from any person who shall be exempted from the payment thereof, and claim such exemption, or shall refuse to permit or shall not permit any person to read or shall in anywise hinder any person from reading the inscriptions on the boards to be fixed and placed as aforesaid, and who shall have paid the legal toll, or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any horse, beast, carriage, or any person from passing upon or along the bridge, then and in every such case every such collector shall forfeit any sum not exceeding five pounds for every such offence.

Delivery of
matters in
possession or
custody of
toll collector
at removal.

40. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, or abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representative of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any dwelling house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of such collector or other officer at the occurrence of any such event, then, upon application being made by the company to any justice, such justice may order any constable, with proper assistance, to enter upon such dwelling house, office, or other building, and remove any person found therein, and take possession thereof, and of any books, papers, or other matters, and deliver the same to the company or any person appointed by them to receive the same.

41. The company may from time to time, by lease to take effect in possession within three months from the letting thereof, let the tolls to be collected by virtue of this Act to any party for any period not exceeding three years from the commencement of any such lease. A.D. 1869.
Power to lease the tolls.

42. During the continuance of any such lease the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same power to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the company. Lessees to be deemed collectors.

43. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose by reason of the failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall have become payable, the company may determine such lease, and the same shall accordingly be utterly void except as to the remedies of the lessors for payment of the rent due or in respect of unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force, and in every such case the company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto. Power to determine lease of tolls.

44. Upon the determination of any such lease any justice upon application made by the company may order any constable, with proper assistance, to enter upon any toll house, dwelling house, office, weighing machine, or other building, with the appurtenances thereto belonging to the company, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession thereof, and of the property found therein belonging to the company, and deliver the same to them or any person appointed by them to receive the same. Lessees making default to be removed.

45. No waggon or other carriage shall without the consent of the company carry at any one time upon the bridge (including the weight of such waggon or carriage) more than ten tons. Limiting the weight to be carried on bridge.

46. The company may cause to be erected at or near the bridge, or at such distance as they shall think expedient, one or more cranes or weighing machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles. Power to erect weighing machines.

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Toll keeper
may weigh
carriages,
&c.

47. The keeper of any weighing machine or toll gate, or any other person appointed by the company, or by their lessee, shall or may require every driver or conductor of any waggon, cart, or other carriage or engine which shall pass or be about to pass over the bridge, to be weighed at such crane or weighing machine as aforesaid; and if any such driver, conductor, or owner of such waggon, cart, or other carriage or engine shall refuse to allow the same to be weighed, or shall resist any gatekeeper, tollkeeper, or toll collector in weighing the same, every such owner, driver, or conductor shall forfeit to the company any sum not exceeding five pounds.

Extension of
company's
power as to
byelaws.

48. The powers of the company with respect to the making of byelaws shall extend to regulating the speed at which any carriage shall pass over the bridge, the use of the bridge, and to preventing nuisances upon the bridge.

Saving
rights of the
Crown in the
foreshore.

49. Nothing contained in this Act or in any of the Acts herewith incorporated shall authorize the company to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Expenses of
Act.

50. All costs, charges and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the company.