

RIXTON AND WarBURTON BRIDGE ORDER

THE TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS
(APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006



RIXTON AND WarBURTON BRIDGE
RWB/B1 - RIXTON AND WarBURTON BRIDGE ACT 1863

May 2022



ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. lxi.

An Act for the making and maintaining of a Bridge
over the River *Mersey*, to be called “*Rixton
and Warburton Bridge*,” with Roads thereto; and
for other Purposes. [8th *June* 1863.]

WHEREAS the making of a Bridge over the River *Mersey*
in the Township of *Rixton* in the Parish of *Warrington* in
the County of *Lancaster* and in the Township and Parish of
Warburton in the County of *Chester*, with Roads communicating there-
with, would be of local and public Advantage: And whereas the
several Persons in this Act in that Behalf named are willing to make and
maintain the Bridge and the Roads thereto, and it is expedient that they
be incorporated as a Company for the Purpose: And whereas it is expe-
dient that Provision be made with respect to the User and Discontinuance
of Ferries and Fords through and across the River near to the intended
Bridge and Roads leading to the Ferries and Fords respectively: And
whereas Plans and Sections showing the Lines and Levels of the intended
Bridge and Roads, and Books of Reference thereto containing the
Names of the Owners or reputed Owners, Lessees or reputed Lessees, and
Occupiers of the Lands in which the same are to be made, have been
deposited with the Clerks of the Peace for the Counties of *Lancaster* and
Chester, and those Plans, Sections, and Books of Reference are in this
[*Local.*] 9 C Act

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Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the several Objects of this Act cannot be obtained 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,)

Short Title.

1. This Act may for all Purposes be cited as "*Rixton and Warburton Bridge Act, 1863.*"

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

2. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (save so far as any of the Sections and Provisions of those Acts are expressly excepted or varied by this Act) are incorporated with this Act.

Same
Meanings to
Words in
incorporated
Acts as in
this Act.

3. The several Words to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context, provided that the Words "Lands" in those Acts and in this Act respectively include for the Purposes of this Act "Floating Bridge Ferries" and "Ferry Rights."

Company
incorporated.

4. Sir *Charles Robert Tempest*, Baronet, *John Wilson Patten*, *Rowland Eyles Egerton Warburton*, *Richard Watson Marshall Dewhurst*, *Samuel Brooks*, *George Charnley Dewhurst*, *Thomas Parr*, *Thomas Ellames Withington*, *John Woolf*, *Charles Garlick*, *Henry Ingham*, *Gilbert Greenall*, *James Tinsley*, *Joseph Donald*, 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 *Rixton and Warburton Bridge* and Roads by this Act authorized, and for carrying this Act in all other respects into execution, and for those Purposes are by this Act incorporated by the Name of "the *Rixton and Warburton 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.

5. The Capital of the Company shall be Five thousand five hundred Pounds in Eleven hundred Shares of Five Pounds each.

Calls.

6. One Fourth of the nominal Amount of a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and not more than Three Fourths of the nominal Amount of a Share shall be called up in any One Year.

7. The

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- 7.** The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole One thousand five hundred 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 the Company shall 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 said Capital is subscribed for or taken and is held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same. Power to borrow on Mortgage.
- 8.** The Company's Mortgagees may enforce the Payment of the Arrears of Interest, and of Principal and Interest due on their Mortgages, by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Three hundred Pounds. Arrears may be enforced by Appointment of a Receiver.
- 9.** All and every Part of the Monies raised by the Company by Shares and by borrowing under this Act shall be applied only for the Purposes of this Act. Application of Monies.
- 10.** The Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares of the Company's Capital to the aggregate nominal Amount of Fifty Pounds. Number and Qualification of Directors.
- 11.** The Quorum of a Meeting of Directors is Three Directors, and the Quorum of a Committee of the Directors shall be the Quorum fixed by the Directors when they appoint the Committee. Quorum of Meetings.
- 12.** *John Wilson Patten, Rowland Eyles Egerton Warburton, Richard Watson Marshall Dewhurst, Thomas Ellames Withington, Charles Garlick, John Woolf, and James Tinsley* shall be the First Directors. First Directors.
- 13.** The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act, and at that Meeting the Shareholders present in person or by proxy may continue in Office the Directors appointed by this Act, or any of any of them, or may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Election. Election of Directors at First General Meeting.
- 14.** The First Ordinary Meeting of the Company shall be held within Nine Months after the passing of this Act. First Meeting.
- 15.** The Quorum for a General Meeting is Five Shareholders, holding together in their own Right Shares to the nominal Amount of not less than Five hundred Pounds. Quorum for General Meeting.

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Number of
Share-
holders for
calling Ex-
traordinary
Meeting.

16. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company shall be called is at least Ten Shareholders, holding together in their own Right Shares to the nominal Amount of not less than Five hundred Pounds.

Newspaper
for Adver-
tisements.

17. The Newspaper for Advertisements with respect to the Affairs of the Company is any Newspaper published in the Counties of *Lancaster* or *Chester*.

Power to
take Lands.

18. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think proper for the Purposes of this Act.

Errors in
deposited
Plans, &c.,
may be cor-
rected by
Justices,
who shall
certify the
same.

19. If there be any Omission, Mis-statement, or wrong Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands shown on the deposited Plans or specified 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 Counties of *Lancaster* or *Chester* for the Correction thereof, and if it appear to the Justices that the Omission, Mis-statement, or wrong 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 wrongly described.

Certificate
to be depo-
sited.

20. The Certificate of the Justices shall be deposited with the Clerk of the Peace for the County, 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 in accordance with the Certificate, and the Company may execute the Works in accordance with the Certificate.

Powers for
compulsory
Purposes
limited.

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 after the passing of this Act.

Power to
make Works
authorized
by Act.

22. Subject to the Provisions of this Act, the Company from Time to Time may make on the Lands shown on the deposited Plans and specified in the deposited Books of Reference the Bridge, Roads, and Works by this Act authorized; and, so far as the Lines and Levels thereof respectively are shown on the deposited Plans and Sections, may make the same in those Lines and in accordance with those Levels.

23. The

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23. The Company from Time to Time may enter upon the Lands in which the Bridge, Roads, and Works are to be made, and also upon any adjoining Lands, and examine and survey the same, and ascertain and set out the Parts thereof required for the Purposes 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, Roads, and Works, doing as little Damage as may be, and making full Satisfaction to all Parties interested for all Damage so done.

Entry on
Lands for
Surveys and
Works.

24. The Company may enter on any Lands lying within Seventy-five Yards from the intended Bridge and Roads respectively, and may obtain therefrom Materials for the making, improving, and maintaining of the Bridge, Roads, and Works, 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 on any Plantation attached or belonging to a House or a Park, or any planted Walk or Avenue, or any Ground ornamentally planted, without in every Case the previous Consent of the Owner and Occupier thereof.

Power to get
Materials.

25. For the Purpose of so obtaining Materials and of making and maintaining the Bridge, Roads, and Works, but not for any other Purpose, the Provisions "with respect to the temporary Occupation of Lands near the Railway during the Construction thereof" of "The Railways Clauses Consolidation Act, 1845," are incorporated with this Act, and the Expression "the Railway" in those Provisions means for the Purposes of this Act the Bridge and Roads by this Act authorized.

Temporary
Occupation
of Lands
near to the
Works.

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

Works
authorized
by Act.

First, *Rixton and Warburton Bridge* being a Bridge for Passengers, Animals, and Carriages across the River *Mersey*, with all necessary and convenient Abutments, Landing Stairs, Works, and Conveniences in connexion therewith, from a Point on the North or Towing-path Side of the said River in the Township of *Rixton* in the Parish of *Warrington* in the County of *Lancaster*, Eleven hundred Yards South-westerly of the Ferry House at *Hollins Green* to a Point on the South Side of the said River in the Township of *Warburton* in the Parish of *Warburton* in the County of *Chester*, One hundred and eighty-five Yards or thereabouts to the Eastward of *Warburton Church*;

Secondly, a Road, Number 1, to the said Bridge on the North Side of the River *Mersey*, commencing in the *Warrington and Manchester Turnpike Road* in the Township of *Rixton* in the Parish of *Warrington* in the County of *Lancaster*, Three hundred and thirty Yards or thereabouts Eastward of the Place where *Back Lane End*

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forms

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forms a Junction with the said Turnpike Road, and terminating at the said Bridge :

Thirdly, a Road, Number 2, to the said Bridge on the South Side of the River *Mersey*, commencing in the Township and Parish of *Warburton* in the County of *Chester* at *Warburton Cross*, where *Townfield Lane* forms a Junction with *Pullicar Lane*, and terminating at the said Bridge.

As to the
Construction
of the Bridge.

27. The Bridge to be erected by the Company under the Authority of this Act over the said River *Mersey* shall be built under the following Conditions ; (that is to say),

The Abutments or Piers of the said Bridge shall be set as nearly as practicable in a Direction parallel with the Stream or Course of the said River, and so as not in any Manner to alter, divert, or encroach upon the existing Waterway at the Place where such Bridge shall be erected, except so far as may be absolutely necessary for forming the Towing-path underneath and on each Side of the said Bridge ; and the Distance between the said Piers or Abutments shall not be less than One hundred and thirty Feet measured at Right Angles thereto, and shall leave a clear and available Space of One hundred and twenty-two Feet at the least for Waterway, and Eight Feet at the least alongside the said River *Mersey*, measured at Right Angles, for Towing-path ; and the Abutments or Piers of the said Bridge shall be constructed so as to adapt and render them (without any Alteration being required to be made to such Abutments or Piers) applicable to a Bridge to be opened by Swivel, Bascule, or other Motion ; and the said Bridge shall be constructed in such a Manner as at all Times to afford a clear and continuous Headway along the Course of the said River *Mersey* of Twenty-eight Feet above the Surface of the Water in the Centre of the said River, according to the ordinary Mean Level thereof at the Place of crossing ; and the Springing of the Arch of the said Bridge (unless the Underside thereof be made horizontal) shall not be less than Eighteen Feet above such ordinary Mean Level of the Water ; a clear Headway of not less than Eight Feet shall be left above the said Towing-path, and a good substantial and sufficient Retaining Wall shall be erected underneath the said Bridge, and on each Side thereof, so far as may be necessary for giving proper and suitable Curves to the Towing-path in its Approach to the said Bridge, for the Purpose of upholding and staying the Towing-path under the said Bridge, and on each Side thereof, and which Wall shall be of sufficient Height to keep and retain the said Towing-path at a Level Ten Feet above the Surface Water of the River as aforesaid.

Works to be
made to the
Satisfaction
of certain
Engineers.

28. The Works authorized by this Act to be made over or upon the River *Mersey* and the Towing-path thereof, or in connexion therewith, shall

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shall be executed and completed to the Satisfaction of *John Frederick Bateman* Esquire, or other the Engineer for the Time being of the Company of Proprietors of the *Mersey and Irwell* Navigation, or to the Satisfaction of an Engineer to be agreed upon by the said Company of Proprietors and the Company hereby incorporated, or if they disagree then to the Satisfaction of an Engineer to be appointed by the Board of Trade.

29. If the Company of Proprietors shall at any Time hereafter widen, deepen, change the Level, or divert the Course of or otherwise alter the *Mersey and Irwell* Navigation, or any Part thereof, so as to make it fit for the Passage of Sea-going Vessels, pursuant to the Powers vested in them, which Powers are hereby expressly intended to be fully reserved, or shall obtain an Act of Parliament for rendering the said Navigation navigable for Sea-going Vessels, or if in any Manner the said Navigation shall be made navigable for Sea-going Vessels, so as to render necessary, expedient, or desirable a free Passage through any Viaduct or Bridge constructed by the Company hereby incorporated across the Line of the said Navigation, then the said Company of Proprietors shall and they are hereby authorized at their own Costs and Charges after the Expiration of Three Calendar Months Notice in Writing served by them or on their Behalf on the said Company hereby incorporated of their Desire to have such Conversion made, to commence and with all reasonable Diligence to complete the Conversion of any then existing Viaduct or Bridge authorized by this Act over the said River *Mersey* and Towing-path into or in lieu thereof to construct and for ever thereafter be entitled to maintain and work a Swivel or any other Kind of opening Bridge in the Place of such Viaduct or Bridge hereby authorized, of such Dimensions and Construction and in such Manner and Form as will allow the Passage of all Sea-going Vessels using the said Navigation at all seasonable and proper Times: Provided always, that such Swivel or other opening Bridge when constructed as aforesaid, shall at all Times thereafter be respectively worked and used for the Purposes of the said Navigation by the said Company of Proprietors, or by Servants or Agents appointed by them solely under proper Regulations, to be fixed upon by the said Company of Proprietors; and in case of the Company hereby incorporated being aggrieved by such Regulations then under such Regulations for the Protection of the Traffic as well of the said Navigation as of the said Road authorized by this Act, and for the Public Safety, so as not to offer any unnecessary Obstruction to the Passage of Vessels along the said Navigation or of the Traffic along the said Road, as shall be from Time to Time determined upon by the Board of Trade: Provided also, that the Expense of working, managing, repairing, and upholding the said Swivel or other opening Bridge shall be borne and paid by the Company hereby incorporated or, as the Case may be, shall be refunded by them to the said Company of Proprietors.

Power to
Company to
erect a
Swivel or
other
opening
Bridge over
the *Mersey*
and *Irwell*
Navigation
if deemed
necessary.

30. If

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Company to
remove
Materials
and Rubbish
falling into
the River
Mersey, or
on the
Towing-
path.

30. If in the Execution or by reason of the Construction, Maintenance, or Repairs of the said Bridge, or by reason of any Act or Omission of the Company hereby incorporated, their Agents, Servants, or Workmen, any Stonework, Materials, or Rubbish shall fall into or become or be deposited in the said River *Mersey* or on the Towing-path thereof, the Company hereby incorporated shall and they are hereby required from Time to Time, as and when the same shall arise, to remove and clear away the same forthwith at their Expense, and in case the Company hereby incorporated shall not on receiving Notice in Writing from the Principal Agent or Cashier of the said Company of Proprietors remove and clear away or proceed with all due Dispatch to remove and clear away the said Stonework, Materials, or Rubbish, it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at the Expiration of Twelve Hours after the Service of such Notice, by themselves, their Agents, Servants, or Workmen to remove and clear away the same, and all the Expenses thereof and also the Loss or Damage, whether consequential or otherwise occasioned thereby, shall be repaid by the Company hereby incorporated to the said Company of Proprietors, and in default of Payment thereof on Demand (so that such Demand be in Writing, and state the Particulars of all such Expenses, Loss, and Damage,) the said Company of Proprietors shall and may recover the same in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for the Recovery of Forfeitures, Penalties, and Costs.

Company not
to deposit
Materials in
the River
Mersey.

31. It shall not be lawful for the Company hereby incorporated at any Time or Times to drive, sink, place, lay, or deposit between the Abutments or Piers of the said Bridge, or otherwise in the said River *Mersey*, any Piles, Works, or Materials so as to prevent or interfere with the Navigation of the said River *Mersey* either directly or indirectly.

Company to
place Lights
during
Progress of
Works.

32. The Company hereby incorporated shall, during the Progress of the Construction of the Bridge, Abutments, and other Works over or within the River *Mersey* or the Towing-path, or either of them, maintain and keep at all Times from Sunset to Sunrise good and sufficient Lights well and effectually to warn, protect, and guide from Danger any Vessels, Horses, or Persons navigating, passing along, or using the said River and Towing-path, or either of them.

Penalties for
obstructing
the River
Mersey.

33. If in the Execution, Construction, Maintenance, or Repair of any of the Works by this Act authorized, or by reason of any Accident caused by or of any Act or Omission of the Company hereby incorporated, their Agents, Servants, or Workmen, or by reason of the bad State of Repair of any such Works, the said River *Mersey* or the Towing-path thereof shall at any Time be obstructed or impeded, or if any Ships, Boats, Barges, or other Vessels using the said River cannot pass along the same,

or

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or shall be impeded in such Passage, then and in any of such Cases it shall be lawful for the said Company of Proprietors, at the Costs and Charges of the Company hereby incorporated, to remove, take, and put away such Obstruction or Impediment, and to repair and make good all Damages or Injury done to the said River *Mersey* and Towing-path, or either of them, by any such Obstruction or Impediment; and the Company hereby incorporated shall pay to the said Company of Proprietors, as the Case may be, as or by way of ascertained Damages and not as a Penalty, the Sum of Five Pounds for every Hour during which any such Obstruction or Impediment shall continue, until the Expiration of Three Days from the Commencement or Discovery of such Obstruction or Impediment; and from and after the Expiration of such Three Days, or if such Impediment or Obstruction shall have been occasioned by any wilful Act on the Part of the Servants or Persons employed by the Company hereby incorporated, then and from the Commencement or Discovery of such Obstruction or Impediment the Company hereby incorporated shall pay to the said Company of Proprietors the Sum of Twenty Pounds for every Hour during which such Obstruction or Impediment shall continue, such Sum being in either of the said last-mentioned Cases computed from the Commencement or Discovery of such Obstruction or Impediment, and as or by way of ascertained Damages; and in addition to such ascertained Damages the said Company hereby incorporated shall repay to the said Company of Proprietors the full Amount of the Costs, Charges, and Expenses incurred by the Company of Proprietors in and about the removing, taking, or putting away any and every such Obstruction or Impediment, or other Injuries to the said River *Mersey* and Towing-path, or either of them, and such Costs and Charges, and such Sum or Sums as or in the Nature of Damages shall in any Case be recovered in the same Manner as is provided by the Lands Clauses Consolidation Act, 1845, with respect to the Recovery of Forfeitures, Penalties, and Costs; and the Company hereby incorporated shall be liable to make Compensation to all other Parties who may be at any Time entitled to use the said River *Mersey* and Towing-path, or either of them, for all Costs or Injury which they may respectively sustain by reason of any such Obstruction or Impediment to the said River *Mersey* or Towing-path, or either of them, and also to the Owners and Occupiers respectively of all Buildings, Lands, and Works which shall be injured or damaged by or in consequence of any such Accident, Act, or Omission as aforesaid.

34. For the Purposes of the Works by this Act authorized 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,

Incidental
Works.

[*Local.*]

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embank, and secure 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.

Lateral
Deviations.

35. In making the Bridge, Roads, and other Works the Company may deviate from the Lines shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon.

Deviation
not to extend
to Lands not
mentioned in
Book of
Reference
without
Consent.

36. Provided, That no such Deviation shall extend into the Lands of any Person whose Name is not given in the deposited Books of Reference without his previous Consent, unless his Name is omitted by Mistake, and the Fact that the Omission proceeded from Mistake be certified as by this Act is provided for Cases of unintentional Errors in the Books of Reference.

Vertical
Deviations.

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

Fence to
Bridge.

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

Inclination
of Road.

39. 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.

Period for
Completion
of Works.

40. The Bridge 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 to be exercised: Provided, that notwithstanding the Expiration of that Period the Company from Time to Time may improve, maintain, repair, or rebuild such of the Works as they execute within that Period.

Power to
purchase
Floating
Bridge and
Ferries.

41. The Company shall, and they are hereby authorized and required, before the Bridge is opened for Public Traffic, to purchase and acquire the Floating Bridge and Ferry called or known as the *Hollins Green* Float or Ferry and all Rights of Ferry which the Owners thereof are now entitled to exercise and enjoy, and all other Rights of Ferry over the River *Mersey* within One Mile, measured in a straight Line from either Side of the intended Bridge now exercised or enjoyed by any other Person

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Person or Persons, making Compensation to the Owners of the said Floating Bridge and Ferry, and Rights of Ferry respectively, according to the Provisions of this Act and the Acts incorporated therewith, and upon the Execution of a Deed of Conveyance by the Owners of the *Hollins Green* Float or Ferry, in which the true Consideration shall be inserted, the Rights of the Owners of such Floating Bridge and Ferry so conveyed shall vest in the Company.

42. After the Day on which the Bridge is opened for Public Traffic no Ford, Floating Bridge, or Ferry for the Conveyance or Passage of any Person, Animal, or Carriage for Toll, Hire, or Payment of any Kind, shall be established, made, or maintained at any Place within a Distance of a Mile measured in a straight Line from either Side of the Bridge; and if any Person, Animal, or Carriage pass, or be driven, or taken over, through, or across the River at any Ford or Ferry within that Distance from the Bridge for Hire or Toll or on Payment of any Kind, and without Payment of the Toll to be demanded and taken for the passing of the Person, Animal, or Carriage over the Bridge, every such Passenger and every Person having Charge of the Animal or Carriage shall for every such Offence forfeit not exceeding Five Pounds.

Fords,
Floating
Bridge, &c.,
to be disused.

43. After the Bridge is completed and opened for Public Use, the Company may stop up any or every Road leading to any or every Ford, Floating Bridge, or Ferry so purchased as aforesaid.

Roads to
Fords, Floating
Bridge,
&c. to be
stopped up.

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

Ferry Boats
to be kept
by Company
till Bridge
built.

45. If and whenever after the Bridge is completed the Passage over it becomes dangerous in consequence of Accident or Damage, or it is considered desirable to alter or repair or rebuild the Bridge or any Part thereof, the Company may and shall during the 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 the Ferry shall continue for such Time only as is necessary for altering, repairing, or building the Bridge.

Company to
provide
Ferry Boats
in case of
Accident to
Bridge.

46. After the Bridge and Roads are completed the same shall be deemed a public Bridge and public Highways, and, subject to the Provisions

Bridge to be
public, but
not to be

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County
Bridge.

Provisions of this Act, all Persons with or without Animals or Carriages shall have free Liberty on Payment of the Tolls by this Act granted to pass over the same without any Interruption whatever; but the Bridge shall not be deemed a County Bridge so as to make the Counties of *Lancaster* or *Chester*, or either of them, liable to repair, light, or watch the same, and shall be maintained and kept in repair by the Company.

Power to
provide Toll
Gates and
Toll Houses.

47. After the Bridge is opened for Public Traffic, the Company from Time to Time may set up such Toll Gates at or upon the Bridge and Roads, and remove the Toll Gates and set up others instead 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.

Power to
take Tolls
for passing
over Bridge
and Roads.

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

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

For every Horse or other Beast (excepting Asses) drawing any Waggon, Wain, Cart, or other like Carriage, Threepence :

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

For every Ass laden or unladen, One Penny :

For every Ass drawing any Cart or other like Carriage, One Penny Halfpenny :

For every Ox, Cow, Bull, or Neat Cattle, Tenpence *per* Score, and so in proportion for any greater or less Number than a Score :

For every Calf, Pig, Sheep, or Lamb, Fivepence *per* Score, and so in proportion for any greater or less Number than a Score :

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 One actually driving and accompanying any Waggon, Wain, Cart, or other Carriage) passing and repassing over the Bridge, One Halfpenny each Way :

For every Person riding in or upon any Waggon or Wain, or any Cart or other 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 like Carriage, One Penny.

49. The

Rixton and Warburton Bridge Act, 1863.

49. The Tolls shall be paid before any Person, Animal, or Carriage shall be entitled to pass or repass through any Toll Gate, provided that only One full Toll (save as regards Foot Passengers) shall be demanded or taken for every Time of passing or repassing over, along, or on the Bridge or Roads, or any Part thereof, provided that no more than Two full Tolls shall be taken in respect of any Animal or Carriage for passing or repassing the Bridge any Number of Times in any one and the same Day. Payment of Tolls.

50. The Tolls by this Act granted are by this Act vested in the Company for the Purposes of this Act. Tolls vested in Company.

51. The Company from Time to Time, with the Sanction of a 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 is by this Act provided. Power to vary the Tolls.

52. The Tolls shall at all Times be charged equally and after the same respective Rate upon all Persons and in respect of all Animals and Carriages of whatever Sort, and no Reduction or Advance of the Toll 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 like respective Sort. Tolls to be charged equally.

53. 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. Tolls to be taken by Toll Collectors.

54. Provided, That the Company shall not demand or take any Toll under the Act until any or every Ferry, if any, within the Distance of One Mile measured in a straight Line from either Side of the Bridge, is vested in the Company. Tolls not to be taken till Ferries vested in Company.

55. When any Toll Gate is provided under this Act, the Company shall put up, and afterwards continue at every such Toll Gate, a Table painted 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 obliterated, and except during the Time necessarily occupied in the repairing or renewing of any Board, the Company shall not demand or take at any Toll Gate any Toll save while the Board so painted remains affixed to the Toll Gate. Table of Tolls to be put up.

[*Local.*]

9 F

56. Provided

Rixton and Warburton Bridge Act, 1863.

Exemptions
from Tolls.

- 56.** Provided, That no Toll shall be demanded or 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, Animal, or Carriage of whatever Sort 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 Animal or Carriage attending Soldiers with their Arms and Baggage, or returning after being so employed :
 Fifthly, for any Waggon, Wain, Cart, or other Carriage, or any Animal 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 Animal or Carriage employed only in conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after being so employed.

As to
Seizure and
Distress of
Horses, &c.,
for Tolls.

- 57.** If any Person subject under this Act to the Payment of any Toll after Demand made thereof by any Collector appointed to receive the Toll fail to pay the Toll, the Collector by himself, or taking such Assistance as he think necessary, may stop and prevent the Passage of the Person so failing, and may distrain the Animal in respect of which the Toll is payable, with its Bridle, Saddle, Gear, Harness, or Accoutrements (except the Bridle or Reins of any Animal separate from the Animal), and any Carriage drawn by the Animal.

Sale of Dis-
tress for
Toll and
Charges of
Distress, &c.

- 58.** If the Toll and the reasonable Charges of the 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 Animals, Carriages, and Chattels 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.

59. If

Rixton and Warburton Bridge Act, 1863.

59. 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 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 Counties of *Lancaster* or *Chester*, or either of them, who upon Application made to him or them for the 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.

For settling
Disputes
concerning
Tolls and
Distresses.

60. 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 Terms and Conditions as the Company think fit; and the Rents shall be applied for the Purposes of this Act.

Power to
lease the
Tolls.

61. 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 a Toll Collector may demand and take the Tolls accordingly.

Appoint-
ment of Toll
Collector.

62. Every Toll Collector shall place his Christian and Surname, painted on a Board in legible Characters, on 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, and if any Toll Collector fail so to do he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Toll Col-
lector to
place his
Name on
Toll House.

63. 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 a Toll Collector in his Place.

Removal of
Toll Col-
lector.

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

Evidence of
Appoint-
ment and
Removal of
Toll Col-
lector.

65. If

Rivton and Warburton Bridge Act, 1863.

Power to
obtain from
discharged
Toll Col-
lector Pos-
session of
Toll House,
&c.

65. If and whenever any Toll Collector so discharged, or the Wife, Widow, or any of the Family or Representatives of any Toll Collector deceased or so discharged, or any other Person having possession of any Toll House or other Building or Property of the Company fail for Two Days after Demand, by Notice in Writing, signed by the Secretary of the Company, or by the Lessees of the Tolls, or their Agent, and given to the Toll Collector or to any such Person, or left at the Toll House or Building, to deliver up possession of the Toll House, Building, or Property as so demanded, any One or more Justice or Justices of the Peace of the Counties of *Lancaster* or *Chester*, or either of them, by Warrant under his or their Hand and Seal, or Hands and Seals, may order any Constable or other Peace Officer for the said Counties, with requisite Assistance, to enter into the Toll House or Building 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.

Penalty for
evading
Tolls.

66. If any Person take off any Horse or other Beast from any Carriage at or near to the Bridge, or at or near to any Toll Gate provided under this Act, and afterwards put on the Horse or Beast after having passed the Bridge or Toll Gate with Intent to evade, and thereby evades or endeavours to evade the Payment of any Toll, 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.

Penalty for
fraudulently
passing
Bridge, &c.

67. If any Person fraudulently or forcibly pass over the 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.

Penalty for
damaging
Bridge, &c.,
and other
Offences.

68. If any Person commit any of the following Offences, every Person so offending shall for every such Offence forfeit not exceeding Forty Shillings; (that is to say,)

First, if any Person wilfully or negligently destroy, injure, or damage any Footpath or Causeway on the Side of any Part of the Bridge or Roads :

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 Roads :

Fourthly

Rixton and Warburton Bridge Act, 1863.

Fourthly, if any Driver of any 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 or Roads so as to damage the same :

Sixthly, except in the Case of Carriages, during a reasonable Time for loading or unloading, standing as near as conveniently may be to the Side of the Bridge 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 or Road either with or without any Horse, Beast, or Cattle harnessed or yoked thereto : or,

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.

69. The Bridge and the Works and other Property of the Company shall be deemed to be a public Bridge within the Meaning of any Act from Time to Time in force with respect to malicious Injuries to public Bridges.

Penalty for
destroying
Bridge, &c.

70. If any Toll Collector commit any of the following Offences every Toll Collector so offending shall for every such Offence forfeit not exceeding Forty Shillings ; that is to say, if any Toll Collector :

Penalty for
Offences by
Toll Col-
lector.

First, do not place the Board with his Name thereon and continue it placed, as by this Act required, 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 of this Act, authorized to demand or take :

Thirdly, demand and take Toll from any Person exempted from the Payment thereof and claiming the Exemption :

Fourthly, refuse to permit any Person to read or in anywise hinder any Person from reading the Inscriptions on the Name Board or on the Table of 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 prevent or hinder any Person from passing through the Toll Gate.

Rixton and Warburton Bridge Act, 1863.

Disputes as
to Damages
and Charges
to be settled
by Justices.

71. Where any Damage or Charge is by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not otherwise provided for, the Amount in case of Nonpayment thereof, or Dispute respecting the same, shall be ascertained and determined by One or more Justice or Justices for the County of *Lancaster* or *Chester*, or either of them.

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

72. Any Constable, or any Officer or Agent of the Company, and all such Persons as he respectively calls to his Assistance, and without any Warrant other than this Act, may seize and detain any Person whose Name and Place of Abode are unknown to 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 *Lancaster* or *Chester*, and the Justice may deal with the Offender as if he had been duly summoned or brought by Warrant before him.

Recovery
and Appli-
cation of
Penalties,
&c.

73. All Offences under this Act and all Penalties, Damages, Charges, Tolls, and Costs imposed or payable under this Act, or by virtue of any Byelaw, Rule, or Order made in pursuance thereof, may be taken cognizance of or recovered under the Provisions of any Act from Time to Time in force relating to the Performance of the Duties of Justices of the Peace out of Sessions in *England* 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.

Service of
Notices by
Company.

74. 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 of the Company, and need not be under the Common Seal of the Company, and shall be sufficiently served by being delivered personally to the Person or being left at his then usual or last known Place of Abode or Business in *England*, or being delivered to some Clerk or other principal Officer of the Person being a Corporation, or being left at the Office of the Clerk or principal Officer, or at his then usual or last known Place of Abode in *England*.

Expenses
of Act.

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

Saving
Rights of
the Mersey
and Irwell

76. Nothing in this Act contained shall in any Manner take away or prejudice any of the Rights, Powers, and Authorities vested in the Company of Proprietors of the *Mersey and Irwell* Navigation under or
by

Rixton and Warburton Bridge Act, 1863.

by virtue of any Act or Acts of Parliament relating to the same or other- Navigation
wise howsoever. Company.

77. This Act shall be a Public Act, and shall be judicially taken Public Act.
Notice of as such.

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