CHAP. xxxiv.

An Act to vest Fosdyke Bridge and certain property connected therewith in the inhabitants of the parts of Holland in Lincolnshire as a county bridge and county property. A.D. 1870.

[20th June 1870.]

Preamble recites Fosdyke Bridge Act, 51 G. 3. c. clxxi.

WHEREAS an Act was passed in the year 1811 (which is herein-after referred to as "The Fosdyke Bridge Act,") for repealing so much of an "Act of his present Majesty as relates to "making a public way over Fosdyke Wash in the county of "Lincoln, and for granting further powers for building a bridge "over the said Wash," and by the said Act a company was incorporated by the name and style of "The Company of Proprietors of the Fosdyke Bridge," (herein-after referred to as the bridge company,) and was authorised (section 56) to make and maintain a bridge over or across the lower part of the River Welland called Fosdyke Wash, running through or between the parishes of Fosdyke and Moulton, in the parts of Holland in the county of Lincoln, near to Fosdyke Inn, together with any new roadways or approaches for facilitating the access to the said bridge; and the said company were also authorised, for the purpose of securing the said bridge and the approaches thereto from the influx of the sea and from the overflowing of the river at times of floods, to extend the south bank of the River Welland to the eastward as far as Fosdyke Inn, and to make an embankment thence round to the south-east as described; and by the 57th section of the same Act it is provided that in order to preserve the outfall of the River Welland towards the sea, and likewise the navigation of such river and the drainage thereby, the middle waterway of the bridge shall not be less than 30 feet in the clear, and that the centre thereof be so constructed as to open at the top for the purpose of permitting vessels trading to and from the ancient seaport town of Spalding in the said county to pass through without striking any mast; and the Act contains provisions for the taking of tolls (sections 60 to 63), and the 68th section exempts the bridge from any parochial rates or assessments for or in respect of the tolls so authorised to be

A.D. 1870. taken, or for or on any other account whatsoever; and it provides that the bridge shall not be deemed a county bridge so as to subject the said county of Lincoln to the repair or support of the same:

And whereas, in pursuance of the said Act (section 3), the company raised a capital of 14,000*l.* in shares of 100*l.* each, and the proprietors subsequently raised among themselves a sum of 3,000*l.* on mortgage of their undertaking and the tolls arising by virtue of the said Act, and they constructed the said bridge, with a toll-house and yard attached thereto, and acquired other land (particularly a piece of land containing 10 perches or thereabouts, more or less, situate near to the south-west corner of the said bridge, and for some time past and still used as a coalyard), contiguous to the same, and the said bridge was during a great number of years maintained for the use of the public on payment of the tolls reserved by the said Act, and was productive of profit to the company:

And whereas of late years the traffic over the said bridge has so diminished as to render the tolls derived therefrom insufficient for the maintenance of the bridge, which has fallen into decay and become dangerous, and the same has not since the 1st day of August 1868 been used as a bridge, but has been kept permanently open to prevent the navigation in the River Welland from being impeded, and the company have no funds for the repair or maintenance of the bridge:

And whereas, at a general assembly of the company of proprietors of Fosdyke Bridge held on the 4th day of July 1866, the following resolution was passed: "The proprietors and mort-
" gagees resolve and decide to consent to relinquish and give up
" all their respective interests in the bridge to the county, upon
" being released by the county from any further liability for the
" repairs of the bridge; and inasmuch as Fosdyke Bridge forms
" the direct line of communication between Lincolnshire and the
" eastern counties, there being no other bridge across the River
" Welland lower than the town of Spalding, about eight miles
" higher, and as the loss of this bridge would cause great public in-
" convenience, it is agreed and resolved that the county authorities
" be respectfully solicited to relieve the proprietors and mortgagees
" from the burthen of maintaining the bridge for the future, upon
" the relinquishment by the proprietors and mortgagees of their
" entire interest in the same:"

And at a special general assembly of the company of proprietors and mortgagees held pursuant to notice at the Fosdyke Inn on the 28th day of April 1868, at which proprietors holding 109 out of 140 shares of the company were present, either personally or by

proxy, a resolution was passed again suggesting an application to the justices, praying that the bridge might be adopted as a county bridge for the parts of Holland : A.D. 1870.

And whereas the maintenance of the said bridge is a matter of great local importance, and the justices of the parts of Holland have agreed to adopt the said bridge as a county bridge, with the duty of maintaining, repairing, and rebuilding the same; provided the said bridge and other the property of the bridge company, excepting the maintenance of the embankments herein-before mentioned, are transferred to the inhabitants of the said parts, free from all debts, mortgages, duties, and liabilities of the bridge company, excepting the duty of maintaining the said bridge as an opening bridge; and provided also, that the power herein-after contained should be reserved to the justices of levying toll for the use of the said bridge, so as to defray the expense attending the opening thereof for the purposes of navigation, and also attending any necessary repairs from time to time of the same :

And whereas it is expedient that the said arrangement be carried into effect :

But inasmuch as the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Fosdyke Bridge Transfer Act, 1870."

51 G. 3. c. lxxi. repealed.

2. From and after the passing of this Act, the herein-before recited Act, 51 Geo. III. cap. 71., shall be and the same is hereby repealed.

Vesting bridge in inhabitants of parts of Holland.

3. Immediately upon the passing of this Act, Fosdyke Bridge, and so much of the approaches thereto as belong to the bridge company, together with any toll-houses, lands, yard, or other property belonging to the company, except as herein-before mentioned, according as the said bridge, toll house, approaches, yard, and lands are, as between the bridge company and the said inhabitants, shown upon a plan authenticated by the signature of the Right Honourable Lord Redesdale, Chairman of Committees of the House of Lords, and to be forthwith deposited with the clerk of the peace for the parts of Holland in the county of Lincoln, to be by him preserved in the Record Room at the Sessions House in Spalding

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aforesaid, shall, by virtue of this Act, be transferred to and vest in the inhabitants of the said parts of Holland as a county bridge, free from all rights, claims, or demands of the bridge company, or of any mortgagees or creditors thereof, and the bridge shall thenceforth be deemed to be a county bridge, to be repaired and repairable by the inhabitants of the parts of Holland, and be subject to the incidents of such bridges, and especially to the provisions of the Act passed in the forty-third year of King George III., chapter 59, intituled "An Act for remedying certain defects in the laws relative "to the building and repairing of county bridges and other works "maintained at the expense of the inhabitants of counties in "England," and of the Act passed in the fourth and fifth years of Her present Majesty (chapter 49), intituled "An Act to provide for repairing, improving, and rebuilding county bridges," and to the provisions of any other Acts now in force relating to county bridges in England.

Power to erect toll-gates and collect tolls.

4. The justices for the aforesaid parts of Holland may, by an order or resolution made or passed by them at any quarter sessions of the peace held for the said parts, or at any adjournment thereof, cause to be erected and may maintain upon or contiguous to or across the bridge or the approaches thereto any toll-gate and toll-house, with outhouses 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,)

For every horse or animal drawing any carriage, coach, stage coach, omnibus, cab, fly, van, caravan, chariot, chaise, post-chaise, curricle, phaeton, car, gig, sociable, dog cart, calash, taxed cart, chair, hearse, litter, break, or other like carriage or vehicle, by whatever name known respectively, adapted or used for the conveyance of persons or light articles, the sum of four-pence halfpenny:

For every horse or animal drawing any cart, waggon, wain, van, caravan, dray, trolly, timber carriage, drag, sledge, thrashing machine, straw elevator, drill, roll, clod crusher, cultivator, steam boiler and engine (except as herein-after prohibited), or other like vehicle or machine or implement, by whatever name known respectively, adapted or used for the conveyance of heavy articles, the sum of fourpence halfpenny:

For every horse, mare, gelding, pony, or mule, laden or unladen, and not drawing, the sum of threepence:

For every ass, laden or unladen, the sum of one penny:

For every foot passenger (other than such as shall be bonâ fide driving or in charge of or belonging to any horse or other animal chargeable with toll), the sum of one penny:

For every drove of oxen or neat cattle, the sum of tenpence per score, and so in proportion for any greater or less number:

For every drove of calves of not more than one year old, swine, sheep, lambs, or goats, the sum of fivepence per score, and so in proportion for any greater or less number:

For every drove of geese or turkeys, the sum of twopence halfpenny per score, and so in proportion for any greater or less number:

For every perambulator, and for every velocipede, bicycle, tricycle, or other like carriage or conveyance, by whatever name called, and whether a person be riding upon or carrying the same, the sum of threepence:

For every hand cart, barrow, or truck, or other like carriage, whether drawn or propelled by any individual or by any animal, the sum of one penny:

For every elephant, camel, dromedary, bear, or other like animal, the sum of ninepence:

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

Traction by steam or machinery prohibited.

5. No carriage or vehicle propelled or moved by the power of steam or machinery shall cross the bridge, excepting with the consent of the justices, and on payment of such toll as they may by any such order or resolution as aforesaid fix or direct.

Limiting the weight to be carried on bridge.

6. No waggon or other carriage shall, without the consent of the justices, carry at any one time upon the bridge (including the weight of such waggon or carriage) more than four and a half tons.

Power to erect weighing machines.

Toll-keeper may weigh carriages, &c.

7. The justices by any such order or resolution as aforesaid may cause to be erected at or near the bridge one or more cranes or weighing machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles, and the keeper of any weighing machine or toll-gate, or any other person appointed by the justices 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

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any gate-keeper, toll-keeper, or toll-collector, in weighing the same, every such owner, driver, or conductor, shall be liable to a penalty (to be paid to the treasurer or treasurers of the parts of Holland in aid of the county rate) not exceeding five pounds.

Fractional part of a halfpenny.

8. 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.

Exemptions from tolls.

9. 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 used by any such policeman, or 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 used or 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 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 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 coastguard 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 for any officer or man in Her Majesty's navy or coastguard 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 coastguard 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 coastguard 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:

Or for any child living within a radius of two miles from the bridge, and going to or returning from school, provided that such child have a certificate from his or her school master or mistress that he or she is a regular attendant at school:

Or for any person living within the like radius, bonâ fide going to or returning from his or her usual place of worship, whether the same be situate in the parish of his or her residence or not, on any Lord's day or other day set apart by competent authority for the performance of public divine service, or for any horse or other animal or carriage used by any such person in the exercise of that duty:

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.

10. 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.

Tolls to be taken only whilst board exhibited.

11. 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 the toll-gate where such tolls shall be payable, and no tolls shall be demanded or taken during any time at which the boards herein-before directed to be exhibited shall not be so exhibited.

Power to stop any person refusing to pay toll.

12. If any person subject to the payment of the tolls hereby made payable or any of them, or any person having charge of any

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horse, animal, 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 to pay 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 to pay, or of the horse, animal, 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 animal, together with the bridles, saddles, gears, harness, and accoutrements thereunto belonging, or any carriage drawn by any such horse or animal, 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, animal, 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.

Penalty for evading toll.

13. If any person shall pass or drive any animal or thing hereinbefore described as liable to toll over or 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.

For settling disputes concerning tolls.

14. 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 for the parts of Holland, who (notwithstanding his being interested as aforesaid), 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 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 punishing toll-collectors misbehaving.

15. 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 authorised to do by virtue of the powers of this Act or of the orders of the justices, 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 inscription on the boards to be fixed and placed as aforesaid, or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any horse, animal, 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.

16. If any collector of tolls or other officer employed by the justices 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 treasurer or treasurers of the parts of Holland, or to any person appointed by him or them for that purpose, any dwelling house, office, or other building, with its appurtenances, or any books, papers, or matters belonging to the justices or such inhabitants as aforesaid, 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 treasurer or treasurers, or one of them, to any justice for the said parts, such justice may, notwithstanding his being so interested as aforesaid, 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 treasurer or treasurers, or any person appointed by him or them to receive the same.

Power to lease the tolls.

17. The justices may from time to time, by any such order or resolution as aforesaid, determine, by lease, to take effect in pos-

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session within three months from the letting thereof, to 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, and may so let the same accordingly.

Lessees to be deemed collectors.

18. 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 justices.

Power to determine lease of tolls.

19. 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 justices in quarter sessions as aforesaid, or at any adjournment thereof, 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 justices 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.

Lessees making default to be removed.

20. Upon the determination of any such lease, any justice, upon application made by the said treasurers or one of them, may order any constable, with proper assistance, to enter upon any toll-house, dwelling house, office, weighing machine, or other building, with the appurtenances thereof, connected with the said bridge, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession of the said buildings, and the property found therein belonging to the justices, and deliver the same to the treasurer or treasurers, or any person appointed by him or them to receive the same.

As to application of tolls, &c.

21. All tolls, rents, and other payments received by the justices in respect of the said bridge shall be applied by them in the maintenance and repair thereof, and in defraying the cost of opening the same for the purposes of navigation, and in paying interest on any sums of money which may be borrowed for the rebuilding of the said bridge; and if at any time the tolls, rents, or other payments aforesaid so received by them shall be more than sufficient for the

purposes aforesaid, the justices shall from time to time reduce the tolls leviable for the use of the bridge.

Extension of justices power as to byelaws.

22. The justices may from time to time, in quarter sessions, or at any adjournment thereof as aforesaid, make byelaws for regulating the number of passengers or animals that shall at any one time pass over the said bridge, also the speed at which any carriage shall pass over it, and the general use of the bridge, and for preventing nuisances upon the bridge.

Saving rights of the Crown in the foreshore.

23. Nothing contained in this Act or in any of the Acts herewith incorporated shall authorise the justices 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 estate, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of "Welland Trustees" and others.

24. Nothing contained in this Act shall impair or prejudicially affect any rights, powers, or privileges belonging to or enjoyed by the "Welland Outfall Trustees," or of any other body of trustees or commissioners having any right of draining or navigation in the river Welland.

Providing for opening bridge.

25. In repairing and maintaining Fosdyke Bridge, the justices or the county surveyor or any other person acting on behalf of the inhabitants of the said parts of Holland, shall maintain a middle waterway not less than twenty-seven feet in the clear, and if the said bridge shall be rebuilt, then a middle waterway not less than thirty feet in the clear, together with an opening or openings of waterway on each side thereof not less than eighty feet, and the centre of the bridge shall be so constructed and maintained as to open at the top for the purpose of permitting vessels trading to and from the town of Spalding to pass through without striking any mast; and the said justices shall at all times employ and shall remunerate one or more fit person or persons to open the said bridge for the purpose of permitting vessels to pass through the same, and to close the said bridge after the passing of the vessels.

Protecting bridge (see sect. 80. of Bridge Act).

26. If any person shall in any way destroy or injure the bridge or toll house or gate, yards, and premises, so now existing as aforesaid, or hereafter to be constructed or built, under the provisions of this Act or any part or parts thereof respectively, or any fence

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or other property connected therewith, or shall tow any barge, boat, or other vessel through any of the arches or openings of the bridge, by means of any line upon or over the said bridge, or shall make fast any rope to the ballustrades or any other part of the said bridge for the purpose of mooring or staying any barge, boat, or other vessel, every person shall for every such offence be liable to a penalty not exceeding five pounds, in addition to compensation for any injury which he may have so occasioned to the bridge, toll house, or gate and premises aforesaid; provided that the payment of the said penalty shall not relieve the party offending from the liability to pay compensation for the damage done or occasioned by him.

Prohibiting ferrying over Fosdyke Wash.

27. Whilst the said bridge is open for public traffic, it shall not be lawful for any person or persons, for hire or recompense, to convey any other person, carriage, horse, animal, or other cattle, or any stones, bricks, lime, manure, or any other article or thing, across the said Fosdyke Wash, within one mile of either side of the said bridge, otherwise than over the said bridge, with intent to evade the payment of the said tolls or any part thereof; and any person or persons offending against this enactment shall be liable for every such offence to forfeit and pay any sum not exceeding five pounds.

As to recovery of penalties.

28. All the several provisions contained in the Act 11 and 12 Vict. cap. 43, commonly called "Jervis's Act," and intituled "An Act to facilitate the performance of the duties of the justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and also all the several provisions contained in a certain other Act, 24 and 25 Vict. cap. 97, intituled "An Act for consolidating and amending "the statute law of England and Ireland relating to malicious "injuries to property," and all provisions which are or shall or may be contained in any Act or Acts amending the same or either of them, relating to the proceedings for the recovery of penalties by summary conviction, and to appeal against such convictions, and the levying and enforcing of penalties and the costs of such proceedings, shall and may be adopted, applied, and put in force for the recovery and enforcing of every and any of the several penalties incurred under this or any of the said Acts; and the several justices of the peace from time to time appointed and acting in and for the aforesaid parts of Holland shall and may and they are hereby severally empowered and authorised to sit and act (notwithstanding their so being interested as such justices in the bridge and works aforesaid) in the hearing of any information or complaint, and adjudicating the conviction of any party or parties charged with any offence under this Act, or in afterwards hearing and adjudi-

cating upon any appeal that may be made against any such conviction or convictions, and in enforcing the same.

Plans for new bridge to be submitted to Board of Trade.

29. Before the justices rebuild Fosdyke Bridge, if, under the powers of this Act and of the said Act 4 and 5 Vict. cap. 49, they determine to rebuild the same, they shall submit a plan of such new bridge, so far as it affects the tidal waters of the River Welland, to the Board of Trade, and shall not commence the rebuilding except according to such plans as shall have been approved of by the board; provided that the board shall not require the construction of any bridge involving unreasonable expense or delay.

As to lights on bridge.

30. During any rebuilding of Fosdyke Bridge the justices shall cause to be exhibited every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves, and notwithstanding the enactments for the time being in force (respecting lighthouses) shall also on or near the bridge, when completed, always exhibit every night from sunset to sunrise such lights for the guidance of ships as the Board of Trade from time to time requires or approves.

Abatement of bridge if abandoned.

31. If any bridge which may be built by the justices in the stead of the existing bridge is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the same or any part of it, and restore the site thereof to its former condition, at the expense of the inhabitants of the parts of Holland, and the amount of such expense shall be a debt due from the inhabitants to the Crown, and be recoverable accordingly, with costs, from the treasurer or treasurers for the said parts of Holland.

Survey of works by Board of Trade.

32. If at any time the Board of Trade deems it expedient to order a survey and examination of any bridge which the justices may construct in the stead of the existing Fosdyke Bridge, the treasurer or treasurers of the parts of Holland shall defray the expense of such survey and examination, and the amount thereof shall be a debt due from the inhabitants of the said parts of Holland to the Crown, and be recoverable accordingly, with costs, from such treasurer or treasurers.

Saving liability of trustees acting under 7 G. 4. c. lxxxiii.

33. Nothing contained in this Act shall alter the rights, duties, and liabilities of the trustees or other persons acting under the powers of an Act passed in the seventh year of the reign of King George IV. (chapter 83), or of any Act continuing the said Act or transferring the powers thereof, the same Act being intituled "An "Act for making into a turnpike road a road leading from the "Cross Gate in the parish of Swineshead to the southern extremity "of the parish of Fosdyke in the county of Lincoln, and repairing

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" and maintaining the same," but it shall be incumbent upon such trustees or other persons to maintain and repair the road over Fosdyke Bridge and the approaches thereto in the same manner and to the same extent as they would have done if the said bridge had continued to be used for public traffic, and this Act had not passed.

Providing for maintenance of embankment.

34. From and after the passing of this Act, the embankment made by the company in pursuance of the 56th section of "The Bridge Act," on the south side of Fosdyke Bridge, and any roadway thereon, shall vest in and (subject as last aforesaid) be repaired and maintained by the inhabitants of the parishes of Fosdyke and Moulton in the said parts of Holland, or by the surveyors of the highways thereof respectively, in such proportions as the said embankment and roadway shall lie and be situate in either of the said parishes, and the cost of such maintenance and repair shall be defrayed out of the highway rates leviable on the said parishes respectively.

Expenses of Act.

35. No part of the costs, charges, or expenses of applying for or obtaining this Act, or preliminary thereto, shall be charged on or payable out of any county or other rate to be levied on the inhabitants of the county of Lincoln or of the parts of Holland in the same county.

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