ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 133.

An Act for repairing, altering, and widening the Road from a Lane called *Back Lane*, in the Parish of *Scartho*, to *Hollowgate Head*, in the Parish of *Louth*, in the County of *Lincoln*. [27th *July* 1803.]

WHEREAS the Road leading from the West End of a Lane called *Back Lane*, in *Scartho*, to a Place called *Hollowgate Head*, in *Louth*, through the several Parishes of *Waltham*, *Holton le Clay*, *Waith*, *Grainsby*, *North Thoresby*, *Ludborough*, *Utterby*, *Fotherby*, and *Brackenbury*, in the County of *Lincoln*, is in many Places very deep and ruinous, and also very narrow, crooked, and incommodious, and cannot be properly and sufficiently amended, widened, alterred, and repaired, by the Laws now in being: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *Charles Anderson Pelham*, the Honourable *George Pelham*, Sir *Joseph Banks* Baronet, Sir *Henry Nelthorpe* Baronet, the Mayor, Aldermen, Recorder, and Town Clerk for the Time being

being of the Borough of *Great Grimſby*, in the County of *Lincoln*, *Marmaduke Alington* Clerk, *Joſeph Anningſon*, *Hinman Allenby*, *William Alliſon* the younger, *John Beatniffe* Clerk, *Ayſcoghe Boucherett*, *Richard Baſſett*, *Chriſtopher Bell*, *Hewſon Bonſor*, *William Batterill*, *Richard Borman*, *George Babb*, *John Booth*, *Edward Blyth*, *Thomas Buringham*, *William Chaplin* Clerk, *Charles Marſhall Clarke* Doctor of Phyſick, *George Chaplin*, *Richard Codd*, *John Codd*, *Thomas Chatterton* the elder, *Edward Carritt*, *John Carritt*, *Robert Chatterton*, *John Corden*, *Robert Cooke*, *John Thory Chapman*, *William Dickinſon*, *Charles Dennis*, *John Emeris* the younger, Clerk, *Chriſtopher Epworth*, *George Edwards*, *Adam Eve*, *Joſeph Franklyn*, *David Fridlington*, *David Fridlington* the younger, *John Grantham* Clerk, *George Gray* Clerk, *Iſle Grant*, *John Grant*, *Stephen Gray*, *George Holliwell*, *George Robert Heneage*, *Thomas Fieſchi Heneage*, *William Hutton*, *Theophilus Harneis*, *Langley Gace Hodgſon*, *Sapsford Harrold*, *Woodthorpe Johnſon*, *Thomas Julian*, *Wolley Jolland* Clerk, *William King*, *Frederick L'Oſte*, *Matthew Bancroft Liſter*, *George Liſter*, *George Langton*, *Joſeph Liveſey*, *John Loft*, *William Loft*, *George Maddiſon* Clerk, *John Maddiſon*, *Charles Burrell Maſſingberd*, *William Marſhall*, *Robert Marris*, *James Maſon*, *Charles Manby*, *John Nelthorpe*, *Gabriel Neve*, *Henry Neve*, *Thomas Orme* Doctor of Divinity, *Francis Otter*, *Francis Overton*, *Godfrey Outram*, *John Orrill*, *John Parkinſon* Doctor of Divinity, *Samuel Carter Pettener*, *William Pearſon*, *Thomas Phillips*, *Joſeph Phillipſon*, *Robert Paddiſon*, *John Robinſon* Clerk, *John Robinſon*, *William Richardſon*, *Richard Roadley* the younger, *Joſeph Stockdale* Clerk, *John Simpſon*, *Philip Skipworth*, *William Smith*, *George Searle*, *William Sherwood*, *William Thorold* Clerk, *Leonard Towne* Clerk, *George Tennyſon*, *Henry Thorold*, *William Torr*, *Richard Taylor*, *William Tomlinſon*, *Samuel Trout*, *John Taylor*, *Willoughby Wood*, *Nicholas Wrigglesworth*, *Samuel Welfit*, *William Wilſon*, *Joſeph Woodroffe*, *John Wood*, *John Waleſby*, *Elmit Waleſby* the younger, *John Wright*, *George Wilcockſon*, and *Francis Waleſby*, and their Succeſſors to be elected and qualified in Manner herein-after mentioned, ſhall be and they are hereby declared to be Truſtees for amending, repairing, altering, widening, and improving the Road leading from the Weſt End of a certain Lane called *Back Lane* in the Pariſh of *Scartho*, to a certain Place called *Hollowgate Head* in the Pariſh of *Louth*, through the ſeveral Pariſhes of *Waltham*, *Holton le Clay*, *Waith*, *Grainſby*, *North Thoreſby*, *Ludborough*, *Utterby*, *Fotherby*, and *Brackenbury* in the County of *Lincoln*, and for otherwiſe carrying this Act into Execution.

No Act valid unleſs at a Meeting.

Majority preſent may act, the whole Number not being leſs than Five.

II. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act, the Number of ſuch Truſtees preſent at every ſuch Meeting not being leſs than Five; and all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect, as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as may be herein excepted); and at every Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon

Chairman to be appointed, and to have the caſting Vote.

upon any Question, (including the Vote of the Chairman) then and in such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

Election of new Trustees.

III. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors, to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, from Time to Time to elect and appoint One other Person to be a Trustee in the room of each Trustee so dying, or refusing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk to the said Trustees for the Time being, be inserted in some Newspaper or Newspapers circulated in the said County of *Lincoln*, and shall be affixed to all and every the Turnpikes that shall be standing on the said Road, at least Fourteen Days before such Meeting; and every Person so elected a new Trustee as aforesaid, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose room or stead he shall have been so elected.

Qualification of Trustees.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or be possessed of or entitled to a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Lands of the clear yearly Value of Eighty Pounds, and unless he shall have taken and subscribed (not being such Heir Apparent as aforesaid) before he acts as such Trustee, the Oath following before any Two or more of the Trustees appointed or to be appointed by virtue of this Act, which Oath the said Trustees are hereby authorized and empowered to administer in the Words following:

'I *A. B.* do swear, That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife,] in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, [*or*, possessed of or entitled to a Personal Estate to the Value of Eight hundred Pounds, *as the Case may be*.] So help me GOD.'

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided

Acts of Trustees not qua-

lified, if done before Conviction, valid.

vided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, &c. incapable of acting, &c.

V. Provided always, and be it enacted That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they do employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices, except where perſonally intereſted.

VI. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of the Truſtees.

VII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Granby Inn*, in the ſaid Borough of *Great Grimſby*, on the *Saturday* Three Weeks after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall then and there proceed to carry this Act into Execution, and ſhall and may at ſuch Meeting and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there or at any other Place near to any Part or Parts of the ſaid Road, and as often as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day, within Fourteen Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe publick Notice thereof to be inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and to be affixed to all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, at leaſt Ten Days before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Truſtees ſhall, at their ſeveral Meetings, defray their own Expences; and no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act.

Truſtees to defray their own Expences.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhould be holden on an earlier Day than the

the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing, ſigned by Three or more of the ſaid Truſtees mentioning the Time and Place, and Purpoſe of ſuch earlier Meeting, being given to him or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Meeting in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice); and all Proceedings of the ſaid Truſtees at ſuch earlier Meeting, ſhall be as good and valid as they would have been in caſe ſucn Truſtees had met in purſuance of any Adjournment.

No Order to be revoked, unleſs at a Meeting for the Purpoſe, nor unleſs a Majority of the Truſtees preſent concur.

IX. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice ſpecifying the Revocation or Alteration intended to be made, be inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and be affixed to all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, at leaſt Ten Days before ſuch ſubſequent Meeting, nor unleſs a Majority of Three-Fourths of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in Favour of ſuch Revocation or Alteration.

Proceedings to be entered.

X. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all of the Meetings of the ſaid Truſtees, be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of Sixpence, and ſo in Proportion for any greater or leſs Number of Words.

Truſtees to appoint Officers; and remove them; and allow them Salaries.

XI. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and alſo ſuch other Officers and Perſons for the Execution of this Act, as they the ſaid Truſtees ſhall think proper; and from Time to Time remove ſuch Officers and Perſons reſpectively, as they the ſaid Truſtees ſhall ſee Occaſion, and out of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances, to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and other Officer, for the due

Truſtees to take Security from the Treaſurer.

Officers to account.

due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, on the Firſt *Monday* in the Month of *Auguſt* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees), lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid, ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter), verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days next after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, Diviſion, or Place, wherein ſuch Officer ſo refuſing, or wilfully neglecting, ſhall be or reſide, ſuch Juſtice may, and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of this Act, ſhall remain due from ſuch Officer, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods or Chattels of ſuch Officer can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels; or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of

Treaſurer to account yearly, on Oath.

ſuch

ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, Diviſion, or Place, where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

On the Death of a Gate-keeper, Two Truſtees may nominate another until the next Meeting.

XII. And be it further enacted, That it ſhall and may be lawful to and for any Two or more of the ſaid Truſtees, upon the Death, Neglect, Refuſal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint ſome other fit Perſon in his or her Place, until the next Meeting of the Truſtees of the ſaid Road, which Perſon ſo to be nominated and appointed, ſhall have the like Power and Authority, and be accountable in the ſame Manner in all Reſpects, as the Perſon in whoſe room or ſtead he or ſhe ſhall be ſo appointed; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he or ſhe enjoyed in Right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at ſuch Toll Houſe, in Writing under the Hands of the ſaid Truſtees, or any Three or more of them; or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Four Days after Notice of ſuch new Appointment being made as aforeſaid ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Three or more of the ſaid Truſtees, then and in either of the ſaid Caſes, it ſhall and may be lawful to and for any Juſtice of the Peace for the County, Diviſion, or Place, where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day Time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector in Poſſeſſion thereof.

If diſcharged Gatekeeper refuſes to deliver up Toll Houſe, &c.

any Juſtice may cauſe him to be put out.

Truſtees empowered to erect Turnpikes and Toll Houſes, and receive Tolls.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered to erect or cauſe to be erected ſuch and ſo many Turnpikes to ſecure the Tolls hereby granted, upon or acroſs the ſaid Road, and on or near the Sides thereof, in, near unto, or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame, and ſhall and may erect or cauſe to be erected ſuch and ſo many Toll Houſes as they ſhall think proper, and ſhall and may, in Manner herein directed, for the purchaſing or taking Land for the turning or widening of the ſaid Road, purchaſe and take

Land

Land ſufficient for ſuch Toll Houſe or Toll Houſes, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue ſuch Turnpikes and Toll Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think meet and expedient, and ſhall and may cauſe to be demanded and taken at the ſaid Turnpikes the Tolls following, before any Horſe, or other Beaſt or Cattle ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, or other Beaſt of Draught, drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricle, Calaſh, Hearſe, Chaiſe, Phaeton, Whiſkey, Gig, or Chair, the Sum of Four-pence:

For every Horſe, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Four-pence:

For every Horſe, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, the Sum of Sixpence; but in caſe ſuch Waggon, Wain, Cart, or other Carriage ſhall be drawn by only One Horſe, or other Beaſt of Draught, then for ſuch Horſe, or other Beaſt of Draught, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

No Toll to be taken until the Road from *Scartho* to *North Thoreſby* is completed.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Truſtees to demand or take, or cauſe to be demanded or taken, any Toll or Tolls for or in reſpect of any Horſe, Cattle, or other Beaſt paſſing on the ſaid Road, until ſuch Part of the ſaid Road as lies between the ſaid Weſt End of the ſaid Lane called *Back Lane*, in the ſaid Pariſh of *Scartho*, and the ſaid Pariſh of *North Thoreſby* ſhall be repaired, amended, and completed by virtue of the Powers of this Act.

Tolls veſted in the Truſtees.

XV. And be it further enacted, That the ſaid Tolls ſhall be and they are hereby veſted in the ſaid Truſtees, and a Table thereof ſhall be put up and continued at each and every Turnpike erected on the ſaid Road, and it ſhall and may be lawful to and for the ſeveral Perſons who ſhall by virtue of this Act be appointed Collectors of the ſaid Tolls to demand, collect, and receive the Tolls hereby granted; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by any Collector to be appointed as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful to and for ſuch Collector to ſeize and diſtrain, or cauſe to be ſeized and diſtrained, any Horſe or Horſes, or other Beaſt or Cattle chargeable with the ſaid Tolls, or their Bridles, Saddles, Harneſs, or Accoutrements, or any Part or Parts thereof; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Five Days next after ſuch Seizure and Diſtreſs made, the

the Collector ſo ſeizing and diſtraining ſhall and may ſell or cauſe to be ſold the Horſe or Horſes, Beaſts, or other Cattle, and their Bridles, Saddles, Harneſs, or Accoutrements ſo ſeized and diſtrained, or any Part thereof, at or near the Turnpike where the ſaid Tolls ought to have been paid, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame ſhall be deducted and paid.

In caſe of Diſpute concerning Tolls and Charges, the Matter to be ſettled by a Juſtice.

XVI. Provided always, and be it enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of diſtraining, keeping, and ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſon diſtraining to detain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of diſtraining, keeping, and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County, Diviſion, or Place wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Quantity of Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and all other reaſonable Coſts; all which Sum or Sums ſo determined or aſſeſſed, ſhall be paid to the Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof, or of any Part thereof.

Turnpikes, *etc.* veſted in the Truſtees.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto reſpectively, and of all Mileſtones and Poſts to be erected, and alſo of all Materials, Tools, and Implements which ſhall be provided for making and repairing the ſaid Road, by virtue of this Act, ſhall be veſted in the ſaid Truſtees hereby appointed, and they are hereby empowered to cauſe any Action to be brought, and any Bill or Bills of Indictment to be preferred againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpikes, Toll Houſes, or other Buildings, Fences, Mileſtones, Poſts, or any ſuch Materials, Tools, or Implements as aforeſaid.

Tolls to be taken but Once a Day.

XVIII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than One Toll in any One Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), from any Perſon or Perſons, for or in reſpect of the ſame Horſe, or other Beaſt, or Cattle paſſing and repaſſing through the ſame Gate or Turnpike on the ſaid Road, all and every ſuch Perſon or Perſons producing a Ticket denoting that the ſaid Toll hath been paid in that Day on the ſaid Road; which Ticket the ſaid Collector is hereby required to deliver *gratis*, on the Payment of ſuch Toll.

No more than Two Tolls to be taken in One Day for paſſing the whole Length of the Road.

XIX. Provided alſo, and be it enacted, That no more than Two Tolls in any One Day (ſuch Day to be computed from Twelve of the Clock

Clock at Night to Twelve of the Clock in the ſucceeding Night), ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing on the ſame Day with the ſame Horſe or Horſes, Cattle, or other Beaſt or Beaſts through all the Gates or Turnpikes erected on the ſaid Road, but that all and every Perſon or Perſons having paid at Two ſuch Gates or Turnpikes a Toll or Tolls for any Horſe or Horſes, Cattle, or other Beaſt or Beaſts, and producing a Ticket or Tickets denoting that ſuch Toll or Tolls hath or have been paid in that Day on the ſaid Road at ſuch Gates or Turnpikes, which Ticket or Tickets the ſaid Collector and Collectors of the ſaid Tolls is and are hereby required to deliver *gratis* on the Payment of ſuch Toll or Tolls, ſhall and may paſs and repaſs with the ſame Horſe or Horſes, Cattle, or other Beaſt or Beaſts, Toll free, during the Remainder of ſuch Day, through all the Gates or Turnpikes erected by virtue of this Act.

Collectors of Tolls to be competent Witneſſes.

XX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in any wiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation by reaſon of his, her, or their being appointed to collect ſuch Tolls.

Penalty on evading the Tolls.

XXI. And, for preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to, or receive from any other Perſon or Perſons any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket in order to avoid Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons owning, renting, or occupying any Lands adjoining to the ſaid Road near unto any Turnpike erected thereon, ſhall permit or ſuffer any Perſon or Perſons to paſs through or over any Part of his, her, or their ſaid Lands with any Horſe or other Beaſt, or Cattle, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall ride or drive any Horſe or other Beaſt, or Cattle through or over any Way or Paſſage (not being a publick Way or Paſſage) or through or over any Lands adjoining to any Part of the ſaid Road, or near to any of the ſaid Turnpikes, or ſhall take off, or cauſe to be taken off any Horſe or other Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part thereof, is or ſhall be avoided, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

General Exemptions.

XXII. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips or

Parishes in which any Part of such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Sullage, Compost, or Manures employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed; or from any Person going to or returning from his or her proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die, and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Beast, or Cattle attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Beast, or Cattle employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Lincoln*, or of a Burgess or Burgesses to serve in Parliament for the Borough of *Great Grimsby*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Trustees may reduce the Tolls, *etc.* with the Consent of the Creditors;

XXIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered at any Meeting to be holden for that Purpose, of which One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and shall be affixed to all and every the Turnpikes that shall be standing on the said Road, from Time to Time to lessen or reduce all or any Part or Parts of the Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in Force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and

and afterwards advance them again.

and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweights: Provided nevertheless, that when the whole Money charged and borrowed on the Credit of this Act shall not have been paid and discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-Sixths of the Money remaining due upon the Credit of this Act.

Tolls may be let.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting, upon Twenty-one Days Notice being given in such Newspaper or Newspapers as aforesaid, and affixed to all and every the Turnpikes that shall be standing on the said Road, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum that can be reasonably got for the same; provided that the Leases, Contracts, or Agreements, of or for the same, be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Nine or more of the said Trustees; but the same shall not be let for more than Three Years at any One Time, and the Rent which shall be agreed to be paid for the said Tolls, shall be made payable and shall be paid to the Treasurer to the said Trustees, so as that One Quarterly Payment of such Rent shall always be in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees; or in Default thereof, every such Lease, Contract, or Agreement, shall be null and void to all Intents and Purposes whatsoever.

Lessees, or Persons appointed by them, may collect the Tolls.

XXV. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Trustees may compound for Tolls.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to compound with any Person or Persons for any Period of Time not exceeding One Year for any Horses, Beasts, or other Cattle passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or other Cattle, and all such Composition Money shall be paid in Advance Half-yearly, or otherwise as the said Trustees shall

ſhall appoint; and in Default thereof, every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes whatſoever.

Truſtees may borrow Money.

XXVII. And, for the more ſpeedy raiſing ſuch further Money as may be neceſſary for the Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, from Time to Time, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals, to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the ſeveral Turnpikes and Toll Houſes to be erected on the ſaid Road (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls), for any Term during the Continuance of this Act, as a Security for the Repayment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſuch Intereſt to be paid and payable by equal Half-yearly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be in the Words or to the Effect following:

Form of Mortgage.

'BY virtue of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*] We whoſe Names are hereunto ſubſcribed and Seals affixed (being Truſtees acting in the Execution of the ſaid Act), in Conſideration of the Sum of to the Treaſurer of the ſaid Road in hand paid by *A. B.* do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum charged and advanced, or to be charged or advanced on the Credit of the ſaid Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord .'

Copies of Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of Mortgages.

Form of Transfer.

'I *A. B.* being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, bearing Date the Day of under the Hands and Seals of of the Trustees acting in Execution of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*] upon the Credit of the said Act, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto *C. D.* Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord .'

Notice of Transfers to be given to the Clerk in Two Calendar Months.

And every such Transfer shall be produced and notified to the Clerk to the said Trustees within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree One with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums shall be taken up or borrowed, Twenty-one Days Notice at the least shall be given in such Newspaper or Newspapers as aforesaid, signifying the Intention of borrowing such Money.

Trustees to give Twenty-one Days Notice previously to borrowing Money.

Trustees may turn or alter the Course of any Part of the Road;

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered from Time to Time, as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road comprised in this Act, and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting,

and may contract for the Purchase of Lands for that Purpose.

diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Tenements, and Hereditaments; and the ſaid Lands, Tenements, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall, by ſuch Perſon or Perſons as they ſhall order and appoint, be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall, to all Intents and Purpoſes whatſoever, become, and be and be deemed and taken to be a publick and common Highway, and to be Part of the Road to be amended, widened, and kept in Repair, by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means and in ſuch Manner as the old Road was and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Road as aforeſaid, the Lands and Grounds compriſed in or conſtituting the former Road, in lieu whereof ſuch Lands or Grounds ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame; and the Conveyance thereof being executed by the ſaid Truſtees, and inrolled with the Clerk of the Peace for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, ſhall be good valid, and effectual, to all Intents and Purpoſes whatſoever.

Corporations, *etc.* empowered to treat.

XXIX. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunaticks, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, Idiots, Lunaticks, or other Perſons under any Diſability of acting for themſelves; and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſe aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever, any Law, Uſage, or other Matter or Thing to the contrary thereof in any wiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politick, Corporate or Collegiate, Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they do by virtue or in purſuance of this Act.

In caſe of Perſons refuſing to treat, or not agreeing, Jury to ſettle the Recompence.

XXX. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed, for the Purpoſes of this Act, or any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of

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the Clerk or Head Officer of any such Body Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Trustees to cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Lincoln* (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Three or more of them, are hereby empowered and required from Time to Time, to summon and call before them all and every Person and Persons, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict, or Inquisition and Judgement, Order or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons any wise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or disposing of the same in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereunto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the said County of *Lincoln*, thereby commanding and requiring such Sheriff to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby

Verdict of the Jury to be final.

hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Ten Ponnds upon any One Perſon for One Offence.

Jury may be challenged.

Sheriff, &c. may be fined for Neglect of Duty.

XXXI. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act, is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons, not intereſted in the Premiſes, to make an Affidavit to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Diviſion, or Place, where ſuch old Road ſhall lie, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch old Road, as the Caſe may be, and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and

Owners of Land uſed in making a new Road, to have the firſt Offer of the old Road.

Proof that such Offer was made, and not agreed to or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively, in Manner aforesaid: Provided also, that if such Owner or Owners respectively, shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

By whom the Expences of Jury to be paid.

XXXII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered, before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall by or on Behalf of the said Trustees have been offered, before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace, not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same), and shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to pay Expences, where Persons from Absence are prevented from treating.

Houses, &c. not to be injured.

XXXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to enable the said

ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners or Proprietors thereof.

Application where the Compenſation does not exceed 200*l.*

XXXIV. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, to be purchaſed, by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200*l.* and exceeding 20*l.*

XXXV. Provided always, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging

to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiocy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XXXVI. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time beinghave been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, ſhall think fit; or in caſe of Infancy, Idiocy, or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery.

XXXVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution

tribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon in Poſſeſſion at the Time of Purchaſe, deemed entitled thereto.

XXXVIII. Provided always, and be it enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes to be be paid by the Truſtees.

XXXIX. Provided alſo, and be it enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes, from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Road.

XL. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stone, Gravel, Sand, Clay, or other Materials for making or repairing the ſaid Road, out of or from any Common or Waſte Ground, River or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired, ſhall

ſhall lie, or in any neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the ſaid Truſtees, to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees), ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons, where the ſame may be had or found (ſuch Lands, Fields or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees (making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds, where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, Diviſion, or Place, where ſuchMaterials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away or over, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

XLI. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace, acting for the County, Diviſion, or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtices ſhall and may authorize ſuch Surveyor, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually, to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

XLII. And

Penalty on taking away Materials got by Order of the Surveyor.

XLII. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall take away any Gravel or Materials which ſhall have been dug or gathered by or by the Order of the ſaid Surveyor or Surveyors, in any Lands, Fields, Waſte, or Grounds, River or Brook, for the Purpoſe of amending the ſaid Road, or any Part or Parts thereof, or ſhall get or take away any Gravel or Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Road, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Ten Pounds.

Surveyor to make Drains, &c.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint by Order of the ſaid Truſtees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper for amending or keeping in Repair any Part of the ſaid Road, and alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe) to be made uſe of as a publick Highway, whilſt the narrow or ruinous Parts of the ſaid Road, are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively, through and into which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then and in every ſuch Caſe the Juſtices of the Peace, at the Firſt General or Quarter Seſſions of the Peace to be holden in and for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, next after the Expiration of Ten Days from the Time of doing ſuch Damage, ſhall and they are hereby authorized and required to hear, ſettle, and determine the ſame; and their Determination therein ſhall be final and concluſive.

Making reaſonable Satisfaction.

In caſe of Difference, Juſtices in Seſſions to determine the ſame.

Surveyor may remove Annoyances.

XLIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by Direction and under the Hands of any Three or more of the ſaid Truſtees), from Time to Time to remove and prevent all Annoyances on any Part or Parts of the ſaid Road, by Rails, Steps, Sign Poſts, or other Poſts, and alſo by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of any Part of the ſaid Raad to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper, and to cleanſe any Ditch or Watercourſe next adjoining to any Part of the ſaid Road, and to cut down, lop, or top any Trees or

Buſhes

Buſhes growing in any Part of the ſaid Road, or in the Hedges or Banks adjacent thereto, in caſe the Perſon or Perſons occaſioning ſuch Annoyances, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect to do ſo for the Space of Ten Days next after Notice in Writing given for that Purpoſe, ſigned by any Three or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not, upon Demand, pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every Perſon ſo offending ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Penalty on drawing Timber or Stone on the Roads, otherwiſe than upon a Wheel Carriage.

XLV. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag upon any Part of ſuch Road to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Roads to be meaſured, and Mileſtones to be ſet up.

XLVI. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe the ſaid Road to be meaſured, and Mileſtones to be ſet up at or near the Sides thereof, at the Diſtance of One Mile from each other, and Poſts to be erected to denote the Diſtance of every ſuch Poſt from any Town or Place, as the ſaid Truſtees ſhall think fit, and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Road where the ſame are croſſed or joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface any of the Stones or Poſts erected or to be erected on any Parts of the ſaid Road, or any of the Letters, Figures, or Marks inſcribed thereon, or ſhall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on any Parts of the ſaid Road, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Poſt, or Parapet Wall, ſo broken, thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks ſhall be ſo obliterated or defaced, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Penalty on damaging Mileſtones.

For preventing Annoyances, &c.

XLVII. And be it further enacted, That, for better preventing Annoyances on the ſaid Road, all Gates upon Incloſures next to any Parts of the ſaid Road ſhall open inwards to the Fields; and if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive, or lead any Horſe, Beaſt, Cattle, or Carriage,

Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road, with any Instrument, so as to damage the said Road, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed, in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time, as the same shall be loading or unloading, and standing as near the Side of the said Road as conveniently may be) in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Timber, Wood, Bushes, or Poles, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyances whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not less than Ten Shillings or more than Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Power to Collectors, *etc.* to detain unknown Persons guilty of Offences.

XLVIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them, before One or more Justice or Justices of the Peace for the County, Division, or Place, where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XLIX. Provided always, and be it enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace in and for the Division of *Lindsey* in the said County of *Lincoln*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money re-

ceived by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid

Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

L. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in Advance, on or before the Sixth Day of *April* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Compelling Subscribers to pay their Subscriptions.

LI. And be it further enacted, That each and every Person and Body Politick or Corporate who hath or have subscribed or agreed to subscribe any Sum or Sums of Money towards widening, repairing, and altering the said Road, shall, and he, she, and they is and are hereby required to pay the Money so subscribed or agreed to be subscribed to the Clerk or Treasurer of the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Person, or Body Politick or Corporate, so subscribing or agreeing to subscribe such Sum or Sums of Money, shall neglect or refuse to pay the same, or any Part thereof, in Manner aforesaid, then and in every such Case it shall and may be lawful to and for the said Trustees to sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Application of Money.

LII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall in the First Place, be paid and defrayed out of any Monies borrowed, received, or collected by virtue of or for the Purposes of this Act; and such Monies shall, in the next Place, be applied and disposed of for widening, altering, and repairing the Road leading from the said West End of the Lane called *Back Lane*, in the said Parish of *Scartho*, to the North Boundary of the Entrance into the said Parish of *North Thoresby*, and for erecting Turnpikes and Toll Houses; and in the next Place such Monies shall be applied and disposed of in widening, altering, and repairing the Remainder of the Road to be widened, altered, and repaired by virtue of this Act, and for erecting Turnpikes and Toll Houses thereon; and the Remainder of such Monies shall from Time to Time be applied in repaying the Monies borrowed by virtue of this Act, and the Interest thereof, and in carrying this Act into Execution.

LIII. Provided

Truſtees not to repair the Pavements of the Towns through which the Road leads.

LIII. Provided always, and be it enacted, That no Part of the Monies collected or received by virtue of this Act, ſhall be laid out or expended in paving, altering, or repairing any Pavement or Pavements, Cauſeway or Cauſeways in any Town or Street through which any Part of the Road by this Act directed to be widened, altered, or repaired ſhall lead.

Recovery of Penalties.

LIV. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace in and for the Diviſion of *Lindſey* in the ſaid County of *Lincoln* (which Warrant ſuch Juſtice is hereby empowered to grant, upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath); and the Overplus, if any, of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures when recovered (if not herein before directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction in and for the Diviſion of *Lindſey* in the ſaid County of *Lincoln*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor leſs than Seven Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

Actions to be brought in the Names of the Treaſurer or Clerk, or One of the Truſtees;

but neither of of them to be liable to the Payment of Coſts.

LV. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Appeal.

LVI. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden in and for the Diviſion of *Lindſey* in the ſaid County of *Lincoln*, next after the Expiration of One Calendar Month from the Time ſuch Matter of ſuch Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at the leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer

Treaſurer or Clerk to the ſaid Truſtees, and within Five Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Diviſion of the ſaid County, with ſufficient Sureties conditioned to try ſuch Appeal and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they ſhall judge proper; and ſuch Dtermination ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for want of Form.

LVII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form, or removeable by *Certiorari*.

LVIII. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceedings made, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in any wiſe notwithſtanding.

Plaintiffs not to recover without Notice, or after Tender of Amends.

LIX. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LX. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act after Six Calendar Months next after the Fact committed,

mitted, and every ſuch Action or Suit ſhall be brought and tried in the County of *Lincoln*, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Double Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Publick Act.

LXI. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without being ſpecially pleaded.

Commencement and Continuance of this Act.

LXII. And be it further enacted, That this Act ſhall commence and take place on the *Saturday* Three Weeks after the paſſing thereof, and ſhall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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