



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 96.

An Act to empower the Mayor, Aldermen, and Common Councilmen of the Borough of *Boston*, in the County of *Lincoln*, to take down the Bridge over the River *Witham* in the said Borough, and to erect a Bridge over some other Part of the said River, within the said Borough, and to open and make proper Avenues, Ways, and Passages thereto; and to enlarge and improve the Gaol and House of Correction within the said Borough; and to purchase and take down several Houses for the Purposes aforesaid. [22d June 1802.]

WHEREAS the Bridge over the River *Witham*, in the Borough of *Boston* in the County of *Lincoln*, is very ancient and out of Repair, and is very narrow, inconvenient, and dangerous for the passing of Carriages and Cattle, so that it is expedient to rebuild the same; and the present Situation of the Bridge being very inconvenient, it would be a great Accommodation to all Persons residing in or resorting to the said Borough, and would greatly improve the same, if the said intended new Bridge were erected at a short Distance on the

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South

South Side of the present Bridge, opposite the Market Place; and if certain Houses and Buildings adjoining or near to the said River, on the East Part thereof, were taken down; and if proper Avenues, Ways, and Passages leading to that Part of the said River where the new Bridge is intended to be erected, were opened and made commodious: And whereas the Gaol and House of Correction of the said Borough is in a very ruinous State and Condition; and on Account of the confined Situation thereof, and for want of a free Circulation of Air, the same is become very unhealthy and dangerous to the Lives of the Persons confined therein; and it is highly necessary that the said Gaol and House of Correction should be enlarged, and a proper and suitable Prison Yard added thereto: And whereas the Mayor, Aldermen, and Common Councilmen of the Borough of *Boston* aforesaid, for the Time being, are subject and liable, as well to the Repairs of the present Bridge erected over the River *Witham* within the said Borough, as to the Repairs of the said Gaol and House of Correction, and are willing and desirous, at their own sole Costs and Expences, to take down the said Bridge, and to build and keep in Repair a new Bridge over the said River, in a more convenient Part thereof within the said Borough; and also to enlarge, improve, and make more commodious the said Gaol and House of Correction; for which Purposes it will be necessary to purchase and take down the several Messuages, Tenements, Houses, and Buildings within the said Borough, particularly mentioned in the Schedule hereunto annexed; but inasmuch as these several Purposes cannot be effectually accomplished without the Aid of Parliament: May it 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 Mayor, Aldermen, and Common Councilmen of the Borough of *Boston* aforesaid for the Time being, shall have Power and Authority to take down the present Bridge, and to erect and build another Bridge in the Manner herein-after described, and shall for the Purposes of this Act have full Power and Authority to treat and agree with the Owner or Owners, Occupier or Occupiers, Lessee or Lessees, and all other Persons interested therein, and to purchase, pull down, remove, alter, and make use of, the several Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, particularly mentioned and described in the Schedule to this Act annexed, and to take, receive, and enjoy the same, without Licence to hold the same in Mortmain.

Corporation of *Boston* empowered to take down the present Bridge, and to build another.

Misnomer or wrong Description in the Schedule not to prevent the Execution of this Act.

II. Provided always, and be it further enacted, That if any of the Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, shall happen to be misnamed, or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act; but the same Premises, and every Part thereof, shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed and disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same were more properly named or described in the said Schedule.

III. And

III. And be it further enacted, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or others having a partial or qualified Interest or Estate in any such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, mentioned in the said Schedule, Husbands, Femes Covert, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, Committees, Executors, or Administrators, and all other Persons whomsoever, not only on Behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also on Behalf of all Persons entitled in Reversion or Remainder expectant on an Estate Tail, and on Behalf of all Persons entitled in Reversion or Remainder expectant on an Estate for Life, or other less Estate, or by Way of executory Devise, in case such Persons shall be incapacitated or decline to treat, and on Behalf of their respective Wives and *Cestuique* Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or others, and for all and every other Person and Persons whomsoever, who are and shall be seised, possessed of, or interested in any such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, to treat and agree with the said Mayor, Aldermen, and Common Councilmen, for the absolute Sale of, and to sell and convey to them, by Feoffment, Lease and Release, or Bargain and Sale, by Deed indented and inrolled in any of His Majesty's Courts of Record at *Westminster*, for such valuable Consideration as shall be *bond fide* agreed upon, for all or any Part of such last mentioned Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments as aforesaid, and all such Contracts, Agreements, Sales, or Conveyances, shall be good and effectual in the Law to all Intents and Purposes; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Corporate or Collegiate Bodies and incapacitated Persons enabled to sell.

IV. And be it further enacted, That if any Body or Bodies Politick, Corporate, or Collegiate, or any other Person or Persons seised or possessed of, or interested in any of the Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, mentioned in the said Schedule, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Mayor, Aldermen, and Common Councilmen for the Time being, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Mayor, Aldermen, and Common Councilmen for the Time being, or of the Person or Persons so authorized by them, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Common Councilmen for the Time being, and they are hereby required, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of *Lincoln*, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons, qualified to serve on Juries, not less than Twenty-four nor more than Forty-eight; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn, by some Person to be by the Court of General or Quarter Sessions herein-after mentioned, appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are, by an Act made in the Third Year

When Parties refuse or are unable to treat, etc. the Mayor, etc. to issue a Precept for impannelling a Jury.

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Jurymen
may be chal-
lenged.

Justices may
direct a View
of the Pre-
mises.

Jury to assess
the Value on
Oath.

Verdict of the
Jury, etc. to
be final.

of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so to be impannelled, summoned, and returned as aforesaid, shall by such Warrant or Warrants, Precept or Precepts, be required to come and appear before the Justices of the Peace for the Parts of *Holland* in the said County of *Lincoln*, at some Court of General or Quarter Sessions of the Peace, to be holden in and for the Parts of *Holland* aforesaid, or at some Adjournment thereof, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day, until discharged by the said Court; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Justices are hereby authorized and empowered, by Precept or Precepts, from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justices, if they think fit, shall and may, on the Application of either Party, likewise authorize the said Jury to view the Place or Places, or Premises in Question, in such Manner as they shall direct; and the said Justices shall have Power to adjourn such Court from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties, to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths, (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer), shall enquire of the Value of all such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of all and every Persons and Person seised or possessed thereof, or interested therein, or of or in any Part or Parts thereof, and shall assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, either as Leaseholder or Tenants from Year to Year, at Will, or otherwise, provided that such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth, in case the Improvements intended by this Act had not been in Contemplation, and the said Justices shall and may give Judgement for such Sum or Sums of Money so to be assessed; which Verdict or Verdicts, and the Judgement or Judgements, Determination and Determinations thereupon, (Notice in Writing being given to the Person or Persons interested, or claiming so to be, of the Intention of the said Mayor, Aldermen, and Common Councilmen, to apply to such Justices and Jury as aforesaid, at least Ten Days before the Time of holding such General or Quarter Sessions as herein-before mentioned, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their last usual Place or Places of Abode, or with some Tenant or Occupier of the Premises respectively intended to be valued), shall be binding and conclusive to all Intents and Purposes whatsoever, against all
Bodies

Bodies Politick, Corporate, and Collegiate, and all and every Persons and Person claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunaticks, Idiots, and Females Covert, and Persons under any other legal Disability or Incapacity, as all other *Cestuique* Trusts, their, his, and her Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgements, and Determinations, and all other Proceedings of the said Justices and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the Time being for the said Parts of *Holland*; and in case it shall so happen that the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as the Value of such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, or as such proportional Value as aforesaid, and as the Recompence and Satisfaction to be made for the Injury or Damage sustained as before mentioned respectively shall not exceed the Sum or Sums of Money which the said Mayor, Aldermen, and Common Councilmen, or any Person or Persons authorized by them, shall have previously offered to pay, as and for such Value, Recompence, and Satisfaction, then and in every such Case, all the reasonable Costs, Charges, and Expences of causing and procuring such Value and Recompence to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons so seised or possessed of or interested in such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, and so refusing to treat and agree as before mentioned respectively; and the said Mayor, Aldermen, and Common Councilmen are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof.

If the Sum assessed shall not exceed the Sum offered,

the Costs of such Assessments, etc. to be paid by such Body Politick, etc

V. And be it further enacted, That the said Justices shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Ten Pounds, on each Sheriff, or his Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, or appearing shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or attending shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Order of the said Justices, by Distress and Sale of the Offenders Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner or Owners; and that a Copy of the Order of the said Justices, signed by the Clerk of the Peace for the Time being of the said Parts of *Holland*, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person acting or

And the Mayor, etc. may retain same out of the Sum so assessed.

aiding and assisting therein, to make such Distress and Sale; and all such Fines shall be paid to the said Mayor, Aldermen, and Common Councilmen, to be by them applied for the Benefit of the Poor of the Parish of *Boston*, in such Manner as the said Justices shall think proper.

Money allowed for Lands, &c. purchased, how to be charged and tendered.

VI. And be it further enacted, That upon Payment of any Sum or Sums of Money so agreed or assessed, to the Party or Parties to whom the same shall be so awarded, or on Tender thereof made at his, her, or their Dwelling House, or if he, she, or they shall at the Time have no Dwelling House, then at his, her, or their last usual Place or Places of Abode, or on the Premises respectively intended to be valued, he, she, or they shall execute a Conveyance or Conveyances of the Premises which shall be so purchased of the said Mayor, Aldermen, and Common Councilmen, for the Purposes of this Act; but in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Mayor, Aldermen, and Common Councilmen, or shall refuse to execute such Conveyance or Conveyances, 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 any of the said Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments be not known or discovered, then and in every such Case as aforesaid, it shall be lawful to and for the said Mayor, Aldermen, and Common Councilmen, to pay the said Sum and Sums assessed and awarded for any Purchase or in Recompence for any Damage as aforesaid, 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 the Account and Credit of the Parties interested in the said Messuages, Tenements, Houses, Buildings, Lands, 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, or to order Distribution 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 and 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 the Mayor, Aldermen, and Common Councilmen, or any other Person or Persons who shall pay any such Sum or Sums of Money, into the Bank as aforesaid.

Estates purchased to rest absolutely in the Corporation.

VII. And be it further enacted, That immediately after paying such Purchase Money as aforesaid into the said Bank of *England*, the said Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, in respect whereof the same shall have been so paid, shall vest in the said Mayor, Aldermen, and Common Councilmen, in Manner and for the Purposes aforesaid; who shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, freed and discharged from all

all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever.

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other legal Disability or Incapacity, 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 Mayor, Aldermen, and Common Councilmen of the Borough of *Boston* in the County of *Lincoln*, together with the Name or Names of the Person or Persons entitled thereto, 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 Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, in the Purchase of Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, or affecting other Messuages, Tenements, Houses, Buildings, Lands, 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 Messuages, Tenements, Houses, Buildings, Lands, 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 Messuages, Tenements, Houses, Buildings, Lands, and 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 Court of Chancery, 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 Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Composition, where exceeding 200 *l*.

IX. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, or for any other Matter, Right, or Interest of what Nature

Application where the Compensation does not exceed 200 *l*.
OR
nor less than 20 *l*.

or Kind soever, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 the said Mayor, Aldermen, and Common Councilmen, such Nomination and Approbation to be signified in Writing, under the Hands or Seal 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 or Approbation of the Court of Chancery.

Application where the Money is less than 20 l.

X. Provided also, and be it further 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 being have been entitled to the Rents and Profits of the Hereditaments and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Aldermen, and Common Councilmen shall think fit; or in case of Infancy or Lunacy, then 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.

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

XI. Provided always, and be it further 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 Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, or of any Estate, Right, or Interest in any Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Tenements, Houses, Buildings, Lands, and 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 Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interests 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

wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, or to some Estate or Interest therein.

XII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Messuages, Tenements, Houses, Buildings, Lands, 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 be lawful 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 Mayor, Aldermen, and Common Councilmen, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchasers to be paid by the Mayor, etc.

XIII. And be it further enacted, That all and every Person and Persons whomsoever, having or claiming any Right, Title, Interest, Use, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, or out of any of the said Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, which by virtue, and for the Purposes of this Act shall be purchased by and conveyed, or mentioned or intended to be conveyed to the said Mayor, Aldermen, and Common Councilmen, or to any Person or Persons in Trust for them, by any such Bargain and Sale, or other Conveyance as aforesaid, shall, within the Space of Six Calendar Months, to be computed from the Date of the Inrolment of such Bargain and Sale, or other Conveyance, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Clerk of the Office in which such Bargain and Sale, or other Conveyance as aforesaid shall be inrolled, which Book such Clerk is hereby required, on Notice of this Act, to prepare and keep accordingly, and for which Entry he shall be entitled to Four-pence for every Seventy-two Words thereof, and no more; and all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand within such Time, and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect, within the Space of Three Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, upon, or out of the said Premises, and every Part thereof, and the said Mayor, Aldermen, and Common Councilmen, and those claiming by, from, or under them, shall be quieted in the Possession of all such Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

Persons having any Right, etc. to enter their Claims within a limited Time, or be barred.

XIV. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, in, to, or out of the said Messuages, Tenements,

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Houses,

But may recover the Purchase Money, etc. from Persons receiving the same.

Houses, Buildings, Lands, or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, or, when necessary, to file any Bill in Equity against any Person or Persons, or the legal Representatives of any Person or Persons, who shall have received all or any Part of the Purchase Money arising from such Sale of the Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments aforesaid; and that in every such Case the respective Plaintiffs, on such Proof of such Title as would have enabled them to recover such Messuages, Tenements, Houses, Buildings, Lands, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Tenants at Will, etc. to deliver Possession on Six Months Notice.

XV. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, or any Part thereof, which shall be purchased by virtue and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Mayor, Aldermen, and Common Councilmen, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Mayor, Aldermen, and Common Councilmen, or from the Person or Persons so authorized by them, and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants holding or not, or as soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor, Aldermen, and Common Councilmen, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall and may be lawful for the said Mayor, Aldermen, and Common Councilmen, to issue their Precept or Precepts to the Sheriff of the said County of *Lincoln*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods, rendering the Overplus, (if any), to the Owner or Owners thereof.

Mortgagees, on Tender of Principal and Interest, to convey.

XVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any of the said Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Notice in Writing from the said Mayor, Aldermen, and Common Councilmen, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall

shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, on Payment of the Principal and Interest so due, at the End of the said Six Calendar Months, convey, assign, and transfer his, her, or their Interest in the Premises to the said Mayor, Aldermen, and Common Councilmen, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Payment or Tender thereof, that then all Interest on every such Mortgage shall from thenceforth cease and determine.

On Refusal,
Interest to
cease.

XVII. And be it further enacted, That the Conveyance of any such Estate or Interest of any Feme Covert to the said Mayor, Aldermen, and Common Councilmen, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of, and attested by Two or more credible Witnesses, and duly acknowledged, and to be inrolled in the High Court of Chancery, within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do, if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Messuages, Tenements, Houses, Buildings, Lands, and Hereditaments, as shall be purchased by virtue and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had, if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of, or entitled to any Estate or Interest in the Premises, in Trust for such Bargainer or Bargainers, in any Manner or Form whatsoever.

Bargains and
Sales to have
the Force of
Fines and Re-
coveries.

XVIII. And be it further enacted, That upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, in case he or they shall refuse to receive the same, or cannot be found, the Cashier or Cashiers of the said Bank of *England* shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the said Bank of *England*; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Mayor, Aldermen, and Common Councilmen, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Upon Pay-
ment of Prin-
cipal and In-
terest into the
Bank, Premi-
ses to vest in
the Corpora-
tion.

XIX. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be paid or made pursuant to any such Agreement or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of *England* as aforesaid, before the said Mayor, Aldermen, and Common Councilmen, or any Person or Persons authorized by them, shall proceed to pull down any House or Houses,

Monies to be
paid or ten-
dered before
any Use made
of the Premi-
ses.

or other Erections or Buildings, comprized in or affected by such Agreement, Verdict, or Mortgage respectively, or to use the Ground for any of the Purposes of this Act.

Penalty on giving false Evidence.

XX. And be it further enacted, That if any Person on his or her Examination upon Oath, to be taken by virtue of this Act, shall wilfully or corruptly give false Evidence, such Person so offending, and being thereof duly convicted, shall be, and is hereby declared to be subject and liable to such Pains, Penalties, and Disqualifications, as by any Law now in being Persons convicted of wilful and corrupt Perjury are liable to.

When the new Bridge is erected and made passable, Corporation may take down the old Bridge.

XXI. And be it further enacted, That when and as soon as the said Mayor, Aldermen, and Common Councilmen shall have erected, constructed, and built across the said River *Witham*, from the Market Place to the opposite Side of the said River, within the said Borough, a good and substantial Bridge of One Arch, of not less than Seventy-two Feet clear Waterway, with a Passage over the same of the Breadth of Thirty-six Feet at least, secured and preserved by a proper uniform Ballustrade on each Side thereof, and such Passage laid out in Manner following; (that is to say), the Passage for Carriages, Horses, Cattle, and other Beasts, at least Twenty-four Feet wide, and the Footways for Passengers on each Side of the said Bridge at least Six Feet wide, and shall have made the same safe and commodious in all Respects for the Passage of Carriages, Waggon, Coaches, Carts, Horses, and Foot Passengers, and shall have opened and enlarged the Avenues, Ways, and Passages leading to such Bridge of the like Breadth of Thirty-six Feet at least, as far as the Market Place on one Side, and next unto a certain Street called *Gowt Street* otherwise *High Street*, within the said Borough of *Boston*, on the other Side of the said River, it shall and may be lawful for the said Mayor, Aldermen, and Common Councilmen to pull down, remove, take away, and dispose of the present Bridge now erected and standing over and across the said River *Witham* in the Borough of *Boston* aforesaid, and they shall not be required or compellable to rebuild the same at any Time or Times hereafter, nor be subject or liable to any Action, Suit, Indictment, or Information for refusing so to do.

Middle Pier to be removed.

XXII. And be it further enacted, That as soon as conveniently may be after the present Bridge shall have been taken down and removed, the said Mayor, Aldermen, and Common Councilmen may, and they are hereby authorized and required, to cause the Middle Pier of the said Bridge to be taken up and removed, and all the Stones and Rubbish belonging to the said Pier taken away, in order to prevent any Obstruction or Impediment whatever which might be occasioned thereby to the Waterway of the said River.

For vesting the Scite of the Bridge, and certain Part of the Streets in the Corporation.

XXIII. And be it further enacted, That the Land and Ground on either Side of the said River whereon the present Bridge is now standing and built, and the common Streets or Highways leading thereto, for the Distance of Sixty-one Feet and Six Inches from the Abutment of the present Bridge on the East Side of the said River towards the Market Place, and of Thirty-two Feet and Six Inches from the Abutment of the said Bridge on the West Side thereof towards the said Street called *Gowt Street* otherwise *High Street*, shall immediately after the said new Bridge shall

shall be erected and completed, and the Avenues, Ways, and Passages aforesaid opened and enlarged, and made safe and commodious, in the Manner herein-before directed, be vested in and become the Property of the said Mayor, Aldermen, and Common Councilmen, and shall be applied and applicable to such Uses and Purposes as other Lands and Hereditaments belonging to the said Mayor, Aldermen, and Common Councilmen are applicable; and that it shall not be lawful for any Person or Persons whomsoever, at any Time or Times thereafter, to use or claim the Use of such common Streets or Highways as last aforesaid, but all and every Persons and Person whomsoever shall be utterly excluded and debarred therefrom.

XXIV. Provided always, and be it further enacted, That no House or Building whatever shall be erected upon the Land and Ground, Street, or Highway, on the West Side of the said River, vested in the said Mayor, Aldermen, and Common Councilmen by this Act.

No Houses,
etc. to be
erected on
the West Side
of the River.

XXV. Provided always, and be it further enacted, That no House or Building whatsoever shall be erected upon the Bridge to be built by virtue of this Act, but the same shall lie quite open, and be deemed and used as a common and publick Highway for ever; and that the Mayor, Aldermen, and Common Councilmen, shall from Time to Time, and at all Times hereafter, when and so often as Occasion shall require, well and effectually repair such Bridge, and be subject and liable to the Repairs thereof, in like Manner as they would have been liable to repair the old Bridge in case this Act had not been made.

No Houses,
etc. to be
erected upon
the Bridge.

XXVI. Provided always, That nothing in this Act contained shall extend to enable the said Mayor, Aldermen, and Common Councilmen to make any Carriage or other Road or Way through the Church Yard within the Parish of *Boston* aforesaid, or to intermeddle with the Fences of or alter the said Church Yard.

No Road or
Alteration to
be made
through or in
the Church
Yard.

XXVII. Provided always, That it shall and may be lawful for the said Mayor, Aldermen, and Common Councilmen, and such Person and Persons as they shall appoint for that Purpose, to demand, take, and receive such and the same Tolls or Pontage for Horses, Cattle, Carriages, Waggon, and Carts passing over the said new Bridge, as they have Time immemorially demanded, received, and taken for Horses, Cattle, Carriages, Waggon, and Carts passing over the present Bridge, and would have continued to receive and take in case this Act had not been made.

Reservation of
ancient Tolls
to the Cor-
poration.

XXVIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be given to the Person or Persons against whom the same is to be brought, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and such Action or Suit shall be laid or brought in the County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon,

Limitation of
Actions.

General Issue.

Treble Cofts.

thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or that such Action or Suit shall be commenced after the Time limited for bringing the same, or shall be brought in any other County or Place, or in any other Manner than as directed by this Act, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his 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 the Defendant or Defendants shall and may recover Treble Cofts, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Actions at Law.

General Saving.

XXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politick and Corporate, and his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, or Interest (other than and except such as are hereby intended to be barred, destroyed, or extinguished), as they, every, or any of them had, or was or were entitled unto, before the passing of this Act, or could or might have had or enjoyed in case the same had not been made.

Publick Act.

XXX. 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 specially pleading the same.

SCHEDULE

SCHEDULE referred to in this Act.

To make an Avenue, Way, and Passage to the intended Bridge, opposite the Market Place :

TO take down Two Messuages or Tenements, with the Shops thereto adjoining and belonging, fronting the Market Place towards the East, the Property of *William Wrangle*, Miller; One whereof is in the Tenure or Occupation of the said *William Wrangle*, and the other in the Tenure or Occupation of *John Hodson*, Butcher.

To enlarge the Gaol and House of Correction, and make a Prison Yard thereto :

To take down Two Cottages or Tenements, the Property of *Joseph Waite* of the Borough aforesaid, Mariner, adjoining each other, and abutting on the said Gaol and House of Correction towards the West, on a Lane called *Sibsey Lane* towards the North, and on another Lane called *Shod Fryers Lane* towards the South; and in the several Tenures or Occupations of *William Pearson* and *Samuel Creasey*.

Also to take down Two Cottages or Tenements, the Property of *Charles Hill*, a Minor, whose Guardians are *John Wayet*, of the Borough aforesaid, Surgeon, and *Bartholomew Claypon*, of the same, Esquire; abutting on the said Gaol and House of Correction towards the North, and the said Lane called *Shod Fryers Lane* towards the South; in the several Tenures or Occupations of *Neube Waltham* and *James Creasey*.

Also to take down and remove a Building and Coal Cellar under the same, the Property of the said *Charles Hill*, abutting on one of the said Cottages or Tenements towards the East, the said Gaol and House of Correction towards the North, and the said *Shod Fryers Lane* towards the South; and in the Tenure or Occupation of *William Brockett*.

Also to take down a Messuage and Granaries over the same, abutting on the said Gaol and House of Correction in Part towards the North, and the said Lane called *Shod Fryers Lane* towards the South; in the several Tenures or Occupations of *William Walker* and the said *William Brockett*, their Under-tenants or Assigns; One Moiety whereof being the Property of *John Betts* Esquire, and the other Moiety thereof being the Property of *Sarah Taylor* Widow, during her Life, with Remainder to *William Edman*, Graier, and *Smithson Taylor*, Grocer, in Fee.

