



ANNO QUINQUAGESIMO PRIMO

# GEORGII III. REGIS.

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## Cap. 71.

An Act for repealing so much of an Act of His present Majesty, as relates to making a Public Way over *Fosdyke Wash*, in the County of *Lincoln*; and for granting further Powers for building a Bridge over the said Wash. [14th May 1811.]

**W**HEREAS an Act was passed in the Thirty-fourth Year of <sup>34 G. 3.</sup> the Reign of His present Majesty, intituled, *An Act for* <sup>c. 102.</sup> *improving the Outfall of the River Welland, in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Grounds and Marshes discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River Welland, by means of a New Cut, to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes into Wyburton Roads, between the Port of Boston and a Place called The Scalp, and for disposing of the Bare of White Sands adjoining to the said River, and for building a Bridge over the said Cut; after reciting that it would be necessary for the Accommodation of Passengers, Carriages and Cattle that a Bridge should be built over the said intended Cut at or near Fosdyke Inn, in the Parish of Fosdyke, it is enacted, That the Commissioners for executing the said Act should and they were authorized and required to erect and build over the said new Cut a good and substantial Carriage Bridge in the Direction of the Road leading from Boston to Fosdyke Inn, and to erect a Tollgate or Bar across one End of the said Bridge, and also a Tollhouse at or near the same; and that the Trustees in the said Act last appointed should cause the Public Way or Passage over the said Wash, namely, from the South Bank in the Parish of Moulton to the North Bank in the Parish of Fosdyke, to be*

[Loc. & Per.]

16 R

amended

amended and rendered safe and commodious for Passengers and Cattle, as soon as might be after the silting up of the said Wash, and that as soon as the said Bridge should be completed, and the Passage over the said Wash should be made safe and commodious at all Times of Tide and in all Seasons, the said Trustees should be authorized to take certain Tolls or Pontage in the said Act expressed: And whereas the Commissioners appointed to execute the said recited Act have not been able to raise Money under the Powers of the said Act to defray the Expences which must be incurred in the Erection of such Bridge, nor can Money be raised by virtue of the said Act for making the said Passage over the said Wash safe and commodious; and it is expedient that such of the Powers, Clauses and Provisions in the said Act contained, as relate to or concern the making of the Passage over the said Wash safe and commodious, and to the Erection of a Tollgate or Bar across one End of such intended Bridge, and the Collection of Tolls thereat, should be repealed, and further and other Powers granted in the Stead thereof: And whereas it would be a great Accommodation to the Public, if a Bridge were erected and built over or across the lower Part of the River *Welland*, called *Fosdyke Wash*, running through or between the Parishes of *Fosdyke* and *Moulton*, in the Parts of *Holland*, in the County of *Lincoln*, near to *Fosdyke* Inn, from the North Shore in the said Parish of *Fosdyke* to the South or opposite Shore in the said Parish of *Moulton*, and if convenient Roads, Ways and Approaches were formed to and from the said Bridge; and for the Purpose of making such Roads, Ways and Approaches, and in order to secure the said Bridge from Accidents in Times of Floods, it will be necessary to embank certain Parts of the *White Sands* and *Green Marsh* adjoining to the said River, in Manner hereinafter mentioned; and in order to render the Channel of the said River near to the said Bridge of a more regular Size, it will be further necessary that some Fore Shore, on the North Side lying on both Sides of the *Five Towns Sluice*, should be taken in and used for that Purpose: And whereas the several Persons hereinafter named, are willing and desirous, at their own Expence, to erect, build and make such Bridge, Banks, Roads, Ways and other Works, requisite and necessary for the Purposes aforesaid: But the same cannot be effected without the Authority of Parliament; May it therefore please Your Majesty, That it may be enacted, and be it enacted by the 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 so much and such Parts of the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, as relate to or concern the making of the Passage over the said Wash safe and commodious, and as relate to or concern the Erection of a Tollgate or Bar, and Tollhouse, at or near the Bridge to be built over the said intended Cut, or as authorize the Collection of any Toll for passing over such Bridge, shall be, and is and are hereby declared to be repealed.

Proprietors  
Names.

II. And be it further enacted, That the Mayor and Burgeses of the Borough of *Boston* in the County of *Lincoln*, for the Time being, the Right Honourable Sir *Joseph Banks* Baronet, *William Barnard* Esquire, *Robert Barnard* Esquire, *James Bellamy* Esquire, the Trustees of *Basil Berridge* a Minor, *John Broughton* Esquire, *William Chapman*, *Henry Clarke*

Clarke Esquire, Bartholomew Claypon Esquire, Joseph Cope, John Walter Davis, the Reverend Richard Dods, Augustus Duggan Esquire, Thomas Fydell Esquire, Samuel Richard Fydell Esquire, William Garfit the younger Esquire, Henry Gee Esquire, George Harvey, James Hellaby, Edward Hill, Edward Hunnings, the Reverend George Hutton Doctor in Divinity, Richard Johnson, John Linton Esquire, Robert Lyson, Robert Millington, the Reverend Henry Butler Pacey Doctor in Divinity, John Pinkerton, William Rodgerston Esquire, Abraham Sheath Esquire, Challis Sheath Esquire, Elizabeth Simpson Widow, William Slater, William Stangar, John Thimbleby, Francis Thirkill Esquire, Samuel Tunnard Esquire, Thomas Tunnard, Esquire, John Watson, Edward Wilford, and John Yerburch Esquire, together with such other Person or Persons, Bodies Politic, Corporate or Collegiate, as now are or at any Time or Times hereafter shall be possessed of One or more Share or Shares in the Undertaking to be executed by virtue of this Act, shall be and they are hereby united into a Company for making, completing and maintaining the said Bridge, Banks, Roads, Ways, and other Works hereby authorized to be made according to the Provisions hereinafter mentioned and expressed, and are and shall for that Purpose be one Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of *The Fosdyke Bridge*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall and may have full Power and Authority to purchase Lands, Tenements and Hereditaments, to hold to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Incorporated.

Their Style.

III. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute, in Manner hereinafter mentioned, and in such Proportions as they shall think proper, any Sum or Sums of Money, not exceeding in the whole the Sum of Fourteen thousand Pounds (save and except as hereinafter mentioned) which said Sum or Sums of Money shall be laid out and applied, in the first Place, in discharging the Expences of obtaining and passing this Act, and of the Surveys, Plans and Estimates, and other incidental Expences relating thereto, and then for and towards making, completing and maintaining the said Bridge, Banks, Roads, Ways and other Works hereby authorized to be made, and for otherwise carrying the several Purposes of this Act into Execution; and that the said Sum of Fourteen thousand Pounds shall be divided into Shares of One hundred Pounds each; and that the said Shares shall be, and they are hereby vested in the several Persons and Bodies Politic, Corporate or Collegiate so subscribing, and their several and respective Executors, Administrators, Successors and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally pay and contribute; and all Bodies Politic, Corporate and Collegiate, and all Persons and their several and respective Successors, Executors, Administrators and Assigns, who shall severally subscribe for One or more Share or Shares, of such Sum or Sums as shall be called for and demanded by virtue of this Act, towards erecting and completing the said Bridge, Banks, Roads, Ways and other Works hereby authorized to be made, and other Purposes of this Act, shall be entitled to and receive the entire and net Distribution of an equal propor-

The Com-  
pany may  
raise among  
themselves  
a Sum of  
Money not  
exceeding  
14,000l. to  
discharge  
Expences of  
obtaining  
Act, Surveys,  
Plans, and  
Estimates,  
and to com-  
plete Works.

Shares of  
100l. each.



VI. And be it further enacted, That in case the Money hereinbefore authorized to be raised, shall be found insufficient for making, completing and maintaining the said Bridge, Banks, Roads, Ways and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute among themselves in Manner and Form aforesaid, in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, any further or other Sums of Money for completing and perfecting the said Undertaking, not exceeding in the whole the Sum of Five thousand Pounds; and every Person or Persons, Body or Bodies Politic, Corporate or Collegiate, subscribing towards raising such further or other Sum of Money, shall be a Proprietor or Proprietors in the said Undertaking, and shall have a like Vote by himself, herself or themselves, or his, her or their Proxy or Proxies, in respect of every One hundred Pounds of the said additional Sum to be raised, and shall also be liable to such Forfeiture, and stand interested in all the Profits of the said Undertaking, in proportion to such Sum as he, she or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised as aforesaid, had originally been Part of the said Sum of Fourteen thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power to raise amongst themselves a further Sum if necessary, not exceeding 5,000l.

VII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising such further or other Sum of Five thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking; instead of by Contribution or Subscription, then it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest all or any Part of such further Sum of Five thousand Pounds, as to them shall seem fit, on the Credit of the Tolls to be taken by virtue of this Act, and to assign the Property of the said Undertaking, and the Tolls or Sums of Money arising or to arise to the said Company of Proprietors by virtue of this Act, as a Security for any Sum or Sums of Money so to be borrowed with Interest, to such Person or Persons, or to his, her or their Trustees or Trustee as shall advance the the same by Deed of Mortgage under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following: (that is to say)

Or to raise the said 5,000l. by way of Mortgage.

WE the Company of Proprietors of the *Fosdyke* Bridge, in consideration of the Sum of \_\_\_\_\_ to us paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby, by virtue of \_\_\_\_\_ of an Act of Parliament passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*] bargain, sell and transfer unto the said \_\_\_\_\_ Executors, Administrators and Assigns, the said Undertaking, and all and singular the Tolls arising by virtue of the said Act, and all the Right, Title and Interest of us the said Company of Proprietors, of, in and to the same, to hold unto the said \_\_\_\_\_ Executors, Administrators and Assigns, until the said Sum of \_\_\_\_\_ together with Interest for the same, [Loc. & Per.] \_\_\_\_\_ after

Form of Mortgage.

‘ after the Rate of *per Centum per Annum,*  
 ‘ shall be fully paid and satisfied. Given under our Common Seal, the  
 ‘ Day of in the Year of our Lord

And that all Persons to whom such Mortgages shall be made, shall be equally entitled to their Proportion of the said Tolls and Premises, according to the respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of any such Mortgage or on any other Account; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and the Name or Names of the Person or Persons (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed and the Rate of Interest to be paid thereon, shall within Twenty-one Days from the Date of every such Mortgage, be written and inserted *gratis* in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused at all seasonable and convenient Times by any of the Proprietors or Creditors of the said Undertaking, without Fee or Reward; and the Person or Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, transfer his, her or their Right, Title, Interest or Benefit therein to any Person or Persons whomsoever, which Transfer shall be made in the Form or to the Effect following: (that is to say)

Mortgage  
may be trans-  
ferred.

Form of  
Transfer.

‘ I *A. B.* of in consideration of the  
 ‘ Sum of paid by *C. D.* of  
 ‘ do hereby transfer a certain Mortgage  
 ‘ made by the Company of Proprietors of the *Fosdyke* Bridge to  
 ‘ Number bearing Date the Day of  
 ‘ for securing the Sum of  
 ‘ and all Interest now due or to become due thereon, and all my Right  
 ‘ and Property therein to the said *C. D.* Executors, Administrators  
 ‘ and Assigns. In Witness whereof I have hereunto set my Hand and  
 ‘ Seal, this Day of in the Year of  
 ‘ our Lord

And that every such Transfer shall, within Twenty-one Days after the Date thereof, be produced to the Clerk or Clerks of the said Company of Proprietors, who shall cause an Entry or Memorial to be made thereof, containing the Date and Names of the Parties, in the said Book or Books to be kept for entering the said original Mortgages, for which last mentioned Entry the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her or their Executors, Administrators or Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons, who shall have made any such Assignment, to make void, release or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

Interest of  
Mortgage to  
be paid half

VIII. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided

vided for and paid half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made or divided. yearly in preference to Dividends.

IX. Provided always, and be it further enacted, That no Person or Persons, to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be or be deemed to be in respect thereof a Proprietor of any Share, or be capable of acting or voting, by virtue of such Mortgage or Assignment, at any Assembly or Meeting of the said Company of Proprietors, or for or on account of his, her or their having lent or advanced any Money on the Credit of any such Mortgage or Assignment. Mortgagees not to be considered as Proprietors of Shares.

X. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so advancing and lending such Sum or Sums of Money, his, her or their Executors, Administrators or Assigns,) unless Three Calendar Months' previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to the Person or Persons lending or advancing such Sum or Sums of Money, his, her or their Executors, Administrators or Assigns, or left at his, her or their last or usual Place or Places of Abode, of such Intention to pay off and discharge the same. Notice to be given of paying off Money.

XI. And be it further enacted, That the first General Assembly of the said Company of Proprietors for putting this Act in Execution, shall be held at *Fosdyke Inn* in the said County of *Lincoln*, upon the *Monday* Fort-night next after the passing of this Act, or as soon after as conveniently may be at the Hour of Eleven in the Forenoon; and all future General Assemblies of the said Company of Proprietors (except such Special General Assemblies as are hereinafter mentioned), shall be held on the First *Monday* in the Months of *April* and *October* in each and every Year, at the Hour of Eleven in the Forenoon, at such Place or Places as the said Company of Proprietors, at their preceding General Assembly, shall from Time to Time direct and appoint, of which future General Assemblies Fourteen Days' previous Notice at the least shall be given by public Advertisement, to be inserted in some Newspaper usually circulating in the County of *Lincoln*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and in case no Place or Places shall have been so appointed, then such General Assembly shall be holden where the last General Assembly was holden; and at such General Assemblies it shall be the Duty of the Committee of the said Company of Proprietors, to be appointed as hereinafter mentioned, to report to the Proprietors at large the State of the said Undertaking and their Proceedings in carrying this Act into Execution; which Report shall be fairly entered into a Book or Books of the said Company of Proprietors, to be kept for that Purpose by their Clerk, and a Copy of the same shall be left at the Clerk's Office, for the Perusal of the Proprietors, who shall have access thereto during such Hours as the said Office shall be directed to be kept open. First and other General Assemblies.

XII. And be it further enacted, That the said Company of Proprietors, at their respective General and Special General Assemblies, shall Chairmen of General Assemblies to be appointed,

and may appoint a Chairman, and such Chairman shall not only Vote as a Proprietor or Proxy, but in case of an Equality of Votes, shall have the decisive or casting Vote.

Committee  
to be ap-  
pointed.

XIII. And be it further enacted, That the said Company of Proprietors shall, at their First General Assembly, or at any Adjournment of the same, elect, by Ballot, Twelve Persons of and out of the said Company of Proprietors, to be a Committee for the Management of the Concerns of the said Company of Proprietors, until the next General Assembly of the said Company of Proprietors, to be holden on the First *Monday* in the Month of *October* then next ensuing, and the Power of the said Committee shall then cease and determine; but no Person or Persons shall be capable of being elected of and upon such Committee, unless he shall hold and be possessed of Three Shares at the least in the said Undertaking: Provided always, that no Person or Persons, holding any Place, Office, Employment, or Contract under the said Company of Proprietors, shall be capable of being elected or of serving upon such Committee, during the Time of his Continuance in such Place, Office, Employment, or holding such Contract.

Committee  
to appoint a  
Chairman  
from among  
themselves.

XIV. And be it further enacted, That the Persons composing the said Committee, shall and may at every Meeting by them held, appoint a Chairman; and that no Member of any Committee shall have more than one Vote upon any Question that may be agitated in the said Committee, except in case of an Equality of Votes, and in that Case the Chairman shall have the decisive or casting Vote, although he may have given one Vote before.

Auditors to  
be appointed.

XV. And be it further enacted, That the said Company of Proprietors shall, at their First General Assembly, or at any Adjournment of the same, elect, by Ballot, Two Persons of and out of the said Company of Proprietors, to be Auditors of the Accounts of the said Company of Proprietors; and such Persons shall continue in Office until the next General Assembly of the said Company of Proprietors, to be holden on the First *Monday* in the Month of *October* then next ensuing; but no Person shall be capable of being elected, or of serving as an Auditor of the Accounts of the said Company of Proprietors, unless he shall hold and be possessed of Three Shares at least in the said Undertaking: Provided always, that no Person or Persons holding any Place, Office, Employment or Contract, under the said Company of Proprietors, shall be capable of being elected or of serving as such Auditor of Accounts, during the Time of his Continuance in such Place, Office, Employment or holding such Contract.

No Person to  
be a Com-  
mittee-Man  
and an Audi-  
tor at the  
same Time.

XVI. And be it further enacted, That no Person shall be a Committee-Man and an Auditor of the Accounts of the said Company of Proprietors at one and the same Time; and every Person who may be elected a Committee-Man, and also an Auditor of the Accounts of the said Company of Proprietors, shall immediately resign one of the said Offices.

Power to Ge-  
neral Assem-  
blies.

XVII. And be it further enacted, That the said Company of Proprietors shall have Power and Authority at any General Assembly or Special General Assembly convened for that Purpose, to remove and displace  
any



any Member or Members of the Committee, or Auditors or Auditor nominated and appointed by virtue of this Act, and thereupon to elect any other Person or Persons in his or their Room or Stead; and it shall and may be lawful to and for the said Company of Proprietors, at any General or Special General Assembly convened for that Purpose, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye-Laws, Orders and Regulations for the good Government of the said Company of Proprietors, and of the said Committee and Auditors, and of their Servants, Agents and Workmen, and for the whole, complete and total Superintendance and Management of the said Undertaking, and from Time to Time to alter and repeal the said Rules, Bye-Laws, Orders and Regulations, or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Bye-Laws, Orders and Regulations, as to such General or Special General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and all such Rules, Bye-Laws, Orders and Regulations being reduced into Writing, under the Common Seal of the said Company of Proprietors, shall be printed, and shall be binding upon and be observed by all Persons concerned in the said Undertaking, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that the same be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to the Provisions, and Directions in this Act contained, or to any of them; and such Rules, Bye-Laws, Orders and Regulations shall be subject to Appeal in Manner herein directed; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall, at such General or Special General Assembly, be thought proper and convenient.

XVIII. And be it further enacted, That the said Committee so elected, or the Person or Persons to be elected in their Room or Stead, in Manner herein directed, shall continue in Office until the First *Monday* in the Month of *October* next after such Election, and on such Day Four of the said Committee-Men shall go out of Office, and cease to be of the Committee of the said Company of Proprietors; and in order to determine which of the Committee-Men shall go out of Office, and cease to be upon the Committee of the said Company of Proprietors, the Clerk of the said Company of Proprietors, at their General Assembly to be holden on that Day, or some Adjournment thereof, shall and he is hereby required to write upon Twelve distinct Pieces of Paper of an equal Size, the Name of each Committee-Man, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box, and Four of such Papers shall then be drawn out of such Box by such Clerk One by One; and those Four of the Committee-Men whose Names shall be written upon such Papers respectively so drawn, shall go out of Office, and cease to be of the Committee of the said Company of Proprietors; and the said Company of Proprietors shall then elect by Ballot as aforesaid Four Members of the said Company of Proprietors, who shall severally be possessed of and entitled to Three Shares at the least in the said Undertaking; and such Four Persons, so elected, shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed, or being re-

Subsequent Appointment of Committee (by the Proprietors) in the Room of those going out of Office by Rotation.

moved or displaced by the said Company of Proprietors at any General Assembly, or Special General Assembly convened for that Purpose) and no longer; and on the First *Monday* in the next succeeding Month of *October*, Four more of the Committee-Men, first elected by virtue of this Act, or the Person or Persons elected in his or their Room or Stead, shall go out of Office, and cease to be of the Committee of the said Company of Proprietors; and in order to determine which of such Eight Committee-Men shall go out of Office, and cease to be upon the Committee of the said Company of Proprietors, the Clerk of the said Company of Proprietors, at their General Assembly to be holden on that Day or some Adjournment thereof, shall, and he is hereby required to write upon Eight distinct Pieces of Paper, of equal Size, the Name of One of such Eight Committee-Men, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box by such Clerk, and Four of such Papers shall be then drawn out of such Box by such Clerk, One by One; and those Committee-Men, whose Names shall be upon such Papers respectively so drawn, shall go out of Office, and cease to be of the Committee of the said Company of Proprietors; and the said Company of Proprietors shall then elect by Ballot as aforesaid, Four Members of the said Company of Proprietors, qualified as aforesaid, to be upon the Committee of the said Company of Proprietors in the Room or Stead of such Four Committee-Men going out of Office; and such Four Persons so elected shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed, or of being removed or displaced as aforesaid) and no longer; and on the First *Monday* in the next succeeding Month of *October* the Four remaining Members of the Committee to be first elected by virtue of this Act, or the Person or Persons elected in his or their Room or Stead, shall go out of Office, and cease to be of the Committee of the said Company of Proprietors; and the said Company of Proprietors shall, at their General Assembly to be holden on that Day, or some Adjournment thereof, elect by Ballot as aforesaid, Four Members of the said Company of Proprietors, qualified as aforesaid, to be upon the Committee of the said Company of Proprietors, in the Room or Stead of such Four Committee-Men going out of Office as last aforesaid; and such Four Persons so elected shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed, or of being removed or displaced as aforesaid) and no longer; and on the First *Monday* in every succeeding Month of *October* in each and every Year, Four Persons out of the Members of the said Company of Proprietors, qualified as aforesaid, shall be elected by Ballot as aforesaid, by the said Company of Proprietors, to be Members of the Committee of the said Company of Proprietors; and such Four Persons so elected shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed, or of being removed or displaced as aforesaid) and no longer: Provided always, that it shall and may be lawful to and for the said Company of Proprietors again to nominate and appoint any such Person or Persons so qualified as aforesaid, and going out of Office, again to be a Member or Members of the said Committee.

XIX. Provided also, and be it enacted, That in case on any such First *Monday* in the Month of *October* in any Year, no such Nomination and Appointment of such Four Members of the Committee shall be made, then, and in every such Case, another Meeting of the said Company of Proprietors shall be holden on the *Monday* following for the Purpose of making such Election; and in case no such Nomination and Appointment shall be then made, then, and in every such Case, another Meeting of the said Company of Proprietors shall be holden on the *Monday* following for the Purpose of making such Election, and so *toties quoties* until such Four Members of the Committee shall be chosen; but such Four Members of the Committee shall not continue in Office or be Members of the said Committee for any longer Space of Time than if they had been elected on the said First *Monday* in the Month of *October* as aforesaid; and until such Four Members of the Committee shall be chosen, the Four Members of the Committee going out of their Office shall continue in Office, and shall enjoy the same Powers and Authorities as the other Members serving upon the said Committee.

In case Committee are not appointed on the Day mentioned, another Meeting to be had for that Purpose.

XX. And be it further enacted, That in case any Person or Persons elected by the said Company of Proprietors, as a Member or Members of the Committee of the said Company of Proprietors, shall die, or refuse to act in the Execution of this Act, or shall cease to be entitled to Three Shares at the least in the said Undertaking, or shall hold any Place, Office, Employment or Contract, under the said Company of Proprietors, then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors to elect at the next General Assembly, or at some Special General Assembly of the said Company of Proprietors, to be called for that Purpose, some Person or Persons qualified as aforesaid, to be a Member or Members of the Committee of the said Company of Proprietors in the Room or Stead of the Member or Members of the Committee so dying, or refusing to act, or ceasing to be qualified, or holding any Place, Office, Employment or Contract under the said Company of Proprietors; and all and every Person or Persons so elected, shall have the like Powers and Authorities, and shall be subject to the like Rules, Regulations and Restrictions as the Person or Persons in whose Room or Stead he or they shall be so elected, and shall continue in Office as a Member or Members of the Committee for such Time and no longer as the Person or Persons in whose Room or Stead he or they shall be so elected would have continued in Office.

Subsequent Appointment of the Committee by the Proprietors, in the Room of those who shall die, refuse to act, or become disqualified.

XXI. And be it further enacted, That if at any such General Assembly there shall not be Persons present, either as Principals or Proxies who shall be possessed of or entitled to at least Fifty Shares in the said Undertaking, no Choice of any Committee shall be made at that Time; but such General Assembly of the said Company of Proprietors shall be adjourned to that Day Three Weeks to be holden at the same Place, and so from Time to Time, until there shall be such Persons present at such General Assembly, having such Number of Shares as aforesaid, and such Choice of such Committee shall then take place and not before; and of every such adjourned Meeting Fourteen Days' Notice in Writing shall be given by the Clerk of the said Company of Proprietors to the absent Proprietors; and in case of Failure of the assembling of a sufficient Number of Proprietors, as Principals or Proxies having such Shares, at such General

General Assemblies for choosing Committee, to consist of Fifty Shares.

neral Assembly, every Proprietor or Proprietors who shall not attend such Second or adjourned General Assembly in Person or by Proxy, shall forfeit and pay to the said Company of Proprietors, for every Share which he, she or they shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of his, her or their next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking (as the Case may happen); and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then, and in every such Case, such Penalty and Forfeiture of Ten Shillings shall and may be levied and recovered by such Ways and Means as any other Penalty or Forfeiture imposed by this Act may be levied and recovered.

Subsequent  
Appointment  
of Auditors.

XXII. And be it further enacted, That the said Auditors so elected, or the Person or Persons so elected in their Room or Stead, by virtue of this Act, shall continue in Office until the said First *Monday* in the Month of *October* next after such Election; and on such Day, One of the said Auditors shall go out of Office, and cease to be an Auditor of the Accounts of the said Company of Proprietors; and the Provisions hereinbefore made and enacted in regard to the Election of Members to serve upon the Committee in the Room of those going out by Ballot or Rotation, or who shall die, refuse to act, or become disqualified, shall be applicable to the Election of Auditors of Accounts.

No Person on  
the Commit-  
tee, or Audi-  
tor to be  
concerned in  
any Contract,  
&c. under  
Penalty.

XXIII. And be it further enacted, That no Person being a Member of the said Committee, or an Auditor, shall hold any Contract or enjoy any Place of Profit created by this Act, or be beneficially employed, or in any Manner interested or concerned directly or indirectly in supplying any Articles or Materials for the Use of the said Company of Proprietors; and in case any Person being a Member of the said Committee, or an Auditor, shall hold any Contract, or enjoy any Place of Profit created by this Act, or shall be in any Manner beneficially employed or concerned directly or indirectly in supplying any Articles or Materials for the Use of the said Company of Proprietors, then, and in every such Case, every such Person so being a Member of the said Committee, or Auditor, shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint or Information, wherein no *Essoign*, Protection or Wager of Law, or more than One *Imparlance* shall be allowed, and One-half of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Half shall be paid to the said Company of Proprietors, to be applied to the Purposes of this Act; and the Person or Persons so convicted, shall be absolutely disqualified from acting any longer as a Member or Members of the Committee, or Auditor of Accounts of the said Company of Proprietors; and no Proprietor of the said Company, or any Member of the Committee, or Auditor of Accounts of the said Company of Proprietors, interested in any such Contract, Matter or Thing as aforesaid, shall vote in any Question touching or concerning the same.

XXIV. And

XXIV. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in Execution, a Special General Assembly of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Seven or more of the said Proprietors, who collectively may be possessed of and entitled to Twenty Shares at the least in the said Undertaking, by a Notice under their Hands, to be given to the Clerk of the said Company of Proprietors, to require the said Clerk to give Notice of such Special General Assembly, and the said Clerk shall and he is hereby required within Fourteen Days from the Receipt of such Notice, to give Twenty-one Days' Notice of such Special General Assembly in some Newspaper usually circulated in the County of *Lincoln*, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct and appoint, specifying in such Notice the Reason, Occasion and Intention of requesting such Special General Assembly, and the Time when and Place where the same shall be holden, which Place shall be within Ten Miles of the said Bridge, and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present at such Special General Assembly shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified in such Notice only; and all such Acts, Orders or Determinations of the Proprietors, or the major Part of them, so met together at every such Special General Assembly (provided that the Proprietors present, either as Principals or Proxies, shall be possessed of at least Fifty Shares in the said Undertaking) shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly: Provided always, that in case the said Clerk shall not, when so required, call the said General Assembly, it shall and may be lawful for the said Proprietors, by a similar Notice, to call such Special General Assembly, which said Special General Assembly shall have the same Power, Privilege and Authority, and be in all respects considered the same as if it had been called by the said Clerk.

Assemblies  
of the Pro-  
prieters may  
be specially  
convened.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly, and they are hereby authorized and required, from Time to Time to nominate and appoint, under the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Tolls by this Act allowed to be demanded and taken, and such other Officers as to the said Company of Proprietors shall seem proper, and from Time to Time to remove any such Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, or other Officers or any of them, and to nominate and appoint another Person or Persons in his, her or their Room or Stead in Manner aforesaid, taking such Security from every such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver or other Officer, for the due Execution of their respective Offices, and granting to them respectively such Salary and Compensation as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and

General  
Assembly  
power

perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings and Transactions of the said Company of Proprietors and Committee respectively; and each of the said Proprietors of the said Undertaking shall and may at all convenient Times have recourse to, and peruse and inspect such Books *gratis*, and may Demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied, the Sum of Sixpence, and so in proportion for any greater or less Number of Words; and if any such Clerk or Clerks to the said Company of Proprietors shall refuse to permit any Proprietor or Proprietors, so interested as aforesaid, to inspect such Book or Books of Accounts and Proceedings at all convenient Times or Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For appointment of Officers in case of Vacancies.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General or Special General Assembly as aforesaid, to suspend or remove any Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver or other Officer or Servant of the said Company of Proprietors, on Account of any Negligence, Misconduct or Inability; and in case any such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver or other Officer or Servant of the said Company of Proprietors shall die, be removed from, or quit the Service of the said Company of Proprietors or of the said Committee, then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors, at their next General or Special General Assembly, to appoint any other fit Person or Persons to execute such Office, in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Committee; and it shall and may be lawful to and for the Committee of the said Company of Proprietors to remove any Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company of Proprietors, for any Negligence, Misconduct or Inability, and to appoint any other fit Person or Persons so removed from the Service of the said Company of Proprietors; but in case any such Removal or new Appointment shall be made by the said Committee, the same shall continue only until the next General or Special General Assembly of the said Company of Proprietors, when the said Removal of such Person or Persons from such respective Office or Offices shall either be confirmed or annulled; and in case such Removal shall be confirmed, it shall and may be lawful to and for the said Company of Proprietors at such General or Special General Assembly for that Purpose, to discharge such Person or Persons so removed by the said Committee, and to confirm any new Appointment which shall or may have been made by the said Committee, or to appoint such other fit Person or Persons to succeed to such Office or Offices, as the said Proprietors at such General or Special General Assembly for that Purpose may think proper.

Officers, &c. to account.

XXVII. And be it further enacted, That every such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant

Servant of the said Company of Proprietors, so to be appointed as aforesaid, shall, under his or their Hand or Hands, at such Time and Times, and in such Manner as the said Company of Proprietors or such Committee shall direct, deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company of Proprietors, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in his or their respective Hand or Hands, to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer, or Person, shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after being thereunto required by the said Company of Proprietors, or by such Committee, all Books, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, to the said Company of Proprietors, or to such Committee, or as they shall respectively direct and appoint, then, and in either of the Cases aforesaid, the said Company of Proprietors may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the said Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County, Division, City or Place wherein the said Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices are hereby authorized and required by a Warrant or Warrants under their Hands and Seals to cause the Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing to be brought before them, and upon his or their appearing, or refusing or neglecting to appear, without some reasonable Excuse, 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 Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected, raised or received by virtue of this Act, shall be in the Hands of such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons,

Persons, such Justice or Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons can be found, sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Monies, Accounts, Receipts, Vouchers, Books, Papers and Writings as aforesaid, to the said Company of Proprietors, or to such Committee or other Person or Persons as they respectively shall appoint, then, and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for such County, Division, City or Place, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account and Payment as aforesaid, or until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors or to such Committee; but no Treasurer, Engineer, Surveyor, Clerk, Collector, Receiver, Officer or Person so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Twelve Calendar Months.

Powers of the  
Committee.

XXVIII. And be it further enacted, That all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of the Persons present at their respective Meetings, the whole Number present not being less than Three; and every such Committee shall from Time to Time make Report of their Proceedings to the said General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places as they shall think fit; and in order to defray the Expences of their said Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Company of Proprietors, such Sum or Sums of Money as shall be directed, adjusted and settled by the said Company of Proprietors at such General Assemblies; and the said Committee shall and may contract for and agree for the Purchase of the Lands, Tenements and Hereditaments that may be taken or used for the Purposes of the said Bridge, Banks, Roads, Ways or other Works thereunto belonging; and shall and may, on the Part and Behalf of the said Company of Proprietors, settle, determine and adjust all Matters, Questions and Differences which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Tenements or other Hereditaments which shall or may be taken and damaged or affected by the Execution of any of the Powers hereby granted; and shall and may make Agreements, Contracts and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making, continuing and completing the said Bridge, Banks, Roads, Ways or other Works thereunto  
appert-



appertaining or belonging, and all and every Part or Parts thereof, or in supplying any Articles or Materials for the Use of the said Company of Proprietors; and the said Committee shall (subject nevertheless to the Orders and Directions of such General or Special General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors; and the said Committee shall, by themselves or the said Clerk or Clerks of the said Company of Proprietors, keep a full, correct and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them; and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of the said Undertaking from any Collector or Collectors of the said Tolls, or from any other Officer or Officers, or from any Person or Persons to whom such Tolls shall be demised or leased by virtue of this Act, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall enter in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors, Notes, Minutes or Copies (as the Case shall require) of every such Contract, Bargain, Receipt and Disbursement, and of all their Orders and Proceedings, which Book or Books shall be deposited with and kept under the Care and Direction of the said Committee, or the Clerk or Clerks of the said Company of Proprietors as aforesaid; and it shall and may be lawful for the said Committee from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, in order to defray the Expences of or to carry on the same, as they the said Committee from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds for and in respect of every Share, and be made at a less Interval than Two Months from each other, and Twenty-one Days' Notice at least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper usually circulating in the County of *Lincoln*, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct and appoint; all which Money so to be called for, shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid and applied in such Manner as the said Committee shall from Time to Time order and direct.

Committee  
may make  
Calls.

XXIX. Provided always, and be it enacted, That if any Subscriber or Subscribers to the said Undertaking shall be minded and desirous to pay or advance immediately into the Hands of the said Committee, or of such Person or Persons as they shall appoint to receive the same, the full Amount of his, her or their Subscription or Subscriptions for any Share or Shares for which he, she or they may have subscribed, or any Part thereof, not being a less Sum than Fifty Pounds, without waiting for the said Call or Calls to be made, then, and in such Case, it shall be lawful for the said Committee to pay to the said Subscriber or Subscribers so paying in advance as aforesaid, out of the Funds of the said Company of Proprietors, Interest upon the Sum or Sums so advanced, at the Rate of Five Pounds *per Centum per Annum* upon the Amount which such Payment in advance may be over and above the said Calls, and

Committee  
may allow  
Interest to  
Proprietors  
on Payments  
in advance.

from the Time of advancing the same up to the Period of such subsequent Call respectively, according to the Sum then in advance over and above the Amount of the said Call.

Subscribers to pay their Subscriptions on Calls by the Committee, and on Failure may be sued.

XXX. Provided always, and be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall, and he, she and they is and are hereby required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of the said Company of Proprietors, by virtue of and agreeable to the Powers and Directions of this Act, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any such Subscriber or Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any of His Majesty's Courts of Law or Equity.

Directing Proceedings in Actions for Calls.

XXXI. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money, as the Call or Calls in Arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the Special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of the Share or Shares in the said Undertaking, upon which any Call or Calls shall be in Arrear, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company of Proprietors shall thereupon be entitled to recover what shall appear to be due; and that no Wager of Law shall be allowed in any such Action.

Manner of enforcing Payment of the Calls.

XXXII. And, for the better enforcing the Payment of such Calls; be it further enacted, That if any Person or Persons, upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her or their rateable  
or

or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of One Calendar Month after such Call or Calls shall have been made as aforesaid, then, and in such Case, it shall and may be lawful to and for the said Company at some General or Special General Assembly to be held after such Neglect or Refusal to pay such Call or Calls as aforesaid, to declare all and every or any of the Share and Shares of such Person or Persons so neglecting or refusing as aforesaid, to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited, shall be vested in the said Company of Proprietors, their Successors and Assigns, to and for the Uses and Purposes hereinafter mentioned: Provided always, that no Share or Shares of and in the said Undertaking, shall vest in or accrue to the said Company of Proprietors, until Notice in Writing thereof shall be given by the Treasurer, or by the Clerk or Clerks to the said Company of Proprietors, to the Person or Persons, or to the Clerk or Clerks or other Head-Officer or Officers of the Body or Bodies Politic, Corporate or Collegiate in whose Name or Names such Share or Shares shall, at the Time of giving such Notice, stand registered in the Books of the said Company of Proprietors, or left at his, her or their Dwelling-house, or usual or last known Place of Abode, Fourteen Days at the least before such Share or Shares shall vest in or accrue to the said Company of Proprietors, or until Notice be published in some One of the public Newspapers circulated in the County of *Lincoln*, in case such Person or Persons cannot be found; and in such Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for his, her or their Call or Calls in respect of his, her or their Share or Shares in the said Undertaking, and no such Share or Shares shall be forfeited to or vested in the said Company of Proprietors, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and all Expences attending the Application for the same, within the Time specified in such Notice; any thing contained in this Act to the contrary thereof in anywise notwithstanding.

XXXIII. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company of Proprietors as aforesaid, then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors, or their Committee for the Time being, and they are hereby authorized and empowered from Time to Time to sell or cause to be sold by public Auction or by private Contract, and by Writing under the Common Seal of the said Company of Proprietors, to assign and transfer such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their Committee shall from Time to Time find necessary and direct to be sold unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her or their Executors, Administrators and Assigns; and such Assignment and Transfer shall be good, valid and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company of Proprietors, and sold as aforesaid, and all Persons claiming under him, her or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than  
Company empowered to sell Shares, which shall become vested in them by the Default of Owners not paying the Call thereon.  
sufficient

sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale or Sales shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also that the said Company of Proprietors, or their Committee, shall not by virtue of this Act, at any Time or Times, sell, or transfer, or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due by such Defaulter or Defaulters, for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of every Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

Company not  
to sue for  
Calls on for-  
feited Shares.

XXXIV. Provided also, and be it enacted, That nothing herein contained shall empower the said Company of Proprietors to sue the original Proprietors of any Share or Shares which shall be declared to be forfeited in Manner and according to the Tenor, true Intent and Meaning of this Act, except such as shall revert in pursuance of the last preceding Clause for any Call or Calls for Money subsequent to the Declaration of such Forfeiture; but when any such forfeited Share or Shares shall be sold, the Purchaser or Purchasers thereof shall be liable to the future Calls, in the same Manner as if he, she or they had been the original Proprietor or Proprietors of such Share or Shares.

At the Death  
of Subscribers  
before Share  
completed,  
Executors  
may do it.

XXXV. Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum or Sums to be advanced on each Share or Shares which he, she or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then, and in such Case, the Executor or Executors, Administrator or Administrators of any such Owner or Owners, Proprietor or Proprietors so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner or Owners, Proprietor or Proprietors, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such Owner or Owners, Proprietor or Proprietors so deceased, shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall  
be

be and they are hereby authorized and empowered to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners, Proprietor or Proprietors so deceased, on Condition that he, she or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, Proprietor or Proprietors, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his, her or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, Proprietor or Proprietors, in his, her or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then, and in such Case, such Share or Shares shall be forfeited to and become vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

XXXVI. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her and their respective Successors, Executors, Administrators and Assigns, to sell and dispose of any Share or Shares to which he, she or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance or Transfer of which Share or Shares shall be in the Form and to the Effect following:

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain, sell, assign and transfer to the said *C. D.* Executors, Administrators and Assigns, the Sum of \_\_\_\_\_ Capital Stock or Share in the Undertaking called *The Fosdyke Bridge* (being Number \_\_\_\_\_ of the Shares in the said Undertaking) to hold to the said *C. D.* Executors, Administrators and Assigns, subject to the same Rules, Orders and Restrictions, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to take and accept the said Capital Stock or Share of \_\_\_\_\_ subject to the same Rules, Orders, Restrictions and Conditions. As Witness our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_

Shares may be sold.

Form of Transfer.

And that on every such Sale, the said Conveyance or Transfer, (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have registered in a proper Book or Books, to be provided by the said Company of Proprietors and kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company of Proprietors, and shall have testified or indorsed the Registry of such Memorial on the said Conveyance or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is and are hereby required to register such Memorial accordingly; and until No Title shall be registered in such Registry

such Memorial shall have been registered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her or them, or any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

After a Call  
no Share to  
be sold until  
the Money  
shall be paid.

XXXVII. And be it further enacted, That after any Call of Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she or they shall possess in the said Undertaking, upon Pain of forfeiting his, her or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred; such Forfeiture nevertheless to be declared at a General or Special General Assembly in Manner before directed.

Regulations  
as to the  
Acquisition  
of Shares.

By Marriage.

By Will or in  
Course of  
Administra-  
tion.

By any other  
Means.

XXXVIII. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said Undertaking by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong: Be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before one of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or the Letters of Administration shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, shall be made and sworn to by any Executor or Executors of such Will, before one of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner hereinbefore mentioned; and that in all Cases other than is hereinbefore mentioned, where the Right or Property in one or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons, before one of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hat

or

or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking; and that in all or any of the said Cases, it shall and may be lawful to and for the said Company of Proprietors at any General or Special General Assembly, after Three Calendar Months Notice shall have been given by the said Clerk or Clerks to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times at the least in some one of the public Newspapers usually circulated in the County of *Lincoln*, to declare the same Share or Shares to be forfeited; and in such Case the same shall be, and become forfeited, and sold, and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the General Fund of the said Company of Proprietors.

XXXIX. And, for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein; Be it further enacted, That the said Company of Proprietors shall and they are hereby required at their First or at some subsequent General Assembly, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors, and after such Entry made, to cause their Common Seal to be affixed thereto: and every Proprietor requiring the same, may have a Certificate of such Entry for each Share, certified under the Hands or Hand of the Clerks or Clerk to the said Company of Proprietors, on paying to the Clerk Two Shillings and Sixpence, and no more, for every such Certificate, and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her or their Executors, Administrators and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner or Proprietor of any of the said Share or Shares from selling or disposing thereof; and in case any such Certificate shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then, and in such Case, another Certificate shall be made out and delivered by the Clerk, on the same Terms and Conditions as aforesaid.

Names of Proprietors and Number of their Shares to be entered in a Book, and Certificates of the Number delivered to them.

XL. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as original or future Subscribers, or as Successors, Executors, Administrators or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and

For the Purpose of making and recovering Calls, the Persons whose Names are standing in the Company's Books as Proprietors are to be

deemed the  
actual Pro-  
priators.

Calls made and to be made thereon, and to all Actions, Suits, Forfeitures and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act.

Powers of the  
Auditors.

XLI. And be it further enacted, That the Auditors of the Accounts of the said Company of Proprietors shall, and they are hereby empowered and required to meet at some convenient Place once at the least in every Year, for the Purpose of examining the Accounts of the said Company of Proprietors; and at such Meetings all Accounts of Money received, laid out and disbursed on Account of the said Undertaking, or on any of the Works thereunto belonging, by the Treasurers, Receivers, Collectors, Clerk or Clerks, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Undertaking, or the Works thereunto belonging, shall be laid before the said Auditors, to be audited and settled; and the said Auditors shall cause a fair and correct Statement of the Accounts to be made out, which Statement shall be laid before the next General or Special General Assembly of the said Company of Proprietors, for their Confirmation; and in order to defray the Expences of their Meetings, the said Auditors shall from Time to Time receive out of the Capital Stock of the said Company of Proprietors such Sum or Sums of Money as shall be directed, adjusted and settled by the said Company of Proprietors at any General Assembly.

Bodies Poli-  
tic empow-  
ered to sell  
and convey  
Lands.

XLII. And be it further enacted, That after any Lands, Grounds, Sands or Hereditaments shall be set out and ascertained for the Site of the said Bridge, and for making the said Banks, Roads, Ways or Approaches to the said Bridge, or for any other Works or Erections to be made by virtue of this Act, it shall be lawful for all Bodies Politic, Corporate or Collegiate, Coporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors and Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of or interested in their own Right, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of or interested in any Lands, Grounds, Sands and Hereditaments which shall be set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same and every Part thereof, by Indentures of Lease and Release, or by Bargain and Sale inrolled unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Satisfaction  
to be made.

XLIII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate or Collegiate, Trustees or other Persons hereinbefore capacitated to sell or convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Grounds, Sands or other Hereditaments, through, in or upon which the said Bridge, Banks, Roads, Ways or Approaches, or other Works hereby authorized are intended to be made, or any of them, may accept



accept and receive Satisfaction for the Value of such Lands, Grounds, Sands and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein directed, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors or their Committee; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth for ever to have, take and enjoy the said Lands, Grounds, Sands and other Hereditaments for the Purposes of this Act; and in case the said Company of Proprietors or their Committee, and the said Parties interested in such Lands and Grounds, Sands or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is hereinafter directed.

If Parties cannot agree, Price to be settled by a Jury.

XLIV. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of or Persons interested in any Lands, Grounds, Sands or other Hereditaments which shall or may be taken, used, affected or prejudiced by reason of the Execution of any of the Powers hereby granted; Be it further enacted, That if any Body Politic, Corporate or Collegiate, or any other Person or Persons so interested for and on his, her or their Part or Parts, or for or on the Part of his, her or their *Cestuique* Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money or Recompence, or other Compensation as shall be offered by them the said Company of Proprietors, or their Committee, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being to the said Company of Proprietors, within Seven Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid, shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury, or if any Body, Politic, Corporate or Collegiate, or any other Person or Persons seized, or possessed of or interested in any such Lands, Grounds, Sands, or other Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Company of Proprietors or their Committee, 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 may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company of Proprietors, or their Committee, or of the Person or Persons authorized by them: then, and in every such Case, the said Company of Proprietors, or their Committee, shall, and they are hereby empowered and required from Time to Time to issue a Warrant or Precept under the Common Seal of the said Company of Proprietors, to the Sheriff of the County of *Lincoln*, thereby requiring such Sheriff (and the said Sheriff, or his Deputy, is hereby empowered and required) to impanel, summon and return not less than Twenty-four, nor more than Forty-eight, substantial and indifferent Persons, qualified to serve on Juries; and the Persons so to be impanelled, summoned and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the Parts of *Holland*, in the said County, at some Court of

If Parties are dissatisfied, or refuse or are unable to treat, &c. a Jury to be impanelled to decide the Matter.

General or Quarter Sessions of the Peace to be holden in and for the said Parts of *Holland*, or at some Adjournment thereof, as in such Warrant or Precept 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 out of such Persons so to be impanelled, summoned and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the said Parts of *Holland*, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace as before-mentioned, or his Deputy, shall return other honest and indifferent Men of the Bye-standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witnesses touching the Matters in question, and may order and authorize the said Jury or any Three or more of them to view the Place or Places, or Matters or Things in Controversy; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered and required to administer) enquire of, assess and ascertain and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands, Grounds, Sands and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid, and the said Justices shall give Judgment for such Purchase Money, Recompence or Compensation so assessed by such Jury, which said Verdict and the Judgment thereupon shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate and Collegiate, and upon all Persons whomsoever, provided that Fourteen Days Notice in Writing, at the least, of the Hour and Place at which such Jury are so required to be returned, be given to the Bodies Politic, Corporate or Collegiate, or to the Person or Persons interested or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling-house of such Person or Persons, or of the Head-Officer of such Body or Bodies Politic, Corporate or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money as a Recompence and Satisfaction for the absolute Sale of any Lands, Grounds, Sands or other Hereditaments, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments, than shall have been previously offered by or on Behalf of the said Company of Proprietors, or their Committee, before the summoning such Jury, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation shall have been previously offered in respect thereof by and on Behalf of the said Company of Proprietors, or their Committee, or where, by reason of Absence, or other Impediment or Disability, there shall not be found any Person or Persons at Hand who may be legally capacitated to contract with, and make Conveyances to, or receive Compensation from the said Company of Proprietors as hereinbefore mentioned, then, and in all such Cases, all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be

How the Expences of the Jury shall be paid.

be settled by the said Justices, and be defrayed by the said Company of Proprietors or their Committee; but if any Verdict shall be given for the same, or a less Sum than shall have been previously offered by or on Behalf of the said Company of Proprietors or their Committee, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of such Refusal to treat with or make Conveyances to the said Company of Proprietors, by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat and convey or receive such Compensation as aforesaid, then, and in all such Cases, (except where by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Company of Proprietors or their Committee) the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, or by the Person or Persons with whom the said Company of Proprietors or their Committee shall have such Concerns, Controversies or Disputes, which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and awarded as aforesaid; and in case no Damages shall be given by such Verdict; where the Dispute is for Damages only, such Costs and Expences shall and may be recovered by the said Company of Proprietors by such Ways as are herein provided for the Recovery of any Penalty incurred by this Act.

XLV. And be it further enacted, That the said Company of Proprietors shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her or them sustained or supposed to be sustained in consequence of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on Behalf of such Person or Persons to the Clerk of the said Company of Proprietors, within the Space of Six Calendar Months next after the Time that any supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Company before appeal to a Jury.

XLVI. And be it further enacted, That all Persons, who in any Examination to be taken upon Oath by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any such Jury or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Persons guilty of Perjury.

XLVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed

Power to enter and take Possession of

Lands, &c.  
on Payment  
or Tender of  
Purchase  
Money.

agreed for between the Parties, or determined and adjusted by any Jury in Manner as aforesaid, for the Purchase of any such Lands, Grounds, Sands or other Hereditaments, or as a Compensation for Damages as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for, determined or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company of Proprietors or their Committee, or shall refuse to execute a Conveyance or Conveyances of the Premises, which shall be required for the Purposes of this Act, then upon the Payment, of the said Sum or Sums of Money into the Bank of *England*, as hereinafter directed and required (in case the same shall be requisite) for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors or their Committee, and their Agents, Servants and Workmen immediately to enter upon such Lands, Grounds, Sands and other Hereditaments respectively, and then and thereupon the Lands, Grounds, Sands and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the Yearly Profits thereof, and all the Estate, Use, Trust and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender, Payment or Investiture shall not only bar all Right, Title, Claim, Interest and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender or Investiture as aforesaid, it shall not be lawful for the said Company of Proprietors or their Committee, or any Person acting under their Authority, to take or Use such Lands, Grounds, Sands or Hereditaments, for the Purposes of this Act, without Leave of the respective Owners and Occupiers thereof.

Verdicts to  
be recorded.

XLVIII. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the Clerk of the Peace, or his Deputy, present at the taking of such Verdicts and pronouncing of such Judgments respectively) shall be kept by the Clerk of the Peace amongst the Records of the Quarter Sessions for the Parts of *Holland*, in the County of *Lincoln*, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Application  
of Compensation when  
exceeding  
200l.

XLIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds or Hereditaments, or for any other Matter, Right or Interest of what Nature or Kind soever, purchased

chafed, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed 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 *ex parte* the Company of Proprietors of the *Fosdyke* Bridge, together with the Name or Names of such Person or Persons as any Three of the Committee of the said Company of Proprietors shall by Writing signed by them, direct and appoint, 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, Grounds, Sands or Hereditaments, in the Purchase of the Land Tax, or towards the 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 Lands, Grounds, Sands or Hereditaments, or affecting other 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 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 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 said 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 Lands and Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

L. Provided always, and be it further enacted, That if any Money When less than 200l. so agreed or awarded to be paid for any Lands or Hereditaments 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 Lands or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy,

[*Loc. & Per.*]

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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 hereinbefore 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 Three or more of the said Committee of the said Company of Proprietors (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 therefrom may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 20l.

LI. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as hereinbefore 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 Lands or Hereditaments so purchased, taken or used for the Purposes of this Act, as the said Committee or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

Or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, by Motion or Petition.

Cashier of the Bank to give a Receipt for such Money.

LII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, 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 Committee of the said Company of Proprietors, or any Three of them, 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 ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then, and in every such Case, it shall be lawful for the said Committee, or any Three or more of them, to order the said Sum or Sums so awarded to 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 to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Control and Disposition of the said Court; which said Court, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public 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, mentioning

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.

LIII. 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 Lands or Hereditaments, or of any Estate, Right or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, 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 Lands 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 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, or that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

LIV. 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 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 said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court 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 Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors or their Committee, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

LV. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months' Interest on the said Principal Money, by the said Company of Proprietors, or by such Person or Persons as they shall appoint, immediately convey, assign and transfer such Mortgage or Mortgages to the said Company of Proprietors, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage

Mortgagees to convey.

or

or Mortgages, at the End or Expiration of Three Calendar Months (to be computed from the Day of giving such Notice) that then at the End of the said Three Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign and transfer his, her or their Interest in the Premises to the said Company of Proprietors, 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 Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is hereinbefore directed in Cases of other Payments into the Bank, 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 Company of Proprietors, 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: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands or Hereditaments than those which shall be so purchased or taken by the said Company of Proprietors, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands or Hereditaments as aforesaid, forthwith convey, assign and transfer his, her or their Interest in such Lands or Hereditaments to the said Company of Proprietors, or to such Person or Persons as shall be appointed in Trust for them, and in Default of their doing so, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above-mentioned, 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 or Persons in Trust for them, in the said Lands or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company of Proprietors, and they shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Authority to  
build Bridge,  
&c.

LVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, their Deputies, Agents, Servants, Workmen and Assistants, and they are hereby authorized and empowered to build or cause to be built, and to complete, maintain  
and



and keep with Stone, Iron, Wood or other good and sufficient Materials, a Bridge across the lower Part of the River *Welland*, called *Fosdyke Wash*, running through or between the Parishes of *Fosdyke* and *Moulton*, in the Parts of *Holland* in the County of *Lincoln*, near to *Fosdyke* Inn, from the North Shore in the said Parish of *Fosdyke* to the South or opposite Shore in the Parish of *Moulton*, and to deepen, widen, dig and make proper Foundations in the said River and on the Lands and Grounds lying on each Side thereof, for the Piers and Abutments of the said Bridge, and to take in any Fore-shore on either Side of the said River, in order to make the Channel thereof of a more regular Size, and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for Building the said Bridge, and to cut, remove, take and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud or any other Impediments whatsoever which may in anywise tend to hinder the erecting and completing of the said Bridge, and to execute all other Things requisite and necessary, useful or convenient for erecting, building, maintaining and supporting the said Bridge according to the Tenor and true Meaning of this Act; and further, that for the Purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company of Proprietors shall from Time to Time have full Power and Authority to land on either Side of the said River within the Space of One hundred Yards from the Site of the said Bridge, all Materials and other Things to be used in and about the same, and there to work and use such Materials and Things in any Manner which they the said Company of Proprietors, and the Persons to be by them appointed, shall think proper, and also to make, set out and maintain any new Roads, Ways or Approaches for facilitating the Access to the said Bridge; and for the Purpose of securing the said Bridge, and the Roads, Ways and Approaches thereto, from the Influx of the Sea, and from the overflowing of the said River in Times of Floods, it shall be lawful for the said Company of Proprietors to extend the present South Bank of the River *Welland* to the Eastward, as far as *Fosdyke* Inn, and also to make an Embankment from thence round to the South-east, and to terminate on the South Shore, about Half a Mile East of the Road leading to *Holbeach* in the said County, and from Time to Time to repair and support such Embankment, as Occasion shall require, doing as little Damage as may be, and first making Satisfaction in the Manner hereinbefore directed, to the Owners and Occupiers of any Lands, Grounds, Sands or Hereditaments which shall be made Use of for any or either of the Purposes aforesaid, or which shall be prejudiced in or by the Execution of any of the aforesaid Powers, or otherwise by Means or for the Purposes of this Act.

LVII. Provided always, and be it further enacted, That in order to preserve the Outfal of the said River *Welland* towards the Sea, and likewise the Navigation of such River, and the Drainage thereby, the Waterways of the said Bridge shall be so constructed as to admit the Flood Waters coming from the Lands that drain by the Channel over which it is built, to pass through without being dammed up or otherwise impeded in their Course, and that the middle Waterway be not less than Thirty Feet in the Clear; and that the Centre thereof be so constructed as to open at the Top, for the Purpose of permitting

[Loc. & Per.]

17 B

Vessels

Dimensions  
of the Bridge.

Vessels trading to and from the ancient Sea Port Town of *Spalding*, in the said County, to pass through without striking any Mast or Masts thereof respectively; and that on each Side of the said Middle Opening, there shall not be less in horizontal Opening of Waterway than Eighty Feet.

Company may make a Ferry or temporary Bridge if Accidents happen.

LVIII. And whereas it may happen that the said Bridge, after it shall have been completed and used, may receive such Damage by unforeseen Accidents, that the Passage thereof may for a Time become dangerous and impracticable; Be it therefore enacted, That when and as often as it shall so happen, it shall and may be lawful to and for the said Company of Proprietors, or their Committee, or any Five or more of them, or such Person or Persons as they shall or may appoint for that Purpose, from Time to Time, as often as Occasion shall require, to provide a proper and convenient Ferry or Ferries across the said River *Welland* or *Wash*, called *Fosdyke Wash*, or otherwise to erect or build a temporary Bridge at some Place or Places near to the Site of the said Bridge, and to take and receive for Passage over the River *Welland*, by such Ferry or Ferries, or temporary Bridge, such Tolls as are herein authorized to be taken for passing over the said Bridge; Provided always, that such Ferry or Ferries, or temporary Bridge, shall continue for such Term only as shall be necessary for repairing and rebuilding the said Bridge, and until the Passage over the same shall cease to be dangerous or impracticable as aforesaid, and no longer.

Penalty on Persons taking away Materials got for the Use of the Bridge, &c.

LIX. And be it further enacted, That if any Person shall remove or take any Gravel or any Materials laid upon the said Bridge or upon the said Banks, Roads, Ways or Approaches thereto, or upon any Part thereof, for making or repairing thereof, without the Order of the Surveyor or Surveyors of the said Company of Proprietors for that Purpose, or shall take away any Gravel or Materials which shall have been collected for the Purpose of building or amending the said Bridge, Banks, Roads, Ways or Approaches, or any Part or Parts thereof, or shall get or take away any Gravel, or Materials out of any Pit which shall have been made for the Purposes of getting such Materials for building or amending the said Bridge, Banks, Roads, Ways or Approaches, 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 Three Calendar Months (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 and pay for every such Offence, any Sum not exceeding Ten Pounds.

Empowering the Company to erect Toll Gates and Houses at the End of the Bridge.

LX. And be it further enacted, That the said Company of Proprietors or their Committee, shall and may erect and set up, or cause to be erected and set up, a Toll-gate at either End of the said Bridge, and also One or more Toll-house or Toll-houses, and proper Buildings, Conveniences and Fences near to such Toll-gate; and that the respective Tolls hereinafter mentioned shall and may be demanded and taken of and from all and every Person or Persons using the said Bridge as a Footway, and of and from all and every Person or Persons passing with and attending any

any Cattle or Carriage, before any such Person or Persons, or before any Horse or Horses, Beast or Beasts, Cattle or Carriages, shall be permitted to pass over the same; (that is to say)

For each and every Time of passing over the said Bridge:

For every Coach, Berlin, Landau, Vis-a-vis, Chariot, Chaise, Calash and Pleasure Carriage; and for every Hearse, Litter or other such Carriage, having Four Wheels, and drawn by Four Horses or other Beasts of Draught, a Sum not exceeding Two Shillings, and for every additional Horse or other Beast of Draught, the Sum of Sixpence:

For any of the like Carriages or Vehicles, drawn by less than Four Horses or other Beasts of Draught, and more than One Horse or other Beast of Draught, a Sum not exceeding One Shilling and Sixpence.

For every Chaise, Chair or other Vehicle, drawn by One Horse or other Beast of Draught, a Sum not exceeding Nine-pence:

For every Waggon, Wain, Dray, Car, Cart or such other Four-wheeled Carriage, drawn by Four Horses or other Beasts of Draught, a Sum not exceeding Two Shillings; and for every additional Horse or other Beast of Draught, the Sum of Sixpence:

For every such Waggon, Wain, Dray, Car, Cart or other Four-wheeled Carriage, as last aforesaid, drawn by Two Horses or other Beasts of Draught, a Sum not exceeding One Shilling and Sixpence:

For every such Waggon, Wain, Dray, Car, Cart or other Four-wheeled Carriage as last aforesaid, drawn by One Horse or other Beast of Draught, a Sum not exceeding Nine-pence:

For every Cart, Car or other Two-wheeled Carriage, drawn by One Horse or other Beast of Draught, a Sum not exceeding Nine-pence; and for every additional Horse or Beast, the Sum of Three-pence:

For every Horse, Mare, Gelding or Mule, laden or unladen, and not drawing, a Sum not exceeding Sixpence:

For every Ass, a Sum not exceeding One Penny:

For every Foot Passenger (other than such as shall be *bonâ fide* belonging to any Beast or other Cattle chargeable with Toll) a Sum not exceeding Two-pence:

For every Drove of Oxen or Neat Cattle (except *Scotch* Oxen or Neat Cattle) a Sum not exceeding One Shilling and Eight-pence *per* Score; and so in Proportion for any greater or less Number:

For every Drove of *Scotch* Oxen or Neat Cattle, a Sum not exceeding Ten-pence *per* Score; and so in Proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep or Lambs, a Sum not exceeding Sixpence *per* Score; and so in Proportion for any greater or less Number; provided that no fractional part of a Score shall pay a less Sum than Two-pence:

For every Drove of Geese or Turkeys, a Sum not exceeding Two-pence *per* Score; and so in Proportion for any greater or less Number.

And that on each and every *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night, it shall be Double Toll on *Sundays*.

Recovery of  
Tolls.

shall be lawful for the said Company of Proprietors, or any Person or Persons by them appointed, to demand and take double the Tolls or Sums of Money, except Carriages drawn by One Horse, and Foot Passengers, which may be demanded or taken by the said Company of Proprietors, or any Person or Persons by them appointed on any other Day by virtue of this Act; and if any Person shall, after Demand made thereof by any Collector or Collectors to be appointed as aforesaid, refuse to pay the same, it shall be lawful for such Collector or Collectors, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons so refusing, or of the Horse, Cattle or Carriage, for or in respect of which such Tolls ought to be paid, until Payment thereof; or to seize and distrain any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness or Accoutrements, in respect of which such Tolls is by this Act imposed; and if any such Tolls, and the reasonable Charges of such Seizure and Distress, and of the Detention thereof, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Persons or Persons so seizing or distraining, shall and may sell the Horse, Cattle, Chattels or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, Detention and Sale, shall be deducted.

Disputes re-  
specting  
Tolls to be  
settled by a  
Justice.

LXI. And be it further enacted, That if any Dispute shall arise about the Quantity of any Toll which may be taken at such Tollgate, such Dispute shall and may be settled and determined by any Justice of the Peace for the Parts of *Holland*, in the County of *Lincoln*, who, upon Application made to him for that Purpose, shall examine the Matter upon the Oath or Oaths of the Parties, or other Witness or Witnesses, and shall determine the Quantity of Tolls to be paid according to the Directions of this Act.

Collectors  
of Tolls  
may give  
Evidence.

LXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise 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 Company of Proprietors, 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.

Tolls may be  
altered.

LXIII. And be it further enacted, That the said Company of Proprietors shall have full Power from Time to Time, at any General or Special General Assembly, to lower or reduce all or any of the said Tolls, but no Reduction of any such Tolls shall be made or take place unless a Majority of the Proprietors present at such General or Special General Assembly shall assent thereto; and it shall and may be lawful for the said Company of Proprietors in like Manner again to raise the said Tolls to such Sum or Sums as they shall think proper, not exceeding the Sums before mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

LXIV. Pro-

LXIV. Provided always, and be it further enacted and declared, That no Toll whatsoever shall be demanded or taken for any Horse, Beast, Cattle or Carriage of whatsoever Description, employed or to be employed in conveying, fetching or guarding 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 or guarding the same; or for any Soldiers upon their March, or upon Duty, or for any Horse, Beast, Cattle or Carriages attending them with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for any Horse, Beast, Cattle or Carriages travelling with Vagrants sent by legal Passes; or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed, for and on the Days of Exercise, or for any Horse, Mare or Gelding furnished by, or for, or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always, that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair or other Carriage, 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 the County of *Norfolk*, or of any Citizen or Citizens to serve in Parliament for the City of *Lincoln*, or of any Burgefs or Burgeffes to serve in Parliament for the Town and Borough of *Boston*, 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 shall claim and take the Benefit of any of the Exemptions by this Act granted from the whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

General Ex-  
emptions  
from Tolls of  
Bridge.

LXV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways, or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Owners or  
Drivers of  
Waggons,  
employed in  
the Service of  
His Majesty's  
Forces, not to  
be subject to  
Penalties for  
Over-weight.

Letting of  
Tolls.

LXVI. And be it further enacted, That the said Company of Proprietors may, and they are hereby authorized and empowered from Time to Time as they may think expedient, upon Fourteen Days' Notice being inserted in any Newspaper usually circulated in the said County of *Lincoln*, to lease, demise or let to farm the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the best Yearly Sum or Sums of Money which can be gotten for the same: Provided always, That every Lease, Demise or Agreement for the letting, demising or leasing thereof be made in Writing, and duly executed by the Person or Persons taking or farming the said Tolls respectively, and by the said Company of Proprietors under their Common Seal, and be not made for a longer Space of Time than Three Years at any one Time; and the Monies which shall be so agreed to be paid for the said respective Tolls shall be made payable, and paid to the Treasurer or Treasurers of the said Company of Proprietors, by Quarterly Payments; and the Person or Persons to whom the said respective Tolls shall be so leased, shall always pay One Quarter's Rent in Advance; and the Person or Persons to whom the said Tolls shall have been leased, demised or farmed as aforesaid, shall be liable to account for the same Rent to the said Company of Proprietors; and in case of Non-payment thereof, the same shall and may be levied and recovered upon and from him, her or them by the same Ways and Means and in such Manner as any Monies are herein directed to be levied and recovered from any Officer or other Person appointed by and liable to account with the said Company of Proprietors as aforesaid.

Directing the  
Application  
of the Tolls,  
and when  
they shall  
cease.

LXVII. And be it further enacted, That the Tolls which shall be collected and received under or by virtue of this Act, shall be applied and disposed of in Manner hereinafter mentioned; that is to say, in the first place, in paying and defraying all Costs, Charges and Expences of obtaining and carrying this Act into Execution, and of keeping the said Bridge, Banks, Roads, Ways and Avenues in Repair; and in the next place, in paying to the Mortgagees under this Act, the Interest to which they shall be entitled in Manner hereinbefore provided; and the Surplus thereof shall be divided amongst the Proprietors, in Proportion to the Amount of their respective Shares, in Manner following; that is to say, the said Proprietors shall be entitled to and receive out of the Tolls hereinbefore allowed to be taken and received for passing over the said Bridge, Interest after the Rate of Five Pounds *per Centum per Annum*, upon the respective Sum or Sums of Money which shall have been paid from Time to Time upon their respective Shares by virtue of any Call or Calls of the Committee, for and towards the Execution of the said Undertaking, which Interest shall commence and be computed from the Time or respective Times of Payment of such Sum or Sums of Money, or of the Instalments thereof respectively; and from and after the Time when the said Bridge shall be opened for the Passage of Horses, Cattle and Carriages over and across the same, the said Proprietors shall be entitled to and receive an Interest or Dividend upon their respective Shares out of the said Tolls, so as that such Proprietors do not receive more than Eight Pounds *per Centum per Annum* upon or in respect of the Amount of such Shares; and when and as soon as the said Tolls shall be more than sufficient for the Purposes aforesaid, then the Excess shall be invested from Time to Time in the Name of the said Company of Proprietors, in the Purchase of Three Pounds

Pounds *per Centum* Consolidated Bank Annuities, and the Income arising therefrom shall be accumulated in the Nature of Compound Interest, until such Excess and Accumulations shall be sufficient to yield, by the Dividends thereof, Eight Pounds *per Centum per Annum* to the Proprietors, upon the Amount of their respective Shares; and when and as soon as such Excess and Accumulations shall be sufficient for the Purpose last mentioned, the Stock arising therefrom, or the Produce of such Stock, shall be divided among the said Company of Proprietors in proportion to the Amount of their respective Shares, who shall thereupon cease to receive or be entitled to any further Proportion of the said Tolls, or any Payment in respect thereof; and the said Tolls shall, subject to the Payment of such Expences and Interest as aforesaid, be thenceforth laid out and invested in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, and accumulated in like Manner as last hereinbefore directed, until a Sum shall be raised sufficient to pay off the subsisting Mortgages under this Act, which Sum, when raised, shall be applied accordingly; and that after such Application as last mentioned, such Tolls, subjects as aforesaid, shall be allowed to accumulate in Manner hereinbefore mentioned, until a further Sum, to be called "The *Fosdyke* Bridge Fund," shall be raised, sufficient, by the Interest or Dividends thereof, to produce the annual Sum of Two hundred Pounds, which said last mentioned annual Sum shall be appropriated towards paying the Expences of repairing and maintaining the said Bridge, Roads and Ways thereto, and in supporting the said Banks by this Act authorized to be made, or in rebuilding a new Bridge over the said *Fosdyke Wash*, as and when there shall be Occasion; and when and as soon as the said last mentioned Sum shall be raised, the Tolls hereby authorized to be collected and taken on the said Bridge, shall wholly cease.

LXVIII. And be it further enacted, That the said Bridge shall not be charged or chargeable with any Parochial Rates or Assessments whatsoever, which are, shall or may be charged, assessed or imposed upon any Parish, Place or District, in which the said Bridge or any Part thereof shall or may be situated, for or in respect of the Tolls herein authorized to be taken and received for the Passage over the same, or for or on any other Account whatsoever; nor shall the said Bridge be deemed a County Bridge, so as to subject the said County of *Lincoln* to the Repair or Support of the same.

Bridge not to be liable to Rates;

or deemed a County Bridge.

LXIX. And be it further enacted, That after the said Bridge shall be completed, it shall not be lawful for any Person or Persons, for Hire or Recompense, to convey any other Person, Carriage, Horse, Beast or other Cattle, or any Stones, Bricks, Lime, Manure, or any other Article or Thing across the said *Fosdyke Wash*, within One Mile of either Side of the said Bridge, otherwise than over the said Bridge, with Intent to evade the Payment of the said Tolls or any Part thereof; and if any Person or Persons shall act contrary to such Directions, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on conveying Persons, &c. over the Wash, for Hire, within a certain Distance from the Bridge.

LXX. And for preserving the said Bridge, and Banks and other Works from wilful or malicious Damage, and for preventing all Interruptions to the Buildings thereof; be it further enacted, That if any Per-

Penalty on Persons destroying Works, &c.

son or Persons shall wilfully or maliciously blow up, pull down or destroy the said Bridge or Banks, or any Part thereof, or the Toll-houses or Toll-gates or Toll-bars to be erected or set up on or at either Ends of the said Bridge, or any of them, or any of the Works, Buildings or Erections to be made in pursuance of this Act, or cause or procure the same or any Part or Parts thereof respectively to be so blown up, pulled down or destroyed, then, and in every such Case, every such Offender, being lawfully convicted thereof, shall be adjudged guilty of Felony, and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Punishment as the Law directs in Cases of Petit Larceny.

Appointment  
of Commis-  
sioners.

LXXI. And be it further enacted, That the Right Honourable *Robert Stewart*, commonly called Lord Viscount *Castlereagh*, Lord *Eardley*, the Mayor, Recorder and Deputy Recorder of the Borough of *Boston* for the Time being, the Mayor of *Lincoln* for the Time being, the Right Honourable Sir *Joseph Banks* Baronet, *John George Calthrop* Esquire, *Charles Chaplin* Esquire, *Henry Clark junior* Esquire, *William Dodds*, *Richard Ellison* Esquire, *Thomas Fydell* Esquire, *Thomas Fydell junior* Esquire, *John Hardwick* Esquire, *Charles Anderson Pelham* Esquire, *Thomas Pulvertoft* Esquire, *Jacob Sturton*, *Charles Keightley Tunnard* Esquire, *John Tatam*, and *Richard York*, shall be and they are hereby constituted and appointed Commissioners for executing the several Powers herein specially provided and directed to be executed by the said Commissioners.

New Com-  
missioners to  
be appointed  
instead of  
those dying,  
&c.

LXXII. And be it further enacted, That as often as any of the Commissioners hereby appointed or to be elected in Manner herein mentioned, shall die, or refuse to act, or on any Account become incapable of acting, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, at any Meeting whereof previous Notice, with the Cause of such Meeting, shall have been given in One or more of the public Newspapers usually circulated in the said County of *Lincoln*, to erect by Ballot one or more fit Person or Persons to be a Commissioner or Commissioners in the Place of him or them so dying, refusing to act, or becoming incapable of acting; and the Person or Persons so elected shall have the same Powers and Authorities as the Commissioners herein named:

Qualification  
of Commis-  
sioners.

LXXIII. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Tolls to be collected by virtue of this Act, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, nor unless he shall be seized in his own Right or in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred Pounds, or unless he shall be possessed of a Personal Estate, or of a Real and Personal Estate together, of the clear value of Two thousand Pounds; nor shall any Person act as a Commissioner in the Execution of this Act, otherwise



otherwise than by giving Notice of the first Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following, to the other Commissioners, until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same, (that is to say)

‘ I A. B. do swear [or, being one of the People called Quakers, do  
 ‘ solemnly affirm] That I am truly and *bonâ fide* in the actual  
 ‘ Possession or Enjoyment of the Rents and Profits of Freehold or Copy-  
 ‘ hold Lands, Tenements or Hereditaments, of the clear Yearly Value  
 ‘ of One hundred Pounds above all Reprizes, [or, possessed of or entitled  
 ‘ to a Personal Estate, or, a Real and Personal Estate together, to the  
 ‘ Amount or Value of Two thousand Pounds,] and that I will, without  
 ‘ Favour or Affection, truly and impartially, according to the best of my  
 ‘ Skill and Knowledge, execute and perform the Powers and Authorities  
 ‘ vested in me as a Commissioner, by an Act made in the Fifty-first  
 ‘ Year of the Reign of His Majesty King George the Third, intituled,  
 ‘ [here insert the Title of this Act].

‘ So help me God.’

And that no Person shall act as a Commissioner at any Meeting of Commissioners (except at the First Meeting to be held by virtue of this Act, and at any Adjournment thereof, to be held within One Calendar Month of such Meeting) unless he shall have taken the said Oath at some other Meeting One Calendar Month at least previously to the Time of his claiming to act as a Commissioner; and if any Person not being qualified as hereinbefore is mentioned, or hereby made incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of the Powers hereby given, or any of them, every such Person for every such Offence shall forfeit the Sum of Fifty Pounds to the said Company of Proprietors, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege or Wager of Law, nor more than One Imparance, shall be allowed; and 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 or Evidence being required on the Part of the Plaintiff, than that such Person hath acted as a Commissioner in the Execution of the Powers given by this Act.

LXXIV. Provided also, and be it further enacted, That no Proprietor of any Share or Shares in the said Undertaking, Mortgagee or Mortgagees, or any other Person or Persons any ways interested in the said Undertaking, shall be capable of acting as a Commissioner under or by virtue of this Act; and if any Person or Persons, being the Proprietor or Proprietors of any Share or Shares in the said Undertaking, Mortgagee or Mortgagees, or being otherwise interested therein, shall act as a Commissioner or Commissioners under or by virtue of this Act, he or they shall forfeit and lose his or their said Share or Shares, and all Interest he or they may have in the said Undertaking, and such Share or Shares and Interest shall become vested in the said Company of Proprietors, and shall be applied to the Purposes of this Act.

Persons hold-  
ing Shares  
not to act as  
Commis-  
sioners.

Meetings of  
Commission-  
ers.

LXXV. And be it further enacted, That the Commissioners aforesaid, or any Three or more of them, shall meet for executing the Powers, or any of them, herein specially provided and directed to be executed by them the said Commissioners, within Three Calendar Months after the said Bridge shall be completed and opened for the Receipt of Tolls for the Passage of Passengers, Horses, Cattle or Carriages, over and across the same, or within One Month, but not earlier than Fourteen Days, after the General or Special General Assembly of the said Company of Proprietors, which shall be holden after the aforesaid Bridge shall be so completed and opened for the Receipt of Tolls; and the said Company of Proprietors is hereby required, before any Toll shall be taken for passing over the said Bridge, to give Notice in One or more of the public Newspapers usually circulated in the County of *Lincoln*, that the said Bridge is completed, and that on a certain Day to be mentioned in such Notice, not being earlier than Ten Days after such Notice appears in such Newspaper or Newspapers, the Tolls by this Act authorized to be taken will be demanded and required to be paid by all Persons using the said Bridge, and in the said Notice shall also be expressed the Day on which, and the Place where, the then next General or Special General Assembly of the said Company of Proprietors will be held; and the said Company is hereby required to give Six Days Notice in Manner aforesaid, of the Time and Place of the First Meeting of the said Commissioners, and all Meetings of the said Commissioners shall be holden within Ten Miles of the said Bridge, at the Hour of Eleven in the Forenoon; and the said Commissioners at all their Meetings shall be attended by the Clerk of the said Company of Proprietors for the Time being, or other Person whom they shall or may appoint for that Purpose; and such Clerk or Person shall, at every Meeting of the said Commissioners, enter in a Book to be provided by the said Company of Proprietors for that Purpose, all the Orders and Proceedings of the said Commissioners, which Orders and Proceedings shall, at every Meeting respectively, be signed by the Commissioner who shall be Chairman at the Meeting, or by Two other Commissioners, and such Entries shall be deemed original Orders and Proceedings, and shall and may be read in Evidence in all Courts whatsoever; and the Commissioners so assembled shall and may at all Meetings adjourn themselves from Time to Time, and Place to Place, within the Distance above mentioned, as the said Commissioners, or any Three or more of them present at any such Meeting, shall think convenient; and if Three Commissioners shall not attend at the Time and Place appointed for any such Meeting, then the Clerk to the said Company of Proprietors, or other Person attending the Meeting of the said Commissioners as aforesaid, or any One Commissioner, shall and may adjourn the Meeting of the said Commissioners to the same Place and to the same Day, Three Weeks next after the Day when their Meeting ought to have been held; and the Clerk to the said Company of Proprietors, or other Person attending as aforesaid, shall, at the proper Costs and Charges of the said Company of Proprietors, cause Six Days Notice of such adjourned Meeting to be given in One or more Newspaper or Newspapers usually circulating in the County of *Lincoln*; and the said Commissioners, or any Three or more of them, shall have Authority, as often as they shall think fit, to call an extraordinary Meeting, giving previous Notice thereof

thereof Six Days at least, to be advertised in One or more Newspaper or Newspapers usually circulating in the County of *Lincoln*.

LXXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to meet at least Once in every Year, or oftener, as the said Commissioners or any Three or more of them shall think fit, and one of the said Meetings shall be holden within One Month, but not earlier than Fourteen Days after One of the regular and accustomed Half-yearly General Assemblies of the said Company of Proprietors hereinbefore authorized to be held; and the Clerk to the said Company of Proprietors is hereby required, within Fourteen Days after such Half-yearly General Assembly of the said Company of Proprietors, to give such Notice of such Meeting of the said Commissioners as is hereinbefore directed in respect of the First Meeting of the said Commissioners which shall be held for the Purposes and under the Authority of this Act.

How often the Commissioners are regularly to meet.

LXXVII. And be it further enacted, That the said Commissioners, or any Three or more of them, shall, and they are hereby required and empowered at such Half-yearly Meetings as aforesaid, to inspect the Accounts of the said Company of Proprietors, and require that the same shall be verified by the Oath or Oaths of the Person or Persons who shall or may have made up such Accounts, or of any One of the Auditors of the Accounts of the said Company of Proprietors who shall have audited and settled such Accounts (which Oath or Oaths any One of the Commissioners so assembled as aforesaid is hereby authorized and empowered to administer) for the Purpose of ascertaining whether the said Tolls have been appropriated in the Manner directed by this Act, and the said Commissioners shall have Power and Authority to require the Production of all such Documents as may appear to them to be necessary for that Purpose; and the said Commissioners at such Meeting shall also have full Power and Authority to inspect any former Accounts of the said Company of Proprietors, if they shall deem it expedient and necessary, and if it shall appear to the said Commissioners, or any Three or more of them, at any such Meeting, that the said Company of Proprietors have not appropriated such Tolls to the Purposes in this Act directed, or shall have received an Interest or Dividend of more than Eight Pounds *per Centum per Annum* upon their respective Shares, the said Commissioners, or any Three or more of them, shall proceed to ascertain to what Amount such Tolls have not been so appropriated, or have been misappropriated by the said Company of Proprietors, and shall proceed to make an Order upon the said Company of Proprietors to pay any Sum so ascertained to have been appropriated or applied contrary to the Directions of this Act, to be forthwith applied, together with lawful Interest for the Money so misapplied and disposed of, in Manner directed by this Act; and in case the said Company of Proprietors shall, for the Space of Twenty-one Days, refuse or neglect to comply with and obey such Order, the said Company of Proprietors shall forfeit and pay the Sum of One hundred Pounds, over and above the Sum and Sums of Money so misapplied, and it shall be lawful for any Three or more of the said Commissioners to sue for the same by Action of Debt or on the Case, in any of His Majesty's Courts at *Westminster*, and

Powers of the Commissioners.

appropriate

appropriate the Money so misapplied, when recovered, in the Manner in which it ought to have been applied, according to the Directions of this Act, and the said Penalty of One hundred Pounds, after deducting any extra Costs which the said Commissioners may incur in suing for such Sum and Penalty, shall be applied in any Manner as the said Commissioners at any Meeting to be especially called for that Purpose may order and direct; or otherwise it shall and may be lawful to and for the said Commissioners, or any Three or more of them, at such Meeting, after such Money shall have been ascertained to have been misapplied, by an Order for that Purpose made (which Order shall be signed by the Commissioner, who shall be Chairman at such ensuing Meeting, and any other Commissioners present at any such Meeting, and which Order shall be placed in legible Characters on the Tollhouse to be erected by virtue of this Act) forthwith to take and seize the Tolls which shall and may be received for passing over the said Bridge, until the Amount of the Tolls so received by the said Commissioners shall be equal to the Sum so directed as aforesaid by the said Commissioners to be paid by the said Company of Proprietors, and also to the said Penalty of One hundred Pounds, and all reasonable Costs and Charges which the said Commissioners may have incurred by reason of such Default of Payment as aforesaid.

Company to  
continue  
Trustees of  
the Bridge.

LXXVIII. And be it further enacted, That the said Company of Proprietors, and their Successors, who shall or may be Proprietors of Shares at the Time of such Repayment and Return of the Money originally raised by virtue of and under the Authority of this Act, shall be and they are hereby constituted and appointed Trustees of the said Bridge, subject to all the Regulations, Rules, Orders and Restrictions, Penalties, and Forfeitures hereinbefore provided in respect of the said Company of Proprietors or their Committee; and such Company, or their Committee, or any Five or more of them, shall have Power and Authority to do and perform all Matters and Things which to them shall seem meet and necessary in and about the repairing, supporting and rebuilding the said Bridge, Banks, Roads, Ways and Approaches, and the several other Works, Matters and Things to be maintained, repaired and supported by virtue of this Act, in such Manner as to them the said Company or their Committee, or any Five or more of them, shall seem meet; and such Company or their Successors, or their Committee, or any Five or more of them, shall have Power and Authority, by an Order or Draft under the Common Seal of the said Company, or under the Hands of at least Five of the Committee, which Seal or Signatures shall be attested by the Clerk of the said Company for the Time being, to disburse the Interest of the Money hereinbefore directed to be raised for that Purpose, and called "The Fosdyke Bridge Fund," as may be required, and to apply the same in and about such Repairs, or any other Matters or Things relating or appertaining to the said Bridge, Banks, Roads, Ways and Approaches, and other Matters and Things to be maintained, repaired and supported by virtue of this Act as aforesaid; and when all such Expences, Costs and Charges of repairing the said Bridge, or of any other Matters or Things relating or appertaining thereto, shall be fully paid and satisfied out of the Interest aforesaid, the said Company of Proprietors may and they are hereby empowered to make and declare a Dividend of the Overplus or Interest of such Interest Money as aforesaid among the said Company of Proprietors or their Successors, according

to the Shares they may respectively be entitled to at the Time the Tolls to be collected by virtue of this Act are directed to cease.

LXXIX. And be it further enacted, That if the said Bridge or other Works to be maintained and repaired by virtue of this Act, or any Part or Parts thereof, shall become or be out of Repair, then the said Company, or their Committee, or any Five or more of them, shall forthwith cause the said Bridge, Banks, Roads, Ways and other Works to be repaired; and in case the said Company or their Committee, or any Five or more of them, shall fail within One Week after Notice to their Clerk to that Effect, to commence such Repairs, then it shall be lawful to or for any Person or Persons to prefer or prosecute any Bill or Bills of Indictment against the said Company of Proprietors for such Failure; and in case of Failure in the whole or in any Part thereof, the said Company of Proprietors shall again become subject and liable to such Bill or Bills of Indictment, and so *toties quoties*, until the said Repairs on the said Bridge shall be completed.

Company may be indicted for Failure of Repairs.

LXXX. And be it further enacted, That if any Person or Persons shall, by or with any Line upon the said Bridge, tow any Barge, Boat or other Vessel through any of the Arches thereof, or shall lash or tie, or make fast any Cord, Rope or Cable, to the Ballustrades, Cornice, Piles, or any other Part of the said Bridge, or any or either of them for the Purpose of mooring or staying any Barge, Boat or other Vessel; or shall moor, stay or fasten, or cause or procure to be moored, stayed or fastened, within the Distance of One hundred Yards from the said Bridge, on either Side thereof, without the Consent of the said Company of Proprietors, by Writing under their Common Seal first had and obtained, every Person offending in any of the said Cases, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To prevent Damage to Bridge, by Towing, &c.

LXXXI. And be it further enacted, That if by Fire, Flood, or any other Accident, the said Bridge or any Part thereof shall receive such and so much Damage, that it shall appear from the Estimates of the Majority of Three competent Persons to be appointed by the said Company of Proprietors, or their Committee, or any Five or more of them, upon Inspection and Examination thereof, that the Interest of the said *Fosdyke* Bridge Fund, or the Accumulation thereof, will not be sufficient, within the space of Two Years to defray the Expences, Costs and Charges of repairing such Damage; then it shall and may be lawful to and for the said Company of Proprietors, or their Committee, or any Five or more of them, in order to the more speedy and effectual repairing of such Damage as aforesaid, to raise any Sum that may be wanted for such Purpose, upon the Security of the said Fund, by way of Mortgage of the said Fund; and if the said Company of Proprietors, or their Committee, or any Five or more of them, shall not be able within Three Months after such Estimate made as aforesaid, to raise the Sum which may be wanted for the Repair of such Damage, then it shall and may be lawful to and for the said Company of Proprietors, or their Committee, or any Five or more of them, in Manner aforesaid, to expend and apply the whole or such Part of the Principal Money of the said Fund as may be wanted for that Purpose, to defray the Expences, Costs and Charges of such Damage as aforesaid; and if the whole of the Principal Money of the said Fund

How Bridge to be repaired, if damaged;

[*Loc. & Per.*]

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shall

and empow-  
ering the  
Company to  
revive the  
Tolls.

shall not be found sufficient to defray the Expences, Costs and Charges of repairing such Damage as aforesaid, then it shall and may be lawful to and for the said Company of Proprietors, or their Committee, or any Five or more of them, upon giving Fourteen Days Notice thereof in one or more of the public Newspapers usually circulated in the County of *Lincoln*, which Notice shall be signed by at least Five of the Committee for the Time being, and whose Signatures shall be attested and witnessed by the Clerk to the said Company of Proprietors for the Time being, at the Expiration of such Fourteen Days to revive the Tolls hereinbefore allowed and directed to be received upon the said Bridge, or such Part thereof as they the said Company of Proprietors, or their Committee, or any Five or more of them, shall deem sufficient for that Purpose; and it shall be lawful to and for the said Company of Proprietors, or their Committee, or any Five or more of them, to borrow such Money as they may judge necessary or expedient for the Repair of such Damage as aforesaid, on the Security of the said Tolls, or any Part thereof, so revived as aforesaid.

Tolls so re-  
vived, to con-  
tinue until  
Expences  
of Repairs  
are paid.

LXXXII. And be it further enacted, That such Tolls so revived, or such Part thereof as the said Company of Proprietors or their Committee shall judge proper, shall continue to be received and taken on the said Bridge until all the Expences, Costs and Charges of the Repair of such Damage as last aforesaid shall be fully and completely paid and satisfied, and until all Money received by way of Mortgage on the said Fund, or borrowed on the Security of such revived Tolls, shall be fully and completely paid and discharged, and also until the Principal Money of the said *Fosdyke* Bridge Fund shall amount to a Sum sufficient by the Interest or Dividends thereof to produce the annual Sum of Two hundred Pounds as hereinbefore authorized and directed to be raised for the Repairs of the said Bridge; and when and as soon as such Sums of Money as are herein mentioned, shall be fully and completely discharged and raised as aforesaid from such revived Tolls, the Notice to that Effect shall forthwith be inserted in one or more of the public Newspapers usually circulated in the County of *Lincoln*, which Notice shall be signed by at least Five of the Committee for the Time being, whose Signatures to such Notice shall be attested and witnessed by the Clerk to the said Company of Proprietors for the Time being, and within Twenty-one Days after the Insertion of such Notice as aforesaid, such revived Tolls shall cease and be no longer payable, and the said Bridge shall again become a free Bridge, and no Tolls whatever shall from such Time be received or taken thereon.

Power of  
Company  
and Commit-  
tee over re-  
vived Tolls.

LXXXIII. And be it further enacted, That the said Company of Proprietors, or any Five or more of them, shall be enabled to reduce and again to raise such revived Tolls, so that they do not exceed the Rates hereinbefore authorized to be taken and received, and to do and perform all Acts in respect thereof, as they the said Company of Proprietors, or their Committee, or any Five or more of them, are hereinbefore authorized and empowered to do by virtue of this Act, and shall have and possess the same Power and Authority over the said Tolls as is hereinbefore enacted in respect of the original Tolls hereinbefore authorized to be taken and received on the said Bridge, and shall be subject and liable to the like Pains, Penalties and Forfeitures, for any Misconduct in respect of such revived Tolls, as is hereinbefore provided and enacted in respect of such original

original Tolls; and the said Commissioners shall have and possess the same Power and Authority over the said Company, and be entitled to examine the Accounts of the said Company of Proprietors, and to make such Orders from Time to Time in respect of such revived Tolls as is hereinbefore provided and directed in respect of such original Tolls, as fully and completely as if the same and every Part thereof were herein and hereby expressed, repeated and re-enacted.

LXXXIV. And be it further enacted, That all Orders and Proceedings of the said Company of Proprietors, at their several and respective General or Special General Assemblies, or of their Committee, or any Five or more of them, at their several Meetings, or of the said Commissioners appointed in and by virtue of this Act, or of any Five or more of them, at their several Meetings, shall be entered in a Book or Books, to be kept for such Purposes respectively, and signed respectively by the Chairman of such General or Special Assembly, or by the Clerk of the said Company of Proprietors, or by the Chairman of such Committee, or by their Clerk, or by the Commissioner who shall be Chairman at such Meeting, or by the Clerk of the said Company of Proprietors, or other Person appointed to attend the Meetings of the said Commissioners respectively, and shall be deemed and taken to be Originals, and shall be admitted as Evidence of the Matters therein contained in all Courts whatsoever.

All Proceedings entered in the Books of the Company or Commissioners, to be Evidence.

LXXXV. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before any one of His Majesty's Justices of the Peace for the County, Division or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of one or more Witnesses or Witnessess (which Oath such Justice is hereby empowered to administer) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant for such Purpose; and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand, to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Company of Proprietors, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties shall not be forthwith paid, it shall and may be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of such County, Division or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges shall be sooner paid or satisfied.

Penalties and Forfeitures, how to be recovered and applied.

LXXXVI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, if they shall see cause, to pay and apply such Part of the said Penalties, Forfeitures

Power to give Informer Part of the Penalties, Forfeitures.

Forfeitures and Fines, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons not being a Witness or Witnesses, aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them.

Allowing an Appeal.

LXXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved, by any Order or Judgment made or given in pursuance of any Rule, Bye-law or Order of the said Company of Proprietors, or by any Order, Judgment or Determination of the said Commissioners, or by any Order, Judgment or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained; then, and in every such Case, such Person or Persons may, within Six Calendar Months next after such Order, Judgment or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, Division or Place, in which the cause of Appeal shall arise (first giving Fourteen Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, Division or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Appeal at such General or Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County, Division or Place; and the said Justices may, if they see cause, mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye-law, Order, Judgment or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Compelling Witnesses to attend.

LXXXVIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused; or if any Person or Persons, who shall be summoned as a Witness or Witnesses to give Evidence at any General or Quarter Sessions of the Peace for any County, Division or Place as aforesaid, or any Adjournment thereof, upon any Appeal, by virtue of this Act, either upon the Part of the Appellant or Respondent, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her or their Refusal or Neglect, or appearing, shall refuse to be examined upon Oath (or in case of a Quaker or Quakers on solemn Affirmation) and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then, and in either of the said Cases, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

Conviction of Offenders.

LXXXIX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted



victed of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say)

BE it remembered, That on the \_\_\_\_\_ Day  
of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ Form of  
\_\_\_\_\_ Convictions  
\_\_\_\_\_ A. B. is convicted before me  
C. D. [or, before us C. D. and E. F.] One [or, Two] of His Majesty's  
Justices of the Peace for the Parts of *Holland* in the County of *Lincoln*  
[specifying the Offence, and Time and Place when and where the same was  
committed, as the Case shall be.] Given under my Hand and Seal [or,  
our Hands and Seals] the Day and Year first above-mentioned.

XC. And be it further enacted, That when 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 considered a Trespasser or Trespassers, on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress, or the Appointment of the Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, or in any other Proceeding relating thereto; nor shall the said Party or Parties distraining, be deemed or considered a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards happen to be done by the Party or Parties so distraining in making such Distress; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she or they shall have sustained thereby, with usual Costs and no more, in an Action of Trespass or on the Case, at the Election of the Person or Persons so aggrieved. Distress not unlawful for want of Form.

XCI. Provided always, and be it 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, or left at his, her or their last or usual Place or Places of Abode Thirty 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 such Action, if Tender of good and sufficient Amends shall have been made to him, her or them, or to his, her or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit, to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law: or 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 where such Action shall depend, 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 Judgment shall be had, made and given; in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover without Notice, or after Tender of Amends.

Limitation of  
Actions.

XCII. Provided always, and be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for any Thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought and tried in the County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his, her or their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall have been brought before Thirty 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 the said County of *Lincoln*, 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, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his, her or their Costs in any other Cases by Law.

Saving  
Rights of  
Adventurers  
of Deeping  
Fen and  
Welland  
Commission-  
ers.

XCIII. Provided always, and be it further enacted, That this Act or any Thing herein contained shall not extend to repeal, invalidate, lessen or diminish, alter or take away any of the Rights, Powers and Authorities of the Adventurers of *Deeping Fen*, under the several Acts of Parliament relating thereto now existing, or of the Trustees and Commissioners respectively appointed under the Provisions of the said Act of the Thirty-fourth Year of His present Majesty, or of any other Act, other than and except such Rights, Powers and Authorities as are herein specially altered, annulled or abridged as hereinbefore mentioned, but that the same and every of them (except as aforesaid) shall continue and remain as before the passing of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Publick Act;

XCIV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

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