



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. xlv.

An Act for continuing and amending Two Acts of His present Majesty for repairing several Roads leading from the Town of *Poole*; and also for repairing other Roads in and near the said Town, and from *Cranborne* to *Coombe*, with Two Branches to the Great Western Road, in the Counties of *Dorset* and *Wilts*. [8th May 1818.]

**W**HEREAS an Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for more effectually amending, widening, and keeping in Repair several Roads therein mentioned, leading from a Gate in the Town and County of Poole called Poole Gate; and for repealing Two Acts of Parliament of the Twenty-ninth and Thirtieth Years of His late Majesty relating to the said Roads; and also for applying a certain Sum of Money therein mentioned towards paving and repairing a certain Street or Way within the said Town and County: And* whereas another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of an Act passed in the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for more effectually amending, widening, and keeping in Repair several Roads therein mentioned; leading from a Gate in the Town and County of Poole called Poole Gate; and for repealing Two Acts of Parliament of the Twenty-ninth and Thirtieth Years of His late Majesty relating to the said Roads; and also for applying* [Local.]

17 G. 3. c. 104.  
39 G. 3. c. 65.  
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\* *a certain Sum of Money therein mentioned towards paving and repairing a certain Street or Way within the said Town and County:* And whereas by virtue of the Powers contained in the said recited Acts or one of them, and of an Order of the Trustees for carrying the said recited Acts into Execution, made on the Twenty-seventh Day of *August* One thousand eight hundred and ten, the Course or Direction of certain Parts of the Roads therein comprized in the Tithings of *Kingston* and *Parkston* has been discontinued, or discharged from the Powers and Provisions of the said Acts, and in lieu thereof certain new Roads have been made in the Tithings of *Longfleet* and *Parkston* in the Parish of *Great Canford*: And whereas, in order to carry the said Acts into Execution, several Sums of Money have been borrowed on the Credit of the Tolls and Duties thereby granted, and a considerable Sum of Money now remains due and owing thereon, and the said Roads cannot be effectually amended, improved, and kept in Repair, and the Money so borrowed repaid, unless the said Acts be continued for a further Term; and it is expedient that some of the Powers and Provisions therein respectively contained should be repealed or altered, and that some further Tolls, Powers, and Authorities should be granted for more effectually repairing and improving the said Roads: And whereas the several Roads herein-after mentioned, that is to say, the Road leading from the present Turnpike Gate in the Town and County of *Poole*, along the Westernmost Side of the said Town and County, to the Westernmost Corner of *Joseph Barter's* Storehouse, on the Quay in the said Town and County, and the Road from the Bound Stone at *Broomhill* to the Pitchhouse near the North-east Corner of *Ballast Quay* in *Poole* aforesaid, with a Branch therefrom in a Northerly Direction, to the Steps for landing from the Boat passing across the Harbour within the Town and County of *Poole* aforesaid to *Hamworthy*; and also the Road from the present Turnpike Road, at or near the Public House in *Longfleet* called *Port Mahon Castle*, through *Mount Rails*, to the North-east End of the Lane opposite the Dwelling House of *Isaac Steele* Esquire, in the said Town and County, and the Road from the present Turnpike Gate at the Entrance to the said Town of *Poole*, to the Fish Shambles in the same Town and County, by the East Side of the same Town; and also the Road leading from the Termination of the present Turnpike Road, at or near the Sixteenth Mile Stone in *Cranborne*, through the Parishes, Tithings, or Hamlets of *Cranborne* and *Boveridge*, in the County of *Dorset*, and *Tidpit*, *West Martin* and *East Martin*, *Toyde* and *Coombe*, in the County of *Wilts*, to the said Village of *Coombe*, with a Branch from the same Road near *Toyde Farm House*, to the Great Western Turnpike Road near *New Barbrow Farm* in the Parish of *Stoney* otherwise *Tony Stratford*, in the said County of *Wilts*; and also the Road leading out of the *Poole* and *Cranborne* Turnpike Road, at or near the Fifteenth Mile Stone from *Poole*, through the several Parishes, Tithings, Vills, and Hamlets of *Edmonsham*, *Wimborne Saint Giles*, and *Monckton up Wimborne*, in the said County of *Dorset*, to the said Great Western Turnpike Road, about Two Miles and Three Quarters from *Wood Yates*, and near the Parish of *Hanley*, cannot be made, amended, improved, and kept in good Repair by the Laws in being for the Amendment and Preservation of Public Highways; and it would be for the Convenience and Accommodation of the Public that the several additional Roads herein-before described, which communicate with the several Roads comprized in the said recited Acts, or some of them, should be placed under the



Care and Management of the said Trustees, and that the Provisions of the said recited Acts and this Act should be extended to the same Roads, in the Manner herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Seventeenth and Thirty-ninth Years of the Reign of His present Majesty, and all and every the Authorities, Powers, Tolls, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained and now in force (except such of them as are varied, altered, or repealed), shall be and continue in full Force and Effect, and shall be applied and put in Execution by the Trustees appointed and to be appointed in and by virtue of this Act, for and during the Term herein-after mentioned, for amending, widening, altering, improving, and keeping in Repair the several Roads herein-after mentioned or referred to; (that is to say), the Road leading from *Poole Gate* aforesaid, through the several Parishes, Tithings, Vills, or Hamlets of *Great Cranford*, *Longfleet*, *Wimborne Minster*, *Leigh*, *Wimborne Borough*, *Stone*, *Petersham*, *Monckton up Wimborne*, *Little Hinton*, *Hinton Martel*, *Chalbury*, *Horton*, *Woodlands*, *Wimborne Saint Giles*, *Philipstone*, *Edmonsham*, and to the Sixteenth Mile Stone in the Town and Parish of *Cranborne*, in the said County of *Dorset*; and also the Road from *Poole Gate* aforesaid, through the several Parishes, Tithings, Vills, or Hamlets of *Great Cranford*, *Longfleet*, *Parkston* and *Kingston*, in the said County of *Dorset*; and also through *Christchurch Twyneham*, *Muscliffe*, and *Mucklebell*, to a Place called *Bourne Bottom*, in the County of *Southampton*, being Part of the High Road from the said Town and County of *Poole* to the Town of *Christchurch Twyneham* aforesaid; and also the Road from *Poole Gate* aforesaid, through the Parishes, Tithings, Vills, or Hamlets of *Longfleet*, *Parkston*, and *Kingston*, in the said County of *Dorset*, and *Hampreston*, in the Counties of *Dorset* and *Southampton*, to a Bridge called *Longham Bridge* in the said Parish of *Hampreston* (being the High Road from the said Town and County of *Poole* to the Town of *Ringwood* in the said County of *Southampton*); and also the Road from *Poole Gate* aforesaid, through the Parishes, Tithings, Vills, or Hamlets of *Longfleet* and *Great Cranford* aforesaid, and *Corfe Mullen*, *Litchett Minster* otherwise *South Litchett*, and *Litchett Matravers*, in the said County of *Dorset*, to an Inn there called *The Chequer Inn* (being the High Road from the said Town and County of *Poole* to the Town of *Bere Regis* in the said County of *Dorset*); and also the Road from *Litchett Minster* otherwise *South Litchett* aforesaid, over a Bridge called *King Bridge*, in the Parish of *Litchett Minster* aforesaid, and One Mile beyond the same in the Parish of *Saint Martins Wareham* (being the Road from the said Town and County of *Poole* to the Borough of *Wareham* in the said County of *Dorset*); and also the Road from a Place called *Broomhill*, being the Boundary between the said Town and County of *Poole* and the Parish of *Hamworthy* in the said County of *Dorset*, through the said Parish and Street of *Hamworthy*, and the Parish of *Corfe Mullen* aforesaid, to the Branch of the said Road leading from *Poole Gate* aforesaid to the said Parishes of *Litchett Minster*, and *Litchett Matravers*, being the several Roads comprized in the said recited Acts; and also for making, according to the Lines or Directions specified or described in the Maps or Plans herein-after mentioned or referred to, and for amending, widening, altering,

Former Acts continued.



altering, improving, and keeping in Repair the several additional Roads intended to be comprized in this Act; (that is to say), the Road leading from *Poole Gate* afore said, along the Westernmost Side of the said Town and County of *Poole*, to the Westernmost Corner of *Joseph Barter's* Storehouse on the Quay in the said Town and County, and the Road from the Bound Stone at *Broomhill*, to the Pitch House near the North-east Corner of *Ballast Quay* in *Poole* afore said, with a Branch therefrom in a Northerly Direction to the Steps for landing from the Boat passing across the Harbour within the Town and County afore said, to *Hamworthy*; and also the Road from the present Turnpike Road at or near the Public House in *Longfleet* called *Port Mahon Castle*, through *Mount Rails*, to the North-east End of the Lane opposite the Dwelling House of *Isaac Steele* Esquire, and the Road from the present Turnpike Gate at the Entrance to *Poole* to the Fish Shambles by the East Side of the same Town, and the Road from the Termination of the present Turnpike Road at or near the Sixteenth Mile Stone in *Cranborne* afore said, to the said Village of *Coombe*, with a Branch from the same Road near *Toyde Farm*, to the Great Western Turnpike Road near *New Barbrow Farm* afore said; and also the Road leading out of the *Poole* and *Cranborne* Turnpike, near the Fifteenth Mile Stone from *Poole* to the Great Western Turnpike Road near the Parish of *Hanley*, in as full and ample a Manner, and as effectually to all Intents and Purposes, as if all such Authorities, Powers, Tolls, Privileges, Proviso's, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things in the said Acts respectively contained and now in force (except as afore said), were repeated and re-enacted in the Body of this Act with relation thereto.

Proceedings of Trustees not regularly appointed declared valid, and Trustees indemnified.

II. And whereas some Persons may have acted as Trustees in the Execution of the said recited Acts, or one of them, without having been regularly appointed such Trustees, and Doubts may arise whether the Proceedings of the Trustees had at Meetings where such Persons have been present and acted as Trustees are strictly legal; for obviating all such Doubts, be it further enacted and declared, That all Proceedings of the Trustees in the Execution of the said recited Acts or either of them, at Meetings where any Person hath acted as a Trustee without having been regularly appointed, shall be as good, valid, and effectual in the Law, as if such Person had been duly appointed; and that no such Person shall be liable to any Prosecution whatsoever for or on account of his having acted as a Trustee in the Execution of the said recited Acts or either of them, provided such Person at the Time he acted as a Trustee had an Estate sufficient to qualify him to act as a Trustee.

Clause as to erecting new Toll Gate at the Entrance to Poole explained.

III. And whereas by the said recited Act of the Thirty-ninth Year of the Reign of His present Majesty, Powers are given to the Trustees to make a new Entrance into the Town of *Poole* afore said at or near *Mount Rails* afore said, and to erect a Toll Gate or Toll House at the said new Entrance, or between the same and the Junction of the *Wimborne* and *Ringwood* Roads, and to take Tolls thereat, and also to cause the said Gate called *Poole Gate* to be taken down and removed; and Doubts have been entertained whether by the said Act the said Trustees were authorized to erect such new Gate; and to continue the present Gate, and to take Tolls at both such Gates; be it therefore enacted and declared, That it shall be lawful for the said Trustees, if they shall think fit, to erect such



such new Gate, and to continue the present Toll Gate at or near the said Town, and to take Tolls at both such Gates, provided the same shall not extend to a double Charge on passing through such Gates.

IV. And whereas several Maps or Plans describing the Lines of the said additional Roads comprized in this Act, and the Lands through which the same are to be carried, together with Books or Schedules of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace for the said Counties of *Dorset, Wilts, and Southampton*, and the said Town and County of *Poole*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custodies of the several Clerks of the Peace for the Time being of the said Counties of *Dorset, Wilts, and Southampton*, and Town and County of *Poole*, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same respectively, and to take Copies thereof or Extracts therefrom respectively, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the respective Lines described in such Maps or Plans, without the Consent of the respective Owners of the Lands or Tenements through which such Deviations shall be made, whether such Owners, or any of them, shall be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special, for Life or Lives, or for Years determinable on a Life or Lives, or for any other Estate of Freehold or Inheritance in Possession, such Consents to be respectively testified by Writing under the respective Hands of such Owners, or under the Seals of any of them being Corporations Aggregate.

Plans and  
Books of  
Reference.

V. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the additional Roads comprized in this Act into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same are respectively set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or District wherein such Lands are situate, and shall be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Trustees may  
make Roads  
notwithstanding  
Misnomers in the  
Book of  
Reference.

VI. And whereas by the said first-recited Act the Trustees were empowered to widen, turn, or alter any Part or Parts of the Roads therein comprized, and to purchase Lands for those Purposes; but it was thereby provided, that in widening, turning, or diverting any Part or Parts of the said Roads, nothing should be done which should in anywise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or any Avenue to any House: And whereas certain Parts of the said Roads are not of sufficient Width, and, in order to widen and improve the same, it will be necessary to purchase, take, and use (among other Hereditaments), the

Restriction in  
the 17th G. 3.  
not to injure  
Buildings,  
&c. repealed.

[Local.]

12 B

several



several Messuages, Buildings, Gardens, and Tenements described in the Schedule to this Act, and to pull down such Buildings, and to lay the Sites thereof into the said Roads; be it therefore enacted, That the said last-recited Proviso or Restriction shall be and the same is hereby repealed and made void.

Restriction not to take down Buildings, &c. without Consent, except those specified in the Schedule.

VII. Provided always, and be it further enacted, That nothing contained in the said recited Acts or this Act, or any of them, shall extend to the purchasing, taking, or using any Dwelling House or other Building, or any Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof respectively, without the previous Consent of the respective Owners thereof, whether such Owners be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special, for Life or Lives, or for Years determinable on a Life or Lives, or for any other Estate of Freehold or Inheritance in Possession, such Consents to be respectively testified by Writing under the respective Hands of such Owners, or under the Seal of any of them being Corporations Aggregate, other than and except the several Messuages, Buildings, and Tenements described in the said Schedule hereunto annexed, which the said Trustees are hereby authorized to purchase, take, and use for the Purposes of this Act, without such Consent as aforesaid; but full and adequate Compensation and Satisfaction shall be made by the said Trustees to the several and respective Owners and Occupiers of and Persons interested in the same Messuages, Buildings, and Tenements, or such of them as shall be purchased, taken, and used for the Purposes of this Act; which Compensation and Satisfaction shall be ascertained and paid in such Manner as in the said first-recited Act and this Act is provided in that Behalf.

Trustees not to alter the Roads without Consent of Land Owners.

VIII. Provided always, and it is hereby enacted, That nothing in the said recited Acts or this Act contained shall authorize the said Trustees or any of them to alter the Line or Direction of any of the Roads comprized in the said recited Acts and this Act (other than as in the Maps or Plans herein-before mentioned or referred to are specified or described), so as to deviate more than One hundred Yards from the present Line or Direction of such Roads respectively, without the previous Consent of the respective Owners of the Lands or Tenements through which such Deviation shall be made, whether such Owners or any of them shall be Bodies Politic, Corporate, or Collegiate, Femes Covert, Tenants in Fee Simple, Fee Tail General or Special, for Life or Lives, or for Years determinable on a Life or Lives, or for any other Estate of Freehold or Inheritance in Possession, such Consents to be respectively testified by Writing under the respective Hands of such Owners, or under the Seals of any of them being Corporations Aggregate.

Roads divided into Two Districts.

IX. And be it further enacted, That the several Roads comprized in this Act shall be divided into Two separate Districts or Trusts, and that the said Road, from the Sixteenth Mile Stone in *Cranborn* to *Coombe* aforesaid, with the said Branch therefrom to the Great Western Turnpike Road aforesaid, near *New Barbrow Farm*, and also the Branch leading from the Fifteenth Mile Stone from *Poole* to the said Great Western Turnpike Road near the Parish of *Hanley*, shall be one of such Districts or Trusts,



Trusts, and be called or described *The Cranborn District*, and all the other Roads comprized in this Act shall be the other of such Districts or Trusts, and be called or described *The Poole District*; and it shall be lawful for the said Trustees to appoint Officers for the said *Cranborn District*; and that all the Money arising from Subscriptions, Tolls, and otherwise, by virtue of this Act, within the said *Cranborn District*, shall be exclusively applicable to the Expences of executing so much of this Act as relates to the same District; and that all the Money arising from Tolls and otherwise, by virtue of this Act, within the said *Poole District*, shall be exclusively applicable to the Expences of executing so much of this Act as relates to the same District, in such Parts and Proportions, and subject to such other Directions, as are contained in the said recited Acts and this Act, with respect to the Application of the Money arising in the said *Poole District*; and the Tolls hereby granted within the said *Poole District* shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or Security of the Tolls granted by the said recited Acts or either of them, and of all Interest due and to grow due thereon respectively.

Money due  
on the former  
Acts charged  
on the Poole  
District.

X. And be it further enacted, That the several Persons first herein-after mentioned being Inhabitants of or Residents in the said Town and County of the Town of *Poole*, (that is to say), *James Aldridge, Joseph Barter, Charles Thomas Baskett, John Brown, James Bristowe, John Bishop Bunn, Thomas Crew, Samuel Clark, John Clark, John Durant, John Foot, George Garland, Francis Penton Garland, Joseph Garland junior, Thomas Gaden, John Goffe, James Hayward, William Jolliffe, Peter Jolliff, James Kemp, George Kemp, Henry Kemp, George Kemp junior, David Osmond Lander, George Welch Ledgard, Benjamin Lester Lester, Thomas Manning, Richard Miller, George Neave, Isaac Notley, Joseph White Orchard, Richard Penney, George Penney, Samuel Salter, James Seager, Isaac Steele, Moses Simmonds, Robert Slade, William Stansmore, Thomas Thompson, Samuel Weston, Samuel White, Martin Kemp Welch, and William Young*; and the several other Persons secondly herein-after mentioned, not being Inhabitants of or Residents in the said Town and County, (that is to say), the Right Honourable *Anthony Ashley* commonly called *Lord Ashley*, *John Abbott, John Humphry Austen, Henry Bankes, William John Bankes, George Bankes, Edward Bankes Clerk, John Baskett Clerk, John Baskett junior, Clerk, William Barfoot senior, William Barfoot junior, John Barnes of Sturminster Marshall, Elias Barnes, William Banks of Canford, William John Bethell, Waring Biddle, Charles Bowle Clerk, Henry Bowle, James Roger Bramble junior, Henry Brouncker, George Tito Brice Clerk, William Pitt Butt, Stephen Burt, John Burt of Gussage All Saints, Edward Butt Clerk, George Budden of Damerham, John Carlton, John Carlton junior, John Calcraft, William Churchill, William Clapsott, William Carter, Thomas Dean, Luke Dillon Clerk, Henry Donne Clerk, James Drew, Robert Druitt, William Evans, William Dale Farr, George Finn, the Right Honourable *James Edward Harris* commonly called *Viscount Fitzharris*, *Henry Fryer, William Fryer, Joseph Gulston Garland, Sir Richard Carr Glyn Baronet, Richard Plumptre Glyn, Thomas Christopher Glyn, William Daniel Goodeve, Richard Erle Drax Grosvenor, Isaac Gulliver, Reverend Sir James Hanbham Baronet, Joseph Harvey, John Fill Hart, William Harris of Corfe Mullen, Robert Harvey of Muscliffe, William Richard Hayes, the Honourable Edward Harbord*,*

New Trustees  
appointed.



*Harbord, William Hart, John Harvey, Rev<sup>d</sup> George Heath D. D., Charles Heath, Christopher Hill, John Hill, Charles Hiley, Thomas Hobson Clerk, Thomas Hooper junior, Peter William Jolliffe Clerk, Cornwall Jolliffe, Charles King, Henry Gillingham Knight, Humphry Leer, James William Lukyn, Robert Major, William Major, Henry Masterman Clerk, James Mayo Clerk, James Mayo junior, Clerk, William Mackrell, John Duff Markland, Lieutenant General William Monro, Hector Monro, Richard Nefs Clerk, Richard Oakley of Wimborne, David Okeden, Parry Okeden, David Park, Edward George Patey, James Perman, Thomas Phippard, Thomas Phippard junior, William Pitt of Lytchet, Matthew Wasse Place Clerk, Matthew Potteary, James Rebbeck,* Rofs Captain in the Royal Navy, *John Rowe, Henry Rowden, Richard Rowden, Admiral Russell, Anthony Sarjeant, James Sarjeant, George Sanders Clerk, Claude Scott, Robert Smart, William Spear junior, Christopher Spurrier, William Jubber Spurrier, Henry Charles Sturt, Samuel Spratt Strong, James Sweetapple, Charles Talbot Clerk, Sir George Iveson Tapps Baronet, George William Tapps, Nathaniel Templeman Clerk, John Thompson Clerk, John Lewis Dymock Sydenham Grosvenor Tregonwell, William Vaux Clerk, and Christopher Warland,* together with such other Persons as the said Trustees shall elect, not exceeding the Number of Ten in the whole, Three whereof shall be Inhabitants of or Residents in the said Town and County, and the Residue shall not be such Inhabitants or Residents, shall be and they are hereby appointed Trustees for making, repairing, widening, altering, improving, and keeping in Repair all the Roads herein-before described and comprized in the said Two Districts, and for carrying into Execution the several Powers, Purposes, and Trusts of the said recited Acts and this Act.

Power to appoint new Trustees on Vacancies.

XI. And be it further enacted, That when and as often as any of the Trustees appointed or to be appointed in or by virtue of this Act, as such Inhabitants of or Residents in the said Town and County of *Poole*, shall die, or refuse or decline to act, or shall, for the Space of Six Calendar Months at one Time, cease to inhabit or reside in the said Town and County, it shall be lawful for the said Trustees, at any Meeting to be held in the said Town and County by virtue of this Act (whereof at least Ten Days Notice in Writing shall have been given upon all the Toll Gates then erected upon the said Roads), by Writing under their Hands, to appoint one other Person, then being an Inhabitant of or Resident in the said Town and County, to be a Trustee in the Room of every or any such Trustee so dying, or refusing or declining to act, or ceasing to inhabit or reside in the said Town and County, so that there be not more than Forty-seven such Trustees in being at the same Time; and that when and as often as any of the Trustees appointed or to be appointed in or by virtue of this Act, not being such Inhabitants or Residents in the said Town and County of the Town of *Poole*, shall die, or refuse or decline to act, or shall for the Space of Six Calendar Months at one Time cease to reside within the Distance of Ten Miles from some Part of the said Roads, or shall for the like Space of Time inhabit or reside in the said Town and County, it shall be lawful for the said Trustees, at any Meeting to be held by virtue of this Act, at the Distance of at least Five Miles from the said Town and County (whereof the like Notice shall be given as last afore-said), by Writing under their Hands, to appoint one other Person then residing within the Distance of Ten Miles from some Part of the said Roads,



Roads, and not then being an Inhabitant of or Resident in the said Town and County, to be a Trustee in the Room of every or any such Trustee so dying, or refusing or declining to act, or ceasing to reside within such Distance from the said Roads, or becoming an Inhabitant or Resident of the said Town and County as last aforesaid (so that there be not more than One hundred and twenty-six such Trustees in being at the same Time), and every Person so appointed as last aforesaid, and being qualified as by the said first-recited Act is required, shall from thenceforth have the like Powers and Authorities to act in the Execution of the said recited Acts and this Act as if he had been named and appointed a Trustee in and by this Act: Provided always, that the Clerk to the said Trustees shall within Thirty Days after the passing of this Act give Notice in Writing to every Person named a Trustee in this Act of his being appointed such Trustee, and the like Notice shall be given to every Person who shall be appointed a Trustee in pursuance of this Act within Thirty Days after his Appointment; and in case any Person appointed or to be appointed such Trustee shall neglect to qualify himself to act as such Trustee within the Time herein-after mentioned, (that is to say), if such Trustee shall be an Inhabitant or Resident in the said Town and County within the Space of one Year next after his Appointment, and if such Trustee shall not be such Inhabitant of or Resident in the said Town and County, then within the Space of Three Years next after his Appointment, every such Neglect shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Notice to be given to Trustees of their Appointment, who are to qualify within a limited Time.

XII. And be it further enacted, That all Acts, Matters, and Things relative to the Execution of the said recited Acts and this Act, or any of them, may be done and executed by any Five or more of the Trustees for the Time being, except in those Cases which are by the said recited Acts and this Act particularly directed to be done or executed by any greater or less Number of them.

All Acts may be done by Five Trustees, unless otherwise directed.

XIII. And be it further enacted, That instead of the Oath of Qualification directed to be taken in and by the said first-recited Act, the Trustees appointed or to be appointed in or by virtue of this Act shall take the Oath, or, being of the People called *Quakers*, shall make the Affirmation following; (that is to say),

Trustees to be sworn.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, I A. B. do* Oath.  
‘ solemnly affirm], That I am truly and *bonâ fide* in my own Right [*or,*  
‘ in the Right of my Wife] in the actual Possession or Receipt of the Rents  
‘ and Profits of Lands or other Hereditaments of the clear yearly Value  
‘ of Forty Pounds above Reprizes [*or, am Heir Apparent of C. D. who*  
‘ is in the actual Possession or Receipt of the Rents and Profits of Lands  
‘ or other Hereditaments of the clear yearly Value of Eighty Pounds; [*or,*  
‘ am possessed of or entitled to a Personal Estate to the Amount or Value  
‘ of One thousand Pounds, after all my Debts are paid]; and that I will  
‘ faithfully and impartially, according to the best of my Judgment, act  
‘ in the Execution and Performance of the several Trusts, Powers, and  
‘ Authorities reposed in me as a Trustee by virtue of an Act passed in  
‘ the Fifty-eighth Year of the Reign of King George the Third, intituled  
‘ [*here set forth the Title of this Act*].

‘ So help me GOD.’

[*Local.*]

12 C

XIV. Pro-



Trustees may meet at Cranborn, &c. for executing the Act as to the Cranborn and Coombe District.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to hold any Meeting or Meetings at *Cranborn* aforesaid, or at *Horton Inn*, as often as they shall think it necessary for the Purpose of carrying so much of this Act into Execution as relates to the *Cranborn* and *Coombe* District, but no Acts or Proceedings shall be had or transacted at such Meetings but such as relate to the same District; any Thing in the said first-recited Act or this Act contained to the contrary notwithstanding.

Trustees to make an Order previous to making the Roads in the Cranborn District.

XV. And be it further enacted, That the said Trustees shall not begin to make the Roads comprized in the said *Cranborn* District, or any of them, nor require Payment of any Part of the Money subscribed for that Purpose, until an Order for making the said Road shall have been made by the said Trustees, at a Meeting of which Twenty Days previous Notice, expressing the Time, Place, and Purpose of such Meeting, shall have been given by Advertisement inserted in such Newspaper as aforesaid, and unless Ten Trustees shall be present at such Meeting, and a Majority of them shall concur therein: Provided also, that the said Trustees shall not begin to make any Part of the Roads in the said *Cranborn* District, between the Sixteenth Milestone in *Cranborn* aforesaid, and the Village of *Coombe* aforesaid, and between *Toyd Farm* and the Great Western Turnpike Road near *New Barbrow Farm* aforesaid, until the Sum of One thousand five hundred Pounds at least shall have been subscribed or agreed to be advanced for that Purpose, and that the said Trustees shall not begin to make any Part of the Roads in the same District, between the Fifteenth Mile Stone and the said Great Western Turnpike Road near the Parish of *Hanley* aforesaid, until the Sum of Eight hundred Pounds at least shall have been subscribed or agreed to be advanced for that Purpose.

Trustees may borrow Money on Mortgage of the Tolls on the Cranborn District.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be holden for that Purpose, whereof Ten Days Notice in Writing shall be given by Advertisement to be inserted in such Newspaper as aforesaid, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected by virtue of this Act within the *Cranborn* District, and also the Toll Houses, Turnpike Gates, and Appurtenances thereunto belonging (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money already subscribed or agreed to be advanced, or hereafter to be borrowed upon the Credit of such Tolls, not exceeding in the whole the Sum of Four thousand Pounds, to the Person or Persons who shall advance or lend the same, his, her, or their Executors, Administrators, or Assigns, to secure the Repayment thereof, with such legal Interest as the said Trustees shall think proper; which Mortgages may be made according to the Form set forth in the said recited Act of the Thirty-ninth Year of His present Majesty, *mutatis mutandis*; and that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls in respect of the Priority of advancing the same, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.



XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being Partner of any such Clerk shall act Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Same Person  
not to be  
Clerk and  
Treasurer.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Clerks of the said Trustees, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads or any of them, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on any of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from any of the said Books without paying any Thing for the same; and in case any such Clerk shall refuse to permit any such Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, every Clerk so offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Accounts of  
Receipts and  
Disburse-  
ments to be  
open to In-  
spection of  
Trustees and  
Creditors.

XIX. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall on Receipt of such Tolls deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed from Toll by such Payment.

Collectors  
to deliver  
Tickets  
gratis.

XX. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees, to collect the Tolls payable at any Turnpike to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and shall continue the same so placed during the whole Time he shall collect such Tolls, or be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time

Regulations  
as to Toll  
Collectors.



Time aforesaid, or shall demand and take Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall in any way prevent or hinder any Person or Persons from reading such Names, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to  
declare  
Leases of  
Tolls void on  
Nonpayment  
of Rent.

XXI. And be it further enacted, That if upon or after any Letting or Agreement for letting the said Tolls hereby granted or made payable, or any Part thereof, any Default shall be made in Payment of the Rent reserved or agreed to be paid for the same, or any Part thereof, on the Days appointed for Payment thereof, then and in such Case the said Trustees are hereby empowered, at any of their Meetings, whereof Notice shall have been given to the Lessee or Lessees of the said Tolls, and shall also have been fixed upon all the Turnpike Gates upon and across the said Roads Twenty-one Days at the least previous to such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, to be void; and from the Time mentioned for that Purpose in such Declaration, such Lease, Contract, or Agreement shall be void to all Intents and Purposes; but the said Lessee or Lessees, and his and their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Damages, and Expences which the said Trustees shall or may sustain, or be put unto by reason of the Nonperformance of any Covenant or Agreement, Covenants or Agreements, which shall be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees, or his or their Surety or Sureties.

For obtain-  
ing Possession  
of Toll  
Houses.

XXII. And be it further enacted, That if the Lessee or Lessees of any of the Tolls by this Act granted, or any Person or Persons claiming under him or them, or if any Collector or Collectors of the Tolls who shall have been discharged from his or her Office by the said Trustees, shall, for the Space of Five Days after the Expiration of the Term for which such Tolls shall be leased, or the Demise of such Tolls having been declared void, or such Collector shall have been discharged as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Tenements in his, her, or their respective Holding or Occupation, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Buildings, and Tenements shall be respectively situate, upon Complaint to him made by or on behalf of the said Trustees, to summon the Party complained of before him; and upon hearing the Parties, or if the Party complained of shall not attend pursuant to such Summons, then, upon Proof of such Summons having been personally served or left on the Premises, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to order the  
the



the Constables, or other Peace Officers of the Parish or Place where the Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings and Tenements respectively in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings, and Tenements, and to put any Person or Persons whom the said Trustees shall appoint in Possession of the same.

XXIII. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint some other fit Person to be Collector in his or her Place, until the next Meeting of the Trustees; which Person or Persons so to be nominated or appointed shall have the like Powers and Authorities, and be accountable in the same Manner in all respects, as the Person in whose Room or Stead he or she shall be so appointed, any Thing in the said recited Acts or this Act contained to the contrary notwithstanding; but such Appointment shall continue in force no longer than until the Day of the next Meeting of the said Trustees.

On the Death of a Gate-keeper, how another shall be appointed till the next Meeting.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, their Lessees, Collectors, and other Persons by them duly authorized, and they are hereby authorized and empowered, on every *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night, to Twelve of the Clock in the succeeding Night, to demand, receive, and take, at every Toll Gate or Turnpike to be continued or erected by virtue of this Act, an additional Toll or Duty, equal to One Half of the several and respective Tolls and Duties which by the said recited Acts and this Act, or any of them, are granted and made payable on any other Day, or at any other Time; and that from and after the passing of this Act, all Double Tolls granted or made payable on *Sundays* by the said recited Acts or either of them shall be and the same are hereby repealed and made void.

Additional Tolls on Sundays.

XXV. Provided always, and be it further enacted, That no Person or Persons passing and repassing on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, with the same Horse, Beast, Cattle, or Carriage, through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, shall be liable to pay more than the several Tolls herein-after mentioned; (that is to say), not more than Two Tolls in the *Poole* District, of which not more than One Toll shall be taken on the South Side of the River *Stour*, and not more than One Toll shall be taken on the North Side of the said River, and only One Toll shall be taken in the *Cranborn* District; any Thing in the said recited Acts or in this Act contained to the contrary thereof notwithstanding.

Number of Tolls limited.

XXVI. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector, or Person

Disputes as to Tolls to be settled by a Justice.

[Local.]

12 D

distraining,



distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by a Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine into the said Matter upon Oath of the Parties or any Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

General  
Exemptions  
from Tolls.

XXVII. And be it further enacted, That from and after the Commencement of this Act, all the Exemptions from Tolls granted by the said recited Acts or either of them shall cease and be no longer allowed, and in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse or other Beast of Draught, or Carriage, passing or repassing through any of the Turnpikes or Toll Gates which shall be continued or erected by virtue of this Act, when employed in carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Gravel, or other Materials to be used on or about the said Roads, or for erecting, altering, or repairing any Bridge, or Toll House or Toll Gate on the said Roads, or for repairing any Highways in any of the Parishes, Tithings, or Places in which the said Roads or any Part thereof respectively do lie, or returning empty when so employed; or carrying or conveying Hay, Straw, or Corn in the Straw, or other Produce of Lands not sold or disposed of, or going to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof; or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands, or any Mould, Dung, Compost, or Manure to be laid and spread on any Lands; nor shall any Toll be paid for any Horses, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes or Tithings, or any of them; nor for any Carriages or Cattle going with Vessels empty or unloaded for or returning loaded only with Milk not sold, but to be used by the Owners of the Cows in some of the Parishes or Townships through which the said Roads pass, nor for any Carriages or Cattle used in carrying Water only into the said Town of *Peole*, or returning unladen; nor for any Horses, Mules, Asses, Cattle, Sheep, Lambs, or Hogs going to or returning from Pasture on any Commons or other Grazing Grounds, or Watering Places, or Blacksmiths Shops to be shod, or having been shod in any of the said Parishes or Tithings; nor for any Horse or other Beast of Draught, or Carriage employed in carrying or conveying any Furze, Peat, Turf, or Heath to be used for Fuel in any of the Parishes or Tithings through which the said Roads pass, or returning having been so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty, or by any other Person going to or returning from his, her, or their usual Church or Chapel, or other Place



Place of Religious Worship tolerated by Law, on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or for the Purpose of attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes or Tithings; nor for any Horses, Cattle, Beasts, or Carriages which shall only cross the said Roads or any of them, and shall not pass more than One hundred Yards thereon; nor for any Horses or Carriages of whatsoever Description, when employed or going to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or his Deputies, either in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Soldiers on March or on Duty, or Carriages, Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform 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 Exemption; nor 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, Commissariat, or other public Stores of or belonging to His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Representative in Parliament for any of the Counties of *Dorset, Wilts, and Southampton*, or the Town and County of *Poole* aforesaid, on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act: Provided always, 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, 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 in respect of such Stores; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in or on any such Waggon, Wain, Cart, or Carriage, or of its being drawn by any Number of Horses or Beasts; 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 Beasts to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any Thing in this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads to the contrary notwithstanding.

Carriages provided for His Majesty's Service not subject to the Regulations of this Act, and may be drawn by any Number of Horses.

XXVIII. And be it further enacted, That if any of the Persons who have become Subscribers, or shall become Subscribers towards the Expences

For recovering Subscriptions.



pences of executing this Act, so far as relates to the said *Cranborn* District, shall, after Twenty Days previous Notice in Writing under the Hand of the Clerk of the said Trustees for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required to be paid in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice having been given or left as aforesaid, such respective Sums so subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

Trustees resident in Poole may direct a larger Proportion than One Third of the Tolls within the Poole District to be applied in repairing the Roads on the North Side of the River Stour.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees for the Time being, inhabiting or residing in the said Town and County of the Town of *Poole* exclusively, or any Seven or more of them, by an Order to be made by them at a Special Meeting to be held for that Purpose within the said Town and County (of the Time, Place, and Purpose of which Meeting at least Ten Days previous Notice shall be given in such Newspaper as aforesaid, and affixed on the *Poole* Turnpike Gate), to direct a larger Proportion than One Third of the Residue of the Tolls arising within the said *Poole* District (after Payment of such Expences as by the said first-recited Act are directed to be first paid thereout) to be applied in making, amending, widening, and keeping in Repair such of the said Roads within the same District as are situate on the North Side of the River *Stour*; provided that such larger Proportion shall not exceed Eighty Pounds in any one Year, any Thing in the said first-recited Act contained to the contrary notwithstanding.

Power to get Materials in former Acts repealed.

XXX. And be it further enacted, That so much of the said recited Acts or either of them as authorizes the said Trustees or any of them, or their Surveyor or Surveyors, or any other Person or Persons under the Appointment of the said Trustees to take or carry away any Materials for repairing the said Roads, shall be and the same is hereby repealed.

For getting Materials.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the said Roads, out of and from any Commons or Waste Grounds, Common River, Brook or Pit, in any Parish, Tithing, Hamlet, or Place in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parish, Tithing, Hamlet, or Place, without paying any Thing for the same, the Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of any



Two or more Justices of the Peace for the County or District in which the Lands shall be situated, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private or inclosed Lands or Grounds of any Person or Persons where the same may be had or found (such Lands or Grounds not being a Garden, Orchard, Yard, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Roads shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situated, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

XXXII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of the said recited Acts and this Act, or any of them, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Roads, out of and from any inclosed Lands or Grounds, until Six Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Lands shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stone and Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Notice to be given to Occupiers of Lands before Materials taken.

XXXIII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Roads, or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Roads; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads,

To prevent Nuisances, &c.

[Local.]

12 E

Roads,



Roads, so as wilfully to damage the said Roads or any Part thereof; or if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree or Piece of Timber or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon a wheeled Carriage to drag upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up or damage the said Roads or any Part thereof, or the Fences on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, Beast, or Pigs to be and remain grazing or feeding on the said Roads; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or within Sixty Feet of the Centre thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, except in Cases of Accident, or for the Purpose of loading or unloading the same, and then for no longer Time than shall be necessary, and to be placed as near to one Side of the said Roads as conveniently may be; or if any Person shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Coal, Manure, Dung, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates not to  
swing into  
the Roads.

XXXIV. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads shall be made and hung to open and swing inward toward such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and which open and swing outward towards the said Roads, to be altered, and made to open and swing inward, as the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Roads, shall (after Ten Days Notice from any Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alteration, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application  
of Money  
arising from  
the Sale of  
Lands.

XXXV. And be it further enacted, That the principal Monies to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, of any Body Corporate,



porate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or of any Femes or Feme Covert, or other incapacitated Persons or Person, 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Two or more of them, 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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Lands and Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, and 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 and Hereditaments, which shall be conveyed 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 meantime, 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 meantime, 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 Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

XXXVI. Provided always, and be it further enacted, That if any Money 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 amount to or 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, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of

Application when Money does not amount to 200l. but shall amount to 20l.



of the nominating and approving Parties), in order that such principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case is applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less  
than 20l.

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

In case of  
Refusal to  
accept Pur-  
chase Monies,  
the same to  
be paid into  
the Bank.

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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, Controul, and Disposition of the said Court of Chancery; 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in  
Possession  
shall be  
deemed en-  
titled unless  
the contrary  
be shewn.

XXXIX. Provided always, and be it further enacted, That when 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 and 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



or Persons who shall have been in Possession of the Lands and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such 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 and 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 Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

XL. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used 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 of this Act, 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 may deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money out of the Trust Monies, for such Purposes as the said Court shall direct.

Court may order Expences of Purchases to be paid by Trustees.

XLI. And be it further enacted, That so much of the said recited Acts or either of them as relates to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing the said Roads or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace of the respective Counties in which any of the Roads hereby directed to be repaired are situate, and they are hereby required (upon Application made to them by the said Trustees or any Two or more of them, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers, subject to Appeal as in the said first-recited Act is mentioned; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams, Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be

Statute Work.

[*Local.*]

12 F

directed



directed by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Tithing, or Place, to be by him or them paid to the said Trustees or their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalties by the said recited Acts and this Act or any of them are authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode, for that Purpose, signed by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the respective Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or improper Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that it shall be lawful for the said Trustees to compound and agree by the Year or otherwise with the Owners or Occupiers of any Lands or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Tithings, or Places, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads; all which said Composition Monies shall be from Time to

Trustees may  
compound  
for Statute  
Work.



Time paid in advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Money by them expended in buying Materials for repairing Highways.

XLII. And be it further enacted, That it shall be lawful for any of the said Trustees, or any Collector, Surveyor, or other Officer respectively, now appointed or hereafter to be appointed by the said Trustees, and such Person or Persons as they or any of them shall take to their Assistance, to seize and detain any Person or Persons guilty of any Offence or Offences against the said recited Acts and this Act or any of them (although such Persons may be unknown to such Trustees, Collector, Surveyor, or other Officer), and forthwith to convey him, her, or them before any Justice or Justices of the Peace of the County, Town, or Place where any such Offence or Offences shall be committed, without any further Warrant or Authority than this Act for so doing; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to Law.

Power to detain unknown Persons guilty of Offences.

XLIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Acts and this Act, or any of them, imposed or authorized to be imposed (the Manner of levying and recovering whereof is not otherwise directed), shall, upon Proof of the Offence and Conviction of the Offenders respectively before One or more Justice or Justices of the Peace for the County or District wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant for those Purposes, and to administer such Oath; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so levied (if not otherwise directed to be applied), shall be from Time to Time paid to the Treasurer of the said Trustees and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, Riding, or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties how to be recovered and applied.

XLIV. And be it further enacted, That all the Costs, Charges, and Expences attending the obtaining and passing of this Act, with lawful Interest upon any Money which shall be lent or advanced for the Payment of the Fees and Disbursements on passing the same, shall be paid out of the Money already raised by virtue of the said recited Acts.

Paying the Expences of this Act.

XLV. And



Public A&t. XLV. And be it further enacted, That this A&t shall be deemed and taken to be a Public A&t, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-ment of the A&t. XLVI. And be it further enacted, That this A&t shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE above referred to.

Owners.	Occupiers.	Tenements.	Where situate.
Arrowsmith, Edward } Esquire - - }	Baker, Henry -	Garden - -	Longfleet.
Ditto	{ Barter, Joseph and Simmonds, Jos <sup>h</sup> }	House and Garden	Ditto
Ditto	Ledgard, G. W.	Yard - -	Poole.
Brouncker, H. Esquire	Stratton, Rich <sup>d</sup>	Garden - -	Boveridge.
Ditto	Watts, John -	Ditto	Ditto
Carter, William } Major, William } Major, Robert } and Samuel Spratt Strong }	Themselves	{ Building at the End of the Rope Walk - - }	Poole.