Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road from the *Croſs* or *Market Place* in the Town of *Wimborne Minſter*, to the *Croſs* or *Market Place* in the Town of *Blandford Forum*, in the County of *Dorſet*.

WHEREAS the Roads leading from the Croſs or Market Place in the Town of Wimborne Minſter, in the County of Dorſet, through the ſaid Town; and through the ſeveral Pariſhes, Tythings, Tills, or Hamlets, of Stone, Abbotſtreet, Cowgrove, Kingſton Lacy, Shapwicke, Little Crawford, otherwiſe Tarrant Antioch, Tarrant Keinſton, Langton Long Blandford, to the Town of Blandford Forum in the ſaid County of Dorſet; and through the ſaid Town of Blandford Forum, to the Market Place or Croſs there, are very ſounderous, narrow in many Places, and dangerous to Travellers, and cannot be effectually repaired and widened without the Aid 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 Preamble.

and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That John Allambridge, John Angell, William Auſten, Gentlemen; John Bankes, John Bond, Henry Bankes, Peter Beckford, Charles Brune, Thomas Bower, Eſquires; Edward Butt, John Burrough, Samuel Baſkett, George Bingham, Clerks; Edward James Baker, John Barfoot, Thomas Braffett, William Blake, John Benjafield, William Benjafield, Nathaniel Benjafield, Thomas Brine, Stephen Barton, Thomas Baſtard, Robert Liggs, Thomas Budden, Gentlemen; the Bailiff and Burgeſſes of the Borough of Blandford Forum aforeſaid, for the time being; Awnſham Churchill, Joſhua Churchill, George Chaffin junior, John Calcraft, Thomas Calcraft, George Clavell, Eſquires; John Cooth, William Chaffin, Roger Coker, John Rogers Coker, Clerks; John Cherret, John Clench, Dan Corbin, George Croſs, Stephen Carpenter, Nicholas Coward, John Clapcott, Gentlemen; Thomas Erle Drax, Edward Drax, John Damer, John Demett, James Dale, Eſquires; Sir Sacheverell Druitt, William Danſey, Walter Erle, Gentlemen; James Frampton, Thomas Freeke, Henry William Fitch, Eſquires; Henry Fitch, Edward Fleet, Clerks; John Fryer, Thomas Feaver, William Filliter, Gentlemen; Joſeph Gulſton, Thomas Gundrey, Radford Gundrey, John Gannett, Eſquires; John Gutch, Henry Good, Henry Griſley, Clerks; Thomas Gillingham Gentleman, Sir William Hanham Baronet, William Holder, Edward Hooper, Charles Hiley, Eſquires; Hill of Chalbery, James Hanham, John Harris, Clerks; Willis Hart, George Huſſey, John Hayward, John Harvey of Wichampton, William Hayter, Nicholas Humfrey, John Hill, Richard Hill, Chriſtopher Hill, John Hart, Robert Hann, Gentlemen; William Jeans Eſquire, Sir Thomas Bankes Janſon Baronet, Clerk; John Juſtamond Clerk, Roe King Clerk, William King, Joſeph King, Nicholas Kellaway, Francis Kingſton, Gentlemen; Sir Robert Long Baronet, James Long Eſquire, Lovell, Richard Lawrence, Clerks; William Leer Gentleman, Charles Frederick Moreau Clerk, Robert Mitchell M. D. Edward Madgwick, Leonard Martin, Gentlemen; John Newton, Edmund Okeden, Eſquires; Thomas Okely Gentleman, John Pitt, George Pitt, William Auguſtus Pitt, Thomas Pitt, Edmund Morton Pleydell, Jonathan Morton Pleydell, Thomas Morton Pleydell, Henry William Portman, Jocelyn Pickard, Eſquires; Parry D. D. John Page, William Percy, Gentlemen; John Ridout Eſquire, William

Truſtees Names.

William Reeks, Charles Russell, Gentlemen; Charles Russell Clerk, Humphry Sturt, William Salkeld, Henry Seymer, Edward Seymour, Esquires; John Smith Gentleman, George Trenchard, John Trenchard, Esquires; John Tory, Richard Tory, Thomas Talbott, Thomas Tarver, Gentlemen; Sir John Webbe Baronet, Ralph Willett, Edward Walter, William Wentworth, John Willis, Edward Weld, Esquires; John Walker, Robert Worgan, Mathew Wase, Clerks; Richard Wright, William Wright, John Warland, Robert Warland, Gentlemen; the Members of the Corporation of the Town and Parish of Wimborne Minster aforesaid, for the time being; shall be, and they are hereby appointed Trustees for surveying, ordering, amending, and widening, and keeping in Repair, the said Road, and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of Fifty Pounds above Reprizals, or shall be Heir Apparent of some Person having a like Estate of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto, a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and 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 Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates,

Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Road, lying within the Parish of Tarrant Keinston aforesaid; and after such Gate or Gates, Turnpike or Turnpikes, shall be erected, shall and may, if the said Trustees, or any Seven or more of them, shall think it necessary, remove such Gate or Gates, Turnpike or Turnpikes, and shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any other Part or Parts of the said Roads lying within the Parish of Tarrant Keinston aforesaid, in the Room and Stead of such Gate or Gates, Turnpike or Turnpikes, as shall be first erected by virtue of this Act, as they the said Trustees, or any Seven or more of them, shall think proper and necessary; and shall and may erect, or cause to be erected and built, a Toll-house at any such Gate or Gates, Turnpike or Turnpikes, so to be erected as aforesaid; and shall demand and take at any such Gate or Gates, Turnpike or Turnpikes, the following Tolls, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise Marine, Car, Calash, Vis-a-Vis, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Six Pence; and for every Chaise, Car, or Chair, drawn by One Horse or other Beast of Draught, the Sum of Three Pence.

And for every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four Horses, Mares, Geldings, Mules, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or other Beast of Draught, the Sum of Nine Pence; and drawn by Two Horses or other Beast of Draught, the Sum of Six Pence; and drawn by One Horse or other Beast of Draught, the Sum of Three Pence.

And for every Horse, Mare, Gelding, Mule, Ox, Ass, or Beast of Burthen, laden or unladen, not drawing, the Sum of One Penny.

For

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned and declared; and it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage upon which such Tolls are by this Act imposed, which shall be so drawn through such Gate or Gates, Turnpike or Turnpikes, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls or Duties, with the reasonable Charges of distraining, detaining, and keeping the same, shall be paid; and it shall and may be lawful to and for such Person and Persons so distraining, after the Space of Four Days next after such Distress made and taken, to sell the Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges of distraining, detaining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Fifteen or more of them, shall, within One Year after the Commencement of this Act, find that the Tolls and Duties herein before directed to be levied and paid at any such Gate or Gates, Turnpike or Turnpikes, as shall be erected and built by virtue of this Act, shall be deficient to answer all and every the Purposes herein before and herein after mention-

Power for Trustees to erect another Gate at *Hill Butts*.

mentioned; it shall and may be lawful to and for the said Trustees, or any Fifteen or more of them, or such Person or Persons as they, or any Fifteen or more of them, shall appoint, to erect, or cause to be erected, One other Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, in, upon, or across, the said Road hereby intended to be repaired, at the Pound at Hill Butts, in the Tything of Stone, and Hundred of Badbury, within the Parish of Winborne Minster aforesaid; and also shall and may remove, or cause to be removed, such Gate or Gates so by them erected or to be erected, in the Parish of Tarrant Keinston aforesaid; and, instead thereof, shall and may erect, or cause to be erected, One other Gate, either in White Lane in the Parish of Langton Long Blandford, or in any Place or Places between the lower End of Black Lane and Tarrant Keinston aforesaid, or on the Road in the Parish of Tarrant Keinston aforesaid, so as such new Gate be not erected between the Town of Blandford Forum and the lower End of Black Lane; and shall demand and take at such Gate or Gates, Turnpike or Turnpikes, such Tolls and Duties as they are herein before impowered to demand and take at the Gate or Gates, Turnpike or Turnpikes, to be erected within the Parish of Tarrant Keinston aforesaid; which said Tolls or Duties shall be collected, recovered, and applied, in the same Manner as the Tolls herein before mentioned are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

Provided always, That after the said last mentioned Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, shall have been erected at the said Pound at Hill Butts aforesaid, no Person or Persons that shall have paid the Tolls or Duties at One of the said Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, shall be liable the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) to pay any Tolls or Duties for the same Cattle or Carriage at the other Gate or Gates, Turnpike or Turnpikes, to be erected on the said Road by virtue hereof, such Person or Persons producing a Note or Ticket denoting that the said Tolls or Duties have been so paid; which Notes or Tickets the Collector or Collectors of the said Tolls or Duties is or are hereby required to give gratis, on Receipt of the said Tolls or Duties.

Waggons, &c. may drive Six Horses until 1 *June*, 1767.

And be it further enacted by the Authority aforesaid, That no Person or Persons driving any Waggon, Wain,

Wain, Cart, Draught, or other Carriage, in or upon the said Road with Six Horses, shall be liable to any other Tolls or Duties, or any Penalty in and by this Act laid and imposed, until after the First Day of June, which will be in the Year of our Lord One thousand seven hundred and sixty seven; any thing herein contained to the contrary in any wise notwithstanding.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That, to prevent Persons from evading the Payment of the Tolls or Duties hereby granted, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, in, upon, or across, any Lane or Way leading out of the said Roads; and at the said Gate or Gates, Turnpike or Turnpikes, there to take and levy, or cause to be taken or levied, such Tolls as are by this Act made payable at any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue hereof, so as the same do not extend to a Double Charge, or subject any Person or Persons to the Payment of a larger Toll than is herein before appointed to be paid for passing through any other of the Gates or Turnpikes to be erected by virtue this Act.

and take Tolls thereat,

so as the same do not extend to a Double Charge.

Property of Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said several Gates, or Turnpikes, and Toll-houses, to be erected by virtue of this Act, and the Rights and Properties of the same, and the Materials of which the same shall consist, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Name or Names of any One or more of the said Trustees, or their Treasurer or Clerk, or to prefer and order, and direct the preferring of, Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, or Toll-house or Toll-houses, which shall by virtue of this Act be erected in, upon, or across, the said Roads, or in, upon, or across, any of the Lanes, or Sides, or By-ways, or any or either of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls or Duties by virtue of this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall in the First Place pay and discharge all the Costs, Charges, and Expences, of procuring and passing this Act; and (after Payment thereof) shall apply the Remainder of the Money so raised in erecting Gates, or Turnpikes, and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and to and for no other Use or Purpose whatsoever.

No Gate to be erected till 800*l.* borrowed.

Provided always, and it is hereby further enacted, That no Gate or Gates, Turnpike or Turnpikes, shall be erected on, or across, or on the Sides of, the said Road, nor any Tolls be taken, until the full Sum of Eight hundred Pounds shall be borrowed on the Credit of the said Tolls.

Exemption from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Gates or Turnpikes erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Materials for repairing the said Roads, or any other Highway or Road, or in the Carriage of any Wood, Coppice-wood, Faggots, Heath, Furze, Peat, or Turf, either for Fuel or Hedging, or Hay, Straw, or Fern, or Corn in the Straw, to be laid in the Houses, Out-houses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places, through which the said Highways or Roads hereby intended to be repaired lie; nor for any Ploughs, Harrows, or other Implements, or Things whatsoever, that shall be used or employed in Husbandry for manuring or stocking of Land, belonging to any of the said Inhabitants of the said several Parishes, in which the said Highways and Road hereby intended to be repaired do lie; or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost of any Kind or Nature whatsoever, to be employed in Husbandry, or for manuring of Gardens, or other Land, or Ground, in such Parishes or Places in which the said Highways or Road hereby intended to be repaired do lie; or for any Coaches, or other Carriages, or Passengers

sengers on Horseback, going to or returning from any Election of the Knight or Knights of the Shire, to serve in Parliament for the County of Dorset, on the Days of such Election, or the Day or Days before or after such Election; or for any Coaches, or other Carriages, or Passengers on Horseback, residing in any of the Parishes or Places in which the said Roads do lie, passing to or from their respective Parish Churches, or other Places of religious Worship, in their respective Parishes, on Sundays, or any Days of Fasts or Thanksgiving; or for any Horse, Mare, Gelding, Mule, Ass, Ox, Cow, Sheep, or other Cattle, going to or returning from Pasture or Watering Places; or for any Post-horses or Vehicle carrying the Mail or Publick Packet; or for the Horses of any Officers or Soldiers who are upon their March, or Waggons, Carts, or Carriages, attending them; or for any Horses, Beast, Cattle, or Carriages, travelling with Vagrants sent with legal Passes.

Penalty of making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings for every such Offence, to be recovered and applied in Manner herein after directed.

Penalty on permitting, or going thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall with any Horse, Beast, Cattle, or Carriage, go or pass through any Ground, Parcel of Land, Heath, Common, Waste, or other Place or Places, inclosed or not inclosed, adjoining to or lying near any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a Common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, which shall adjoin or lie nigh to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any Horse, Beast, Cattle, or Carriage, to go or pass through such Ground, Land, or other Place; or if any Person or Persons shall give or receive of any Person or Persons, except the Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse or other Cattle from any Carriage as aforesaid; or if any Person or Persons shall

or giving or receiving Tickets, &c.

or taking off Horses, &c.

to avoid paying the Tolls.

shall unload, or cause to be unladen, any Goods or Merchandizes, whereby, in any or either of the Cases aforesaid, the Payment of any of the said Tolls shall be evaded; that then, and in every and either of the aforesaid Cases, each and every Person so offending shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use, and the other Moiety thereof shall go and be applied towards the amending the said Roads.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees hereby appointed, or any Eleven or more of them, shall meet together at the House of John Page, known by the Name of the Greyhound Inn, in Blandford Forum aforesaid, on the First Day of May, One thousand seven hundred and sixty six, and shall proceed to the Execution of this Act, and shall then adjourn themselves to such Time as they shall think proper; and if it shall happen that there shall not appear, at any adjourned Meeting, a sufficient Number of Trustees to act,

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

adjourn to any other Time, then and in such Case the Clerk to the said Trustees shall and may, by affixing, or causing to be affixed, Publick Notice in Writing at or upon all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before such Meeting, appoint such Trustees to meet, at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their said Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Trustees to meet alternately at *Wimborne Minster* and *Blandford Forum*.

And be it further enacted by the Authority aforesaid, That all the Meetings of the Trustees, for putting in Execution this Act, shall be held within the said Town of Blandford Forum, or within the said Town of Wimborne Minster, and not elsewhere; and that the First Meeting shall be held within the said Town of Blandford Forum, and the next Meeting at the House of George Hussey, known by the Name of the New Inn, in Wimborne Minster, if such House shall continue to be a Publick House, otherwise at any other Publick House in Wimborne Minster aforesaid, and so on alternately; any thing in this Act contained to the contrary notwithstanding.

Provided always, That Three Trustees present at any Meeting shall be deemed sufficient for the Purpose of

of Adjournment; and if it shall at any Time happen that no Trustees shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse, neglect, or omit, to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the Trustees, appointed to put this Act in Execution, at any Time or Times, the Space of Ten Days after such Refusal, Neglect, or Prevention, of the Clerk or Clerks having first intervened, to appoint such Trustees to meet at One of the above mentioned Houses upon that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

In case the Clerk shall omit to give Notice, Trustees may do it.

And be it further enacted by the Authority aforesaid, That no Trustees shall act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act.

Trustees not to act but at a publick Meeting.

And, for the more speedy repairing and widening the said Roads, and putting this Act in Execution, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money, as they, or any Nine or more of them, shall think needful, not exceeding the Sum of One thousand six hundred Pounds; and the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls and Duties, or any Part or Parts thereof, to any Person or Persons who shall advance and lend the same, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so advanced or borrowed, with the Interest thereof; and which said Sums of Money so to be advanced or borrowed, the Charges of procuring and passing this Act in Manner aforesaid being first paid thereout, shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, to and for no other Use, Intent, or Pur-

Trustees may borrow Money on the Credit of the Tolls.

Limitation of the Sum to be borrowed.

All Creditors to be deemed equal in Degree.

poses whatsoever: And that no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sum of One thousand six hundred Pounds, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the said Tolls and Duties in equal Degree one with another.

Trustees may advance Money on the Credit of the Tolls,

And be it further enacted by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall be hereafter appointed by virtue of any Power or Authority hereby given, shall, and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money, at Interest, on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do, by Means or Virtue of this Act; and such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall, and lawfully may, accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls or Duties from Nine other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money, so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Nine or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, as any other Mortgagee or Mortgagees of the said Tolls or Duties can, may, or shall have and take, by Means or Virtue of this Act.

taking Security.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all Persons to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls or Duties shall be made by virtue of this Act, shall and may, and he, she, and they, is and are hereby authorized and impowered, to transfer or assign over such Security or Securities, and all the Money that shall be due thereon, to any Person or Persons, by any Writing or

Writings, or by any Indorsement or Indorsements in Writing, under his, her, or their Hand or Hands; and such Assignee or Assignees, Indorsee or Indorsees, may, and are hereby impowered, in like Manner, from time to time, to transfer or assign over such Security or Securities, and all Money that shall be due thereon, to any Person or Persons.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided always, That nothing herein contained shall extend to charge or subject the said Trustees with, or to, the Payment of any Monies by reason of their, or any of their, signing and sealing the said Securities, or any or either of them.

Notice to be given of borrowing of Money.

And be it further enacted by the Authority aforesaid, That no Money shall be borrowed on the Credit of the said Tolls or Duties by the said Trustees, at any of their said Meetings after their First Meeting, unless Notice in Writing, under the Hand of the Clerk or Clerks to the said Trustees, shall be, by Order of such Trustees, or any Seven or more of them, fixed upon all the Turnpikes then erected by virtue of this Act, at least Ten Days before the Borrowing of such Money; and in case no Turnpike shall be then erected, such Notice shall be fixed at the Cross or Market Place in the respective Towns of Wimborne Minster and Blandford Forum aforesaid.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls or Duties by this Act made payable; and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as the said Trustees, or any Nine or more of them, shall think necessary or convenient in the Execution of this Act; and such Collector or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to elect or appoint others in the Rooms or Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others, being fixed on the Turnpikes then erected by virtue of this Act, at least Ten Days before such Election: And may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls or Duties aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

and

and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable.

Trustees may appoint Officers, tho' not at a publick Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Two or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls; and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid; and all and every other Person and Persons who shall have or receive any of the Money which shall be raised, collected, or received, by virtue of this Act; shall, from time to time, and as often as he or they shall be thereunto required by the said Trustees, or any Seven or more of them, produce, render, and give up to them the said Trustees, or any Seven or more of them, full, true, and fair Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received; and how, to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and they shall and are hereby respectively required to pay all such Monies as upon the Balance of such Accounts shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Seven or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof,

thereof, and the several Receipts and Payments which shall be therein contained; and if any or either of the said Officers or Persons so accounting, or to account, as aforesaid, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Seven or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or shall not deliver to the said Trustees, or any Seven or more of them, within Seven Days after being thereunto required by any Seven or more of the said Trustees, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or as they shall direct or appoint; then, and in either of the Cases aforesaid, the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in the Names of the said Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside; such Justice or Justices may, and is and are hereby authorized and required to summon the Officer or Officers, Person or Persons, so refusing or neglecting, to appear before him or them, at a Time and Place in such Summons to be mentioned; and upon his or their appearing, or not appearing, the Service of such Summons being proved, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Seven or more of them, by virtue of this Act might have done: And if, upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is

Officers refusing to account.

Justices to enquire into the Default.

and are hereby impowered and required to administer) it shall appear to such Justice or Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed by such Summons; or if appearing, shall refuse or neglect to deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may, and 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 Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath; and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Monies which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, or otherwise, as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Seven or more of them, for the same, and paid the Monies which shall be thereby stipulated to be paid to them; which said Compositions and Monies the said Trustees, or any Seven or more of them, are hereby authorized and impowered to make and receive; or until he or they shall deliver up such Books,

Balance to be levied by Distress and Sale.

For want of Distress Offender to be committed,

till Payment or Composition made.

Books, Papers, and Writings, as aforesaid, or give Satisfaction to the said Trustees, or any Seven or more of them.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purpose of this Act, for the due Execution of his or their said Office and Offices, as to the said Trustees, or any Nine or more of them, shall seem meet; and that no Person shall be capable of holding any Place or Office of Profit under this Act, who shall keep any Inn, Ale-house, or other House of publick Entertainment, or who shall sell Wine, Brandy, or other Spirituous Liquors, or Ale, Beer, or Cyder, by Retail; nor shall any Trustee be capable of acting in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested.

Victuallers not to have a Place of Profit.

No Trustee to accept of a Place of Profit.

Trustees in the Commission of the Peace may act as Justices; except where interested.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or appointed in, or by virtue of, this Act, shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, to elect One other Person, qualified as aforesaid, to be a Trustee, in the Room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, at least Ten Days before such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of such Election to be given.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person and Persons as shall be employed by the said Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, or Rubbish, or other Materials, proper for repairing Roads, in, upon,

upon, out of, or from, any River, Brook, Quarry, Waste, or Common Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Roads, without paying any Thing for the same; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or causing the same to be done; and if such Quantities of Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such River, Brook, Quarry, Waste, or Common Ground or Grounds, then, and in such Cases, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of such Materials as aforesaid, proper and sufficient for that Purpose, in, upon, or out of, and from the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads, (such Lands, Fields, or Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue or Trees for the Ornament of any House) the said Surveyors, or other Persons, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages, for the cutting, digging, gathering, taking, or carrying away, the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, or Rubbish, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any One or more Justice or Justices of the Peace for the County of Dorset, or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Five Days Notice thereof to be given by

without paying for the same;

levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or one of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the said Justice or Justice of the Peace therein shall be final and conclusive to all Parties, to every Intent and Purpose whatsoever.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect, build, or repair, or cause to be erected, built, or repaired, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they may thereby sustain, as the said Trustees, or any Five or more of them, shall judge reasonable.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint (having an Order of the said Trustees, or any Five or more of them) from time to time, to remove, carry away, and prevent, all Annoyances by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, in any Part of the Roads aforesaid; and to cut down, lop, or top, any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; or to scour, cleanse, widen, or make deeper, any Ditch, Drain, or Watercourse, lying on

Surveyors may remove Annoyances, &c.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the said Road, and make the same as deep and as large as he or they shall think proper; the Owners or Occupiers neglecting to remove such Annoyances, or to cut down, lop, or top, such Trees or Bushes, or to scour, cleanse, widen, or make deeper, such Ditch, Drain, or Watercourse, as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owner or Owners neglecting to remove such Annoyances, or to lop or top the said Trees or Bushes, or to scour, cleanse, widen, or make deeper, such Ditch, Drain, or Watercourse, as aforesaid; and in case such Owner or Owners shall not, upon Demand, pay or reimburse to the Surveyor or Surveyors such Charges, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or under the Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Dorset, from time to time, to levy the Charge thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before One or more Justice or Justices of the Peace for the said County of Dorset, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

by the Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

Penalty of a Second Offence.

Penalty on obstructing Officers in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, gathering, or carrying away, any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, for the altering, widening, or repairing, the said Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying, any Tree, Top, Lop, or Over-hangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, as aforesaid, or doing any other Act in or for the repairing, widening, or altering, the said Roads, by virtue

of

of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Trustees may contract for the Purchase of Lands to be laid into the Roads.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers; that then the Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads: And it shall be lawful to and for all Persons, Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, Ideots, Lunaticks, and other Person and Persons whomsoever, being under any other legal Disability, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Nine or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same for a fair and valuable Consideration, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof, in any wise notwithstanding; and that all such Persons so hereby authorized to treat, contract, or agree, for the same, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. may treat for the Sale of such Lands.

Persons neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Trustees, or any other Person or Persons interested in such Lands, Grounds,

Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Dorset aforesaid, (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury, upon Oath (which Oath any Two or more of such Trustees are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as the Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

or Inquisition of the said Jury; which said Verdict or Inquisition, and also such Judgement, Order, and Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, and all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same; and for the summoning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Dorset, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and that all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premisses; and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn of the said Jury, or being so sworn, shall refuse to give his or their Verdict of and upon the

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged.

Trustees may impose a Fine upon Sheriff, &c. making Default in the Premisses.

Matter in Question, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined, and give Evidence; and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so as no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied; which Jurymen so summoned, and appearing upon such Summons, shall be intitled to receive from the said Commissioners such Reward and Allowance for their Attendance and Expences, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly, to the Persons respectively intitled thereto, or to their Agents; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein, and thereby found and directed to be given for the said Lands, Grounds, or Hereditaments, to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands, Grounds, or Hereditaments, to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same, the said Lands, Grounds, and Hereditaments, and every Part thereof, and the Fee Simple and Inheritance thereof, and every Part thereof, shall be vested in the said Trustees, and their Heirs, without any Fine or Recovery, notwithstanding the same shall and may be limited and settled to, for, or upon, any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Bodies Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose employed or impowered,

Lands, *&c.* purchased, to be made Part of the Road,

impowered, may, and is and are hereby authorized and impowered to take and lay the said Lands, Grounds, and Hereditaments, and every Part thereof, into the said respective Road or Roads, and to drain, ditch, fence, and set out the same; and then, and from thence forth, ever afterwards, such Lands, Grounds, or Hereditaments, and every Part thereof, shall, to all Intents and Purposes whatsoever, become and be deemed, taken, and used, and the same are and is hereby made and declared to be, a Part or Parts of such Road or Roads, and shall be ever thereafter repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Roads, so widened, altered, or turned, were and ought to be kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprized in, or constituting, the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the repairing and amending the said Roads hereby directed to be repaired; and the Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the County of Dorset, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

and esteemed a publick Highway.

Old Road may be sold.

Provided always, and be it further enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue of or to any House, unless the Owner thereof shall consent thereto.

Buildings, &c. not to be damaged.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Owners, Proprietors, and Occupiers, of all and every or any of the Lands which lie in Common or in Commonable Fields, through which any of the Roads directed to be repaired by virtue of this Act do lead, to erect and set up, or cause to be erected and set up, any Gate or Gates, on such Part or Parts of the said Roads leading through such Commons or Common Fields, at or near the Place or

Owners of Commons, &c. to set up Gates on the Roads into their Commons, &c.

or Places where such Gate or Gates hath or have been, or used or accustomed to be or stand, for preventing the Cattle of One Parish doing or committing Damage on any other adjacent Parish; and for preventing any Commonable Cattle doing Damage in any Corn Fields adjoining or contiguous thereto; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Lands, &c. chargeable to Repairs, to continue so.

And be it further enacted by the Authority aforesaid, That the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired do lead, who by the Laws and Statutes of this Realm are or shall be obliged or liable to do and perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, and Hereditaments; and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of, and Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places, respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team; and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, or occupy Lands, Tenements, and Hereditaments, as Persons keeping Teams are obliged by Law and ought to do: And the Surveyor or Surveyors of the Highways of such Towns, Parishes, Hamlets, and Places, respectively, shall and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes then erected by virtue of this Act) to deliver in to the said Trustees, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any One or

Persons renting 50 *l. per Ann.* deemed Team-holders.

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

more of them, is and are hereby impowered to administer) true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of, and Persons occupying Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places, respectively, that are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers do, or by this Act are, or shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and if such Surveyor or Surveyors shall not deliver in to the said Trustees such Lists, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Ten Pounds; and if any or either of the Inhabitants of, or Occupiers of the Lands, Tenements, and Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do and perform the same in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant, Occupier, and Person, who shall keep, or by virtue of this Act shall be deemed to keep a Team, for every Day's Work, the Sum of Ten Shillings; and for every Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work the Sum of One Shilling; and if any Person or Persons, who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons, and he, she, or they, or the respective Person or Persons on whose Behalf he, she, or they, shall come to work on the said Roads, shall, in that Case, be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he, she, or they, had neglected to come, or such Team had not been sent to work on the said Roads,

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing statute-work.

Labourers found idle, to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized and impowered so to do by the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to compound with the several Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work, or other Work to be by him, her, or them, respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, and such Inhabitants or Occupiers respectively shall agree upon; which said Monies shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out in repairing the said Roads.

Surveyors may appeal to the Quarter Session to proportion the Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorised, have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the next Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the County of Dorset: And the Justices, in their respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal, to the Surveyor or Surveyors authorized by the said Trustees as aforesaid; which Determination, and Order or Judgement, of the said Justices in their said Sessions, shall be final and conclusive to all Parties interested therein.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads to be measured, and Mile-stones

Stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts which shall be so fixed or set up; or erase, obliterate, or deface, any of the Inscriptions or Letters which shall be made thereon, or cause or procure, or encourage, any Person or Persons to do the same; every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Dorset, before whom such Conviction shall be made, together with all Costs and Charges in and about recovering the same; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety thereof shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid: And in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful for such Justice or Justices of the Peace as aforesaid, by Warrant or Warrants under his Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Goal of the County of Dorset; there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged until he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalty on defacing Milestones;

to be levied by Distress and Sale.

For want of Distress, the Offenders to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties or Forfeitures imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) shall be levied and recovered by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring such Penalty or Forfeiture, by a Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said County, within whose Jurisdiction such Penalties and

Penalties and Forfeitures how to be recovered and applied.

and Forfeitures respectively shall be incurred, or such Offender or Offenders shall reside; which Warrant or Warrants any such Justice is hereby authorized and required to grant upon the Information on Oath of One or more credible Witness or Witnesses; and such Penalties and Forfeitures, when recovered, and every Part thereof, after rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattles, the Charges of such Distress and Sale, and all other incident Charges relating thereto, being first deducted, shall, from time to time, go and be paid to the Treasurer of the said Roads, duly appointed by the said Trustees, and shall be laid out and applied according to the Order of the said Trustees, in and towards the repairing and widening the Roads by this Act directed to be repaired, or in making a new Road through private Grounds as aforesaid, and in keeping the said Roads in Repair; and if no Goods, Chattles, and Effects, of the Person or Persons, who shall incur the said Penalties and Forfeitures, can be found, sufficient to answer the same, and the Charges of such Distress and Sale (if any such be taken and made) then, and in such Case, any Justice of the Peace may, and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the County, or Place, where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding One Calendar Month, for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distress and Sale (if any such there be) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Two Months, nor less than One Month, or until such Penalties and Forfeitures by him, her, or them, incurred, and the reasonable Charges of the said Distress and Sale (if any shall be) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Session.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal against the same to the Justices at the next General Quarter Sessions of the Peace for the County of Dorset after such Act, Order, Conviction, Judgement, or Determination, shall be done, made, or awarded,

Notice of Appeal to be given.

upon Ten Days Notice in Writing of such Appeal, if so many before the said next Sessions, being given by such

ſuch Perſon of his or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Evidence ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and to the Clerk or Treaſurer for the Time being to the ſaid Truſtees, or ſome or One of the Collectors or Receivers of the ſaid Tolls; and, within Four Days after ſuch Notice given, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, Diviſion, or Place, with ſufficient Sureties, conditioned to proſecute ſuch Appeal with Effect; and the ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notices being given, and entering into ſuch Recognizance as aforeſaid, ſhall proceed in, and hear and determine, the Cauſes and Matters of ſuch Appeals, and every of them, and to confirm or diſcharge the ſame, and to award ſuch Coſts, to be paid by and to either of the Parties concerned in the ſaid Appeals, as they ſhall judge proper; and ſuch Orders or Judgements of the ſaid Juſtices therein ſhall be final and concluſive to all Parties concerned or intereſted therein.

Recognizances to be entered into.

Provided always, and be it further enacted by the Authority aforeſaid, That no Act, Conviction, Judgement, or Order, of the Juſtices of the Peace, at the General Quarter Seſſions, or of any Juſtice or Juſtices of the Peace, which ſhall be by them reſpectively awarded or made in purſuance of this Act, or in the Execution of the Powers hereby reſpectively given, ſhall be quaſhed, vacated, or diſcharged, for or on account of Form only; nor ſhall be removed by Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter.

Proceedings not to be quaſhed for want of Form;

not removeable by *Certiorari*.

And be it further enacted by the Authority aforeſaid, That all Mortgages, Aſſignments, or Securities, ſo to be made by the ſaid Truſtees as aforeſaid, and all Transfers thereof, and alſo all Acts, Orders, Accounts, and Proceedings, of the ſaid Truſtees, to be done, made, or had, by virtue of this Act, ſhall, from time to time, be fairly and regularly entered in a Book or Books, to be by the Clerk or Clerks to the ſaid Truſtees kept for thoſe Purpoſes; and ſuch Mortgages, Aſſignments, Securities, and Transfers, and alſo the Acts, Orders, Accounts, and Proceedings, ſo entered, ſhall be ſigned by the ſaid Clerk or Clerks, and being ſo ſigned, ſhall be deemed to be Originals; which ſaid Book or Books ſhall be admitted as Evidence in all Courts whatſoever.

Proceedings to be entered in Books.

Writings to be without Stamps.

Provided always, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, or other Security for the borrowing of Money, or Transfer of any of the Securities aforesaid, or any other Writing or Instrument whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless Fifteen Trustees are present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Fifteen Trustees shall be then present, and consent thereto.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act and the several Tolls, Authorities, and Powers herein and hereby made payable and granted, shall commence and have Continuance from the First Day of May, One thousand seven hundred and sixty six, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to any of the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Calendar Months after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County of Dorset, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them,

General Issue.

may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in Pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such

Action

Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for recovering his, her, or their Coſts in any other Caſes by Law. Treble Coſts.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

FINIS.