Anno ſexto

Georgii III. Regis.

An Act for amending, widening, altering, clearing, and keeping in Repair, ſeveral Roads leading from the Market Croſs in the Town of *Wareham*, and in *Purbeck*, in the County of *Dorſet*.

WHEREAS the High Road leading from the Market Croſs in the Town of Wareham, through the South Street of the ſaid Town, and through the ſeveral Pariſhes, Hamlets, Tithings, Towns, and Villages, of the Holy Trinity, Stowborough, and Corfe Caſtle, and through a Lane called Lynch Lane, and the common Fields belonging to the Manor of Kingſton, and through the ſeveral Pariſhes, Hamlets, Tithings, Towns, and Villages, of Langton Maltravers, Worth, and Swanwich, to the Eaſt End of the Town or Village of Swanwich; and from the ſaid Town or Village of Swanwich, through the Hamlet or Tithing of Ulwell, to the Top of Ninebarrow Down, at the Eaſt End of the ſaid Down; and from the ſaid High Road leading from the Town or Village of Langton Maltravers, by a Mill called Puddle Mill, through the Pariſhes of Knowle, and Steeple, and Tyneham, to the Bottom of Whiteway Hill, in the High Road from Langton Maltravers aforeſaid to Eaſt Lulworth; and from Preamble.

the High Road passing through Stowborough aforesaid to a Gate near a Smith's Shop, in the Occupation of John Coastfield Savage, in the Road leading to Grange, in the Parish of Steeple, in the County of Dorset; and also the High Road leading from the said Market Cross in Wareham, through the West Street of the said Town, and through the several Parishes, Hamlets, Tithings, Towns, and Villages, of Lady Saint Mary, Worgret, Stoke, Stockford, Wool, Burton, Winfrith, Moreton, Woodsford, Lewell, Knighton, Stafford, and Fordington, through a Place called Doll's Hole, to the Weymouth Turnpike Road at the South End of South Street, in the Town of Dorchester; and also the High Road leading from Worgret aforesaid, to a Place called Clouds Hill, and Part of the High Road leading from the Bridge over the River Froome, called Holme Bridge, in Length One Mile, beginning at the said Bridge, and leading cross Holme Bottom towards East Lulworth, in the said County of Dorset; and also the High Road leading from the said Market Cross in Wareham, through the North Street of the said Town, and over a Bridge called Sandford Bridge, and through the several Parishes, Hamlets, Tithings, Towns, and Villages, of Saint Martin and Litchet Minster, otherwise called South Litchet, and over a Heath called Holton Heath, to a Gate or Gateway in the Road leading from the said Heath, to a Bridge called King's Bridge; and from the Turnpike Road between the said Bridge and Pool Gate, to the Turnpike Road between Pool Gate aforesaid and Long Ham; and from Sandford Bridge aforesaid, through the several Parishes, Hamlets, Tithings, Towns, and Villages, of Morden, Almer, Maperton, Winterborne, Zelston, Winterborne, Thompson, Sturminster, Marshal, Spetisbury, Charlton, and Blandford Saint Mary, to the Turnpike Road leading from Dorchester to Blandford; and from a Gate called North Port Gate, through the several Parishes, Hamlets, Tithings, and Villages, of Saint Martin, Morden, Goldharbour, Bloxworth, and Bere Regis, to the East End or the South End of the Town or Village of Bere Regis, in the said County of Dorset; are very ruinous, inconvenient, narrow, and dangerous, and cannot be repaired by the ordinary Course of Law: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable John Fane, commonly called

called Lord Burgherſh; Sir William Hanham, Sir Thomas Banks J'anſon, Sir Robert Long, Sir John Oglander, Sir John Webb, Baronets; Sir Peter Thomſon Knight, Henry Archer, Henry Bankes, John Bankes, John Bond, Nathaniel Bond, George Browne, John Calcraft, Awnſham Churchill, Henry Churchill, Joſhua Churchill, William Churchill of Colleton, William Churchill of Henbury, George Clavile, John Damer, John Dennett, Edward Drax, Thomas Erle Drax, Juſtinian Ekins, James Frampton, John Gannett, Thomas Gould, Radford Gundry, Thomas Gundry, Charles Kiley, James Long, John Meech, John Meech junior, David Robert Mitchel, John Newton, Jocelyn Pickard, George Pitt, John Pitt, Thomas Pitt, William Pitt, William Auguſtus Pitt, Edmund Morton Pleydell, Jonathan Morton Pleydell, Neville Morton Pleydell, Thomas Morton Pleydell, Henry William Portman, William Richards, William Richards junior, Thomas Robinſon, Samuel Serrell, Humphry Sturt, George Trenchard, John Trenchard, John Tucker, Richard Tucker, George Turner, Edward Weld, William Wentworth, William Wentworth junior, Ralph Willett, Thomas Williams, Eſquires; Philip Lloyd D. D. James Acton, Samuel Baſkett, William Beckett, John Bingham, Denis Bond, John Trenchard Bromfield, Butt of Winborne, John Chapman, John Colſon, Thomas Colſon, John Combes, Henry Fitch, James Hanham, John Harris, Robert Henning, Hill of Charlbury, Henry Hooten, John Howell, John Hutchins, Roe King, John Leech, Robert Maurice, Samuel Lambert Milborne, Nairn, Edward Nepred, Thomas Pike, John Plowman, John Randall, Philip Ridout, Richard Robinſon, Samuel Staines, Nathaniel Templeman, Richard Templeman, Andrew Tucker, Chriſtopher Twynehoe, John Walker, Clerks; Robert Alner, Henry Auſten, Robert Bacon, Morgan Balſton, Thomas Light Banger, William Barfoot, Thomas Bartlett, John Baſtard, William Baſtard, Cantelowe Beſtland, George Boſwell, Samuel Bowden, James Brooke, Giles Brown, John Brown, Robert Brown, William Budden, William Butler, Peter Camel, Alexander Campbell, John Chapman, Robert Chinchen, Timothy Chinchen, Samuel Clark, William Clavile, Lewis Cockram, Joſeph Collings, George Cooper, William Cribb ſenior, George Cull, Richard Cull, Edward Dampier, John Dampier, Thomas Dean, Robert Dugdale, David Durell ſenior, Joſeph Edmunds, Walter Erle, Thomas Feaver, William Filliter, John Garland, Joſeph Garland, George Gigger, Humphry Giles, John Green, Thomas Groſs, Robert Hann, John Harding, John Hart, George Harvey,

Truſtees Names.

Harvey, John Harvey, Humphry Hayes, John Henning, John Hudden, Nicholas Humphrey, William Hatchard, Haviland Hiley, Charles Hill, Edward Harbin, William Hooper, Thomas Hyde, Robert Lumley Kingſton, Peter Jolliffe junior, Chriſtopher Jolliff ſenior, Chriſtopher Jolliff junior, Chriſtopher Jolliff, James Jolliff, Thomas Jubber, Francis Kingſton, John Liſter, John Lillington, Joſeph Manuel, George Milner, William Milner, Moſes Neave, George Nepred, Thomas Nicholſon, John Oliver, Andrew Pearſe, Thomas Phippard, John Pike, John Pitman of South Street Dorcheſter, John Puſhman, Thomas Rawlins, Robert Sanders, Howard Serrel, John Shittler, John Skinner, Thomas Strong, Richard Talbott, William Templeman, William Tilley, George Tito, John Tory, Richard Tory, Anthony Trew, Harry Tuck, Samuel Walker, Joſeph Warne, Francis Warren, Thomas Waters, Richard Weſton junior, Samuel Weſton, James White, Stephen White, Robert Willis, Gentlemen, ſhall be, and they and their Succeſſors, to be elected and appointed in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act in Execution; and it ſhall be lawful to and for the ſaid Truſtees, and the Survivors of them, and to and for any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, to amend, widen, alter, clear, and keep in Repair, all the Roads herein before mentioned, or ſuch Parts thereof as they ſhall think fit; and to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or croſs, the ſaid Roads, at the ſeveral Places herein after mentioned; and alſo a Toll-houſe or Toll-houſes, in, upon, or near, the ſame, ſubject nevertheleſs to the Proviſions and Regulations herein after mentioned; and ſhall demand, receive, and take, at every Gate or Turnpike, on the South, Weſt, and North Branches of Roads leading from the Market Croſs in Wareham aforeſaid, the Tolls and Duties following, before any Horſe, or other Cattle or Carriage, ſhall be permitted to paſs through the ſame; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

The Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, or Yoke of Oxen, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe Marine, Calaſh, Curricle, Chair, Caravan, Car, Hearſe, Waggon, Wain, Frame, Cart, Dray, or other Carriage, the Sum of Three Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, the Sum of One Penny.

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

Which said respective Sum and 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, is, and shall be hereby vested in the said Trustees for the time being; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses and Purposes, and in such Manner, as is herein after mentioned; and it shall be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the same upon any such Person or Persons, who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Carriage, upon which any Toll or Duty is by this Act imposed, or by Distress of any other of the 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 such Distress, Detaining, and Keeping, the same, shall be fully paid and satisfied; and after the Space of Five Days, such Person or Persons so distraining (in case such Tolls, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied) shall, and lawfully may sell the Cattle, Carriage, or Goods, so distrained, for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling, the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 5 Days.

Provided always, and be it enacted, That One Gate or Turnpike and Toll-house shall be erected on the South Branch of Roads leading from the said Market Cross in Wareham, by this Act directed to be repaired, at or near Stowborough, and another Gate or Turnpike and Toll-house on the said South Branch, at or near the Town or Village of Swanwich, and another Gate or Turnpike and Toll-house on the said South Branch, at or near the Village of Ulwell; and that One Gate or Turnpike and Toll-house shall be erected on the West Branch of Roads, leading from the said Market Cross in Wareham, by this Act directed to be repaired, at or

Where Gates shall be erected.

near Worgret; and another Gate or Turnpike and Toll-houſe on the ſaid Weſt Branch, at or near the Weſt End of a Lane called Long Lane, leading from Gould's Froome to the Town of Dorcheſter; and that One Gate or Turnpike and Toll-houſe ſhall be erected on the North Branch of Roads, leading from the ſaid Market Croſs in Wareham, by this Act directed to be repaired, at or near Northport; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered (if they think fit) to erect another Gate or Turnpike and Toll-houſe upon the ſaid North Branch, at or near, or within Half a Mile of a Houſe or Place called The World's End, in the Pariſh of Almer, or at or near the Town or Village of Spettiſbury, at the Option of the ſaid Truſtees, or any Five or more of them; and that each and every ſuch Gate or Turnpike and Toll houſe ſhall ſtand or remain in or within One hundred Yards of the ſame Place where they ſhall have been erected or placed reſpectively, ſo long, and during ſuch Time, as any Toll or Duty ſhall, by virtue of this Act, be raiſed or collected on that Branch of Roads, whereon ſuch Gate or Turnpike and Toll-houſe ſhall be erected or placed as aforeſaid.

Regulation concerning *Spettiſbury* Gate.

Provided always, That the Gate or Turnpike at or near the Town or Village of Spettiſbury (in caſe the ſame be erected) ſhall not be erected acroſs the Great Road leading from the Town of Blandford Forum to the Town of Pool.

Toll to be paid but at One Gate.

Provided alſo, and be it enacted, That no Perſon ſhall be obliged to pay the ſaid Toll or Duty at more than One Gate or Turnpike on any One of the ſaid Three Branches of Roads.

Truſtees may erect Side-gates,

Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, 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, or any of them, and croſs any Lane or Way leading out of the ſame; and there to take and levy, or cauſe to be taken and levied, ſuch Tolls and Duties as are by this Act granted and made payable, ſo as the ſame do not extend to a Double Charge in caſe of paſſing through any Gate or Turnpike, Gates or Turnpikes, which ſhall be erected by virtue of this Act on any One of the ſaid Three Branches of Roads.

and take Toll thereat,

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

Proviſion with reſpect to Gates near *Corfe Caſtle* and *Dorcheſter*.

Provided always, That no Gate or Turnpike ſhall be erected within One Mile of the Town of Corfe Caſtle, nor nearer the ſaid Town of Dorcheſter than the Weſt End of Long Lane aforeſaid.

Provided

Provided also, That no Gate or Turnpike shall be erected, or any Tolls or Duties taken, on any of the said Three Branches of Roads, leading from the Market Cross in Wareham, by this Act directed to be widened and repaired, until the Sum of Two thousand Pounds, at the least, shall, by responsible Persons, have been subscribed, promised, or undertaken, to be lent on the Credit of the Tolls or Duties to be collected and raised by virtue of this Act. No Gate to be erected, nor Toll taken, on any of the 3 Branches of Roads from *Wareham*, till 2,000*l.* be subscribed.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons, having Occasion to pass the Place or Places where the Tolls or Duties are taken, who return the same Day before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, or with the same Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Chair, Car, Calash, Caravan, Hearse, Waggon, Wain, Frame, Dray, Cart, or other Carriage, shall be liable or compelled the same Day to pay the said Toll or Duty more than Once. Tolls to be paid but Once a Day.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required, to proceed in repairing the said Three several Branches of Roads by this Act directed to be repaired, in such Manner, that the Lengths of Road which shall be repaired by virtue of this Act, in each of the said Three Branches, may, as near as possible, be equal, and that the same shall begin and be carried on progressively from each Gate. In what Manner the Three Branches shall be repaired.

And be it further enacted, That if any Person or Persons, having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of the same, to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Curricle, Chair, Caravan, Car, Hearse, Waggon, Wain, Frame, Cart, Dray, or Carriage, go or pass through any Ground, Parcel of Land, or other Place, 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 Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Penalty on giving or receiving Tickets; or going thro' or permitting private Passage;

Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Curricle, Chair, Caravan, Car, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, Mare, Gelding, Ox, Mule, Ass, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Curricle, Chaise Marine, Chair, Caravan, Car, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the County of Dorset (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for 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, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied in Repair of the said Roads.

or taking off Horses, &c.

to avoid Payment of the Tolls.

Trustees, with Consent of Creditors, may lessen the Tolls,

And be it further enacted, That it shall be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, or of the major Part of them in Number or Value, at any Times hereafter, as often and for such Times as they shall think proper, to lessen all or any of the Tolls or Duties by this Act made payable at all or any Gates or Turnpikes which shall be erected by virtue of this Act; and so again, as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls or Duties made payable by virtue of this Act; and such Tolls or Duties, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties herein before granted and made payable are directed to be collected, recovered, and applied.

and raise them again.

After Erection of any Gates, publick Notice to be given of all Meetings of the Trustees.

Provided always, That after all or any of the Gates or Turnpikes herein before-mentioned shall have been erected, Twenty Days Notice shall be given of every

Meeting

Meeting to be held by the Trustees for the Purposes last-mentioned, by Writing under the Hand of the Clerk to the said Trustees; and shall, by Order of the said Trustees, or any Nine or more of them, be affixed upon all the Gates or Turnpikes erected by virtue of this Act, and before and until such Gates or Turnpikes shall be erected, by an Advertisement to be published in the Salisbury Journal, or in some other publick News Paper printed at Salisbury.

No Toll on Election Days.

Provided also, and be it further enacted, That no Toll or Duty shall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calash, Curricle, Chaise, Chaise Marine, Chair, Car, Caravan, or Passenger on Horseback, going to or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Dorset, or of a Burgess or Burgesses to serve in Parliament for the Borough of Dorchester, the Borough of Wareham, or the Borough of Corfe Castle, on the Day or Days of such Election, or on the Day next before or after such Day or Days of Election.

Turnpikes, &c. vested in the Trustees.

And be it further enacted, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be, and are hereby vested in the Trustees appointed or to be appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring or cause any Action or Actions to be brought in the Names of any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the time being, or to prefer or cause a Bill or Bills of Indictment to be preferred against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part thereof.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless, at the Time of his acting therein, he shall have or be seised, in his own Right, or in the Right of his Wife, and in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes; or be Heir Apparent of a Person seised of a Real Estate in Law or Equity, of the clear yearly Value of One hundred Pounds, or unless,

at

at the Time of acting therein, be be possessed of a Personal Estate to the Amount of One thousand Pounds; And if any Person or Persons, so made incapable, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds; to be recovered by Action at Law to be brought in any of His Majesty's Courts of Record at Westminster; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, 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; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in Repair of the said Roads.

Penalty on acting if not qualified.

Trustees may appoint Officers,

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, to chuse a Clerk or Clerks, Treasurer or Treasurers, and appoint a Collector or Collectors of the Tolls or Duties aforesaid; and also a Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same be repaired; and such other Officer or Officers as they, or any Nine or more of them, shall think necessary for the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to appoint new ones on their Death or Removal; Notice of the Time and Place of Meeting for electing and appointing such others, being fixed on the Gates or Turnpikes then erected by virtue of this Act, and before and until the said Gates or Turnpikes shall be erected, by Advertisement in the Salisbury Journal, or in some other publick News Paper printed at Salisbury, at least Ten Days before such Election and Appointment: And all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby impowered to administer, and for administering of which Oath no Fee shall be taken) on the First Tuesday in every Month, or oftener, if the said Trustees, or any Five or more of them, shall so require, give in a true, exact, and perfect Account in Writing to the said Trustees, or any Five or more of them, of all Monies which such Persons shall, to such Time respectively, have received by virtue of this Act,

and remove them, and appoint others.

Officers to account upon Oath,

and

and how, and to whom, and for what Uses, such Mo-
nies, and every Part thereof, have or shall have been
paid, disposed of, or applied, together with the proper
Receipts and Vouchers for such Payments; and in case
any Money so received shall remain in their respective
Hands, the same shall be paid to the said Trustees, or
any Five or more of them, or to such Person or Persons
as they, or any Five or more of them, shall impower to
receive the same, and shall be laid out and disposed of
according to the true Intent and Meaning of this Act:
And the said Trustees, or any Five or more of them, to
whom such Account shall be given, may and shall, out of
the said Tolls or Duties, make such Allowance to the
said Collectors, Receivers, Clerks, Treasurers, Sur-
veyors, and other Officers, or any or either of them,
and to such other Person or Persons as shall be assisting
to them, or any or either of them, in or about repairing
or widening the said Roads, or any Part thereof, as to
the said Trustees, or any Five or more of them, shall
seem reasonable: And in case such Collectors, Receivers,
Clerks, Treasurers, or other Officers, or any or either of
them, shall not give in such Account, and make such
Payment, or produce and deliver up the Receipts and
Vouchers relating to the same, or verify the Articles
thereof on his or their Oath or Oaths, when required so
to do; then, and in either of the Cases aforesaid, the
said Trustees, or any Five or more of them, may, and
are hereby authorized and impowered, to bring, or cause
to be brought, any Action or Actions 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 afore-
said, 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 to any One or more
Justice or Justices of the Peace for any Division in
which any Part of the said Roads do lie, such Justice or
Justices shall make Enquiry concerning such Default in a
summary Way, as well by Confession of the Parties
themselves, as by the Testimony of One or more cre-
dible Witness or Witnesses upon Oath (which Oath the
said Justice or Justices is and are hereby impowered and re-
quired to administer without Fee or Reward) and if such
Person shall be thereof convicted, such Justice or Justices
shall commit the Party to the Common Gaol of the said
County of Dorset, there to remain until he shall have
given and made a true and perfect Account and Payment
as aforesaid, or until he shall have compounded and

Trustees to allow Officers Salaries.

Officers refusing to account,

may be sued;

or if Complaint be made to Justices,

they may enquire into the Default,

and commit the Offender,

until Payment or Composition made.

agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers to be by them appointed to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

No Victualler, &c. to hold any Place of Profit.

Provided always, That no Person keeping any Inn, Alehouse, or other House of publick Entertainment, or who shall sell Beer, Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place of Trust or Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they, or any Five or more of the said Trustees, shall appoint, to dig, cut, gather, take, and carry away, or cause to be digged, cut, gathered, taken, or carried away, any Chippings or Rubbish, Gravel, Furze, Heath, Sand, Stones, Chalk, Flint, or other Materials for repairing the said Roads, out of any Quarry, River, Brook, Waste or Common Grounds, in any Parish, Hamlet, Tything, Town, Village, or Place, wherein or near which the said Roads do lie, without paying any thing for such Materials; and for want of sufficient Materials to be had within such Parishes, Hamlets, Tythings, Towns, Villages, or Places, be and they may, and is and are hereby authorized to dig, cut, gather, take, and carry away, the same, from any Open or Waste Grounds, in any neighbouring Parish, Hamlet, Tything, Town, Village, or Place, where the same may be had, without paying any thing for such Materials; and also in, upon, or out of, the Lands of any Person or Persons where the same may be had (not being a Yard, Garden, Orchard, Park, Paddock, Plantation, Wood, Coppice, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart for a Nursery for Trees) they the said Surveyors, or other Persons aforesaid, having an Order from such Trustees, or any Five or more of them, for so doing, and paying or tendering such Price for the same, and for the Damage done to such Owner or Owners, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Surveyors may make Causeways, &c.

And be it further enacted, 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 (he or they the said Surveyor or Surveyors, or

other Person or Persons, having a Warrant or Order from and under the Hands of the said Trustees, or of any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in or along any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, Bridges or Arches of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and may and shall make, raise, or erect, or cause to be made, raised, or erected, any Mounds or Banks, or 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 may and shall erect, or cause to be erected, Bridges over such Drains or Watercourses, if necessary, making such reasonable Satisfaction to the Owner or Owners, Occupier or Occupiers, of such Lands or Grounds, for the Damages he, she, or they, may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

erect Bridges, &c.

making Satisfaction to the Owners.

Provided also, and be it further enacted, That where any Part or Parts of the said Roads, or where any Bridge or Bridges, Drain or Drains, Sewer or Sewers, lying in and upon the said Roads hereby intended to be repaired, and which have been accustomed, or ought to be repaired and maintained by any particular Person or Persons, or Body or Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Dorset, or any otherwise howsoever; all and every such Part and Parts of the said Roads, Bridges, Drains, and Sewers, so lying in and upon the said Roads, shall, from time to time, be maintained and kept in Repair, by such Person and Persons, or Body and Bodies Politick and Corporate, and in such Manner, as the same were respectively maintained and kept in Repair, before the passing of this Act: And in case any Difference shall arise, as to Damage done in getting Materials for repairing the said Roads from private Grounds, or how and in what Manner such particular Part or Parts of the said Roads, or the Bridges, Drains, and Sewers, lying in and upon the same, are or ought to be repaired and maintained as aforesaid, it may and shall be lawful for the Justices of the Peace for the said County, and they are hereby impowered and required, at their General or Quarter Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or by their Clerk or Clerks for the time being, to adjudge and determine what Satisfaction or Recompence shall be paid, and how and

Persons liable to the Repair of the Road, &c. to continue

and in what Manner such particular Part or Parts of the said Roads, Bridges, Drains, and Sewers aforesaid, shall, from time to time, be repaired and maintained.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it may and shall be lawful to and for the said Surveyor or Surveyors, and for such Person or Persons as he or they shall appoint from time to time, to remove and carry away all Annoyances on any Part of the Roads aforesaid, by Filth, Dung, Timber, Rubbish, or otherwise, and to divert and turn any Watercourses, Sinks, or Drains, running into, along, cross, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper or necessary, and to make any new Drains, Watercourses, or Ditches, adjoining to the said Roads, and to grub up or cut down, lop or shroud, any Trees or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, or in any Land or Ground to be taken into the said Roads, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, shroud, and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches for the Space of Twenty Days next after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to grub up, cut down, lop, shroud, and carry away, such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so again offending, and being thereof convicted on Oath as aforesaid, shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of Twenty Shillings.

turn Watercourses, &c.

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

No Timber, &c. to be unloaded, or Stalls erected, in the Streets in *Wareham*.

And be it further enacted, That during the Continuance of this Act, it shall not be lawful for any Person or Persons to unload or lay, or cause to be unloaded or laid, any Stones or Timber, and to leave the same; nor to set up, or cause to be set up, any Stall or Shamble, for the Sale of Flesh, Fish, or any other Goods or Merchandizes, in any such Streets or Places within the

the Town of Wareham aforesaid, as are comprized in this Act, except on the Market Days or Days for Fairs which have been usually and customarily held within the said Town, on Pain of forfeiting and paying for every such Offence the Sum of Twenty Shillings; and the further Sum of Ten Shillings, for every Day on which such Stones or Timber shall be found lying upon or in the said Streets or Places; and the like Sum of Ten Shillings, for every Day on which such Stall or Shamble shall be found standing upon or in any of the said Streets or Places, except the Market and Fair Days aforesaid.

Penalty on not removing Annoyances after Notice.

And be it further enacted, That if any Person or Persons, who shall have laid or thrown any Heap or Heaps of Ashes upon or in any Part of the Roads by this Act directed to be repaired, shall neglect to remove and carry away such Heap or Heaps of Ashes, for the Space of Five Days next after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five of them, every such Person so offending, and being thereof convicted on Oath as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Trustees may widen the narrow Parts of the Roads;

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to widen any narrow Part or Parts of the said Roads, by opening, clearing, and laying into the same, any Lands, Grounds, or Hereditaments, of any Person or Persons lying contiguous thereto; and also to make a Road or Roads through the Grounds adjoining or lying near to any hollow Way, or any narrow or ruinous Part of the said Roads, such Grounds respectively not having any House or Building standing thereon, and not being a Yard, Garden, Orchard, Court, Park, Paddock, Plantation, Wood, Coppice, planted Walk, or Avenue to any House, or an inclosed Ground, planted and set apart as a Nursery for Trees; such temporary Road or Roads to be made use of as a publick Highway or publick Highways, whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may sustain by such widening or making such temporary Road or Roads, as shall be adjudged reasonable by the said Trustees, or any Five or more of them.

making Satisfaction to the Owners.

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

And be it further enacted, That in case the said Trustees, or any Nine or more of them, shall think proper to widen, turn, or alter, any Part or Parts of the said Roads, the said Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to contract and agree with any Owner or Owners, Occupier or Occupiers of, and any Person or Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase thereof, or for the Loss or Damage he, she, or they, may sustain by such widening, turning, or altering, of any Part or Parts of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage as aforesaid, such Sum or Sums of Money as shall be agreed upon between such Owner or Owners, Occupier or Occupiers, Person or Persons, interested as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall

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

be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and other Trustees whatsoever, for or on Behalf of themselves, their Heirs, and Successors, and also for any Infants, Femes Covert, or Cestuique Trusts, and for all Femes Covert who are or shall be seised in their own Right, and for all other Persons whatsoever, to contract and agree with the said Trustees, or any Nine or more of them, for such Purchase or Recompence as aforesaid; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual, to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if such Owners, Proprietors, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Trustees, or other Persons interested in any such Lands, Grounds, or Hereditaments, or any or either of them, upon Notice to him, her, or 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

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 or through which such Roads are to be turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given 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 to be inquired, ascertained, and assessed, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Dorset (which Oath any One of the Trustees is hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Persons interested, or any or either of them, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into or through any such Lands, Grounds, or Hereditaments: 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, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any One of the said Trustees is hereby impowered 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 such lawful Ways and Means, as well for their own, as for the said Jury's 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 inquired of, ascertained, and assessed, such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes

Jury to settle Damages and Recompence.

Witnesses may be examined on Oath.

Verdict of the Jury to be final.

Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, as well as all other Persons whatsoever; and all such Owners, Proprietors, and Occupiers, and all Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, and out of the same: And for the summoning and returning 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 County of Dorset, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in the Warrant shall be appointed; and the said Sheriff, and his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any One of them, shall swear, or cause to be sworn, Twelve, to be drawn by Ballot out of the said Twenty four; 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 be speedily procured to attend the Service, who shall be sworn in like Manner, till the Number of Twelve be completed; which Twelve shall be the Jury for the Purposes aforesaid; and 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 full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, 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 who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or shall not give, their Verdict, or in any other Manner wilfully neglect 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

Trustees may issue their Warrant to summon and impanel a Jury.

Jurors may be challenged.

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

said

said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

Expences of the Jury how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn, pursuant to the Authority of this Act, shall give in, or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to, and offered by, the said Trustees, or any Nine or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in the said Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, or Damages, sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries so to be summoned and sworn as aforesaid, shall give in or deliver a Verdict or Assessment for less Money than shall have been agreed to, and offered by, the said Trustees, or any Nine or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid; then, and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Buildings, &c. not to be injured.

Provided always, That in widening, turning, or altering, any Part or Parts of the said Roads, nothing shall be done which may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, planted Walk, or Avenue to any House, or any inclosed Ground set apart as a Nursery for Trees, unless the Owner thereof shall consent thereto.

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

And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for 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 upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons or their Agents to receive such Money, Consideration, Recompence, or Satisfaction; it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, or add to, the said Roads such Lands, Grounds, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, and Tender of Payment as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into, and made and deemed, and be from thenceforth Part of, the said Road for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road was or ought to have been repaired and kept in Repair; and the Lands and Grounds comprised in or constituting the former Road, and which shall be no longer necessary to be used as such, shall be vested in, and sold or exchanged by, the Trustees, or any Seven or more of them, for the best Price, or on the best Terms, that can be got for the same; and the Money arising thereby shall be applied to the repairing of the said Roads; and the Sale and Conveyance of such Lands, Grounds, or Hereditaments, being executed by any Seven or more of the Trustees, and inrolled with the Clerk of the Peace for the County of Dorset, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands, &c. purchased, to be made Part of the Road, and deemed a publick Highway.

Old Road may be sold.

Trustees not to act where interested.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, or the purchasing of any Lands or Hereditaments, where he shall be concerned in Interest.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted will not be sufficient for the speedy amending of the

the Roads hereby directed to be repaired; be it further enacted, That the said Trustees, or any Nine or more of them, at the first Meeting of the said Trustees, or at any other Meeting or Meetings to be held for that Purpose (whereof Twenty Days Notice shall be given in Writing, affixed upon every Gate or Turnpike to be erected by virtue of this Act, and before and until the said Gates or Turnpikes shall be erected, by Advertisement in the Salisbury Journal, or some other publick News Paper printed at Salisbury) may, and they are hereby impowered, from time to time, to borrow any Sum or Sums of Money upon the Credit of the Tolls, which shall be raised, collected, or made payable by virtue of this Act, and by any Writing or Instrument under their Hands and Seals, and to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, as the said Trustees, or any Nine or more of them, shall think fit and agree to give; which said Money so borrowed, shall, after paying the Charges and Expences of obtaining this present Act, and of erecting the Gates or Turnpikes and Toll-houses to be erected by virtue hereof, which are hereby required to be first paid, be applied and disposed of as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Money so borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but all such Lenders, and Persons to whom such 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 or Duties in an equal Degree one with another; and all and every the original Assignments and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Trea-

Trustees may borrow Money on the Credit of the Tolls.

Tolls may be assigned for Money borrowed.

All Creditors to be deemed equal in Degree.

Assignments to be entered in a Book.

Treasurers; which said Book or Books shall and may be perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls, after their First Meeting, unless Twenty Days Notice be previously given thereof by Writing under the Hand of the Clerk of the said Trustees, and be, by Order of the said Trustees, or any Seven or more of them, affixed upon all the Gates or Turnpikes to be erected by virtue of this Act, and before and until the said Gates or Turnpikes shall be erected, by an Advertisement in the Salisbury Journal, or some other publick News Paper printed at Salisbury.

Notice to be given of borrowing Money.

Provided always, That nothing in this Act 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.

Trustees not liable by reason of signing, &c.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, or any Nine or more of them, or who shall be intitled to the Money thereby secured, may and are hereby impowered, from time to time, by Words of Assignment to be indorsed on his, her, or their, Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their, Right, Title, and Interest, to and in the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whatsoever; and such Assignment shall intitle such Assignee, his, her, or their, Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, and is hereby impowered, in like Manner, to assign the same again, and so toties quoties.

Assignments may be transferred.

Provided always, and be it further enacted, That no Tolls or Duties shall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Waggon, Wain, Frame, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, that shall be employed or used in drawing or carrying Materials for repairing any Road or Highway, or Ashes, Dung, Mold, Soil, Marl, Chalk, Lime, or Compost, for manuring Gardens or any other Land or Ground through or into which the said Roads lead; or Grass, Hay, Saintfoin, Fodder, Fearn, Straw, or Corn in the Straw, not sold or disposed of, or Furze, Turf, or Peat for Fuel, to be laid up in the Houses, Out-houses,

Exemptions from Tolls.

Out-houses, Barns, Yards, or Backsides of the Owners thereof; or for any Ploughs, Harrows, or any other Implements or Things whatsoever, that shall be used or employed in Husbandry, or the tilling or stocking of any Land or Ground; or for any Stone, Bricks, Tiles, Lime, Sand, Timber, or Boards, which shall be used for building or repairs within the said Borough of Wareham, during the Continuance of an Act passed in the Third year of the Reign of His present Majesty, intituled, An Act for the better and more easy rebuilding of the Town of *Wareham*, in the County of *Dorset*; and for determining Differences touching Houses and Buildings burnt down or demolished by reason of the late dreadful Fire there, and for preventing future Dangers by Fire; or for any Horse, Mare, Gelding, Mule, Ox, Ass, or other Cattle, going to or from Water, Pasture, Plough, or other Tillage or Work in Husbandry; or from any Person or Persons residing in any of the Parishes or Places in which the said Roads do lie, passing to or from Church, or other Places of religious Worship, on Sundays; or for any Post-horse or Vehicle carrying the Mail or Packet; or for the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to and passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on making illegal Claims, &c.

Provided also, 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.

200 *l.* to be applied in repairing the Road from *Worgrett* to *Clouds Hill*.

Provided always, and be it enacted by the Authority aforesaid, That the Trustees appointed to put this Act in Execution, or any Seven or more of them, shall, and they are hereby authorized and required, to apply the Sum of Two hundred Pounds in the repairing such Part of the Roads directed to be repaired by this Act, as lies between Worgrett and Clouds Hill, beginning at Worgrett aforesaid.

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

Provided also, and be it further enacted, That all Persons, who by Law are obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required, to do and perform such and so many Days Work in such Parts of the said Roads

Inhabitants to do Statute-work.

by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, Tithings, or Places, in which such Inhabitants respectively shall live, 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 the said Towns, Parishes, Hamlets, Tithings, or 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, Tithings, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

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

Surveyors to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted, That the Surveyor or Surveyors of the Highways for the respective Parishes, Hamlets, Tithings, or Places, wherein any Part of the said Roads do lie; and in case no Surveyor or Surveyors is or are appointed for such respective Parishes, Hamlets, Tithings, or Places, then the respective Churchwardens or Overseers of the Poor of such Parishes, Hamlets, or Tithings, 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 erected by virtue of this Act, to deliver in to the said Trustees, true and perfect Lists in Writing, before such Trustees, or any Five or more of them, upon Oath (which Oath they are hereby impowered to administer) of the Names of the several Persons, who within each Parish, Hamlet, Tithing, or Place, respectively, are obliged by this Act, or by any other Law, to do their Statute-work for that Year with Teams and Draughts, or otherwise, and also the Number of Days Work which each Person ought to perform on the Highways within their respective Parishes, Hamlets, Tithings, or Places, respectively; a reasonable Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, in such Manner, and in such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from time to time direct and appoint: And if any such Person as aforesaid shall neglect or refuse to do such Statute-work, every such Person shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned;

Penalty on Persons not performing Statute-work.

towned; that is to say, Every such Inhabitant or Person who shall keep, or shall by virtue of this Act be deemed to keep, a Team, the Sum of Fifteen Shillings; and every other Inhabitant not keeping, or not deemed by this Act to keep, a Team, the Sum of Two Shillings, for each Day's Default: And if any Person or Persons, who shall (according to such Summons or publick Notice as aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, is or are found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, then, and in such Case, such Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required, to remove or turn him or them off, who shall be found idle or negligent as aforesaid; and he shall be esteemed and taken as if such Person or Persons had not come, or sent any Team, Cart, or Draught, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Penalties and Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work, or to send such Team, Draught, or Cart, so ordered and appointed as aforesaid: And in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to deliver in true and perfect Lists as aforesaid; then every such Surveyor, Churchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Persons found idle to be turned off.

Penalty on Surveyors neglecting to deliver Lists.

Provided always, and be it enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Hamlets, or Tithings, by and with the Consent of the Inhabitants of such Parishes, Hamlets, or Tithings, at a Vestry or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by the Inhabitants of such Parish, Hamlet, or Tithing, or Parishes, Hamlets, or Tithings, upon any Part of the said Roads; and if such or any future Surveyor or Surveyors, shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or so levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways. And in case such Composition-money shall not be paid to the said Trustees, or any Seven or more of them, or to such

Surveyors, with Consent of Inhabitants, may compound for Statute-work.

Surveyors paying the Composition-money how to be reimbursed.

Composition-money how to be recovered.

such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded it, shall be lawful for any One or more Justice or Justices of the Peace within the said County of Dorset, upon Oath made before him or them of such Default, and he and they is and are hereby required, to issue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, impowering such Person or Persons so by the said Trustees, or any Seven or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of such Surveyor or Surveyors of the Highways; and in case no Surveyor or Surveyors is or are appointed for such respective Parish, Hamlet, Tithing, or Place, or for such respective Parishes, Hamlets, Tithings, or Places, then, of the Churchwarden or Churchwardens, Overseer or Overseers, for the time being, of the said Parish, Hamlet, Tithing, or Place, or of the said Parishes, Hamlets, Tithings, or Places, respectively; and such Goods and Chattles so distrained, after the Space of Three Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be by the said Trustees, or any Seven or more of them, applied towards amending the said Roads, and to no other Use or Purpose whatsoever.

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

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways, and where no Surveyor or Surveyors is or are appointed, the Churchwarden or Churchwardens, Overseer or Overseers for the time being, of any of the Parishes, Hamlets, Tithings, 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 authorized, hath or have directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, Tithing, or Place, to be done on the said Roads; it shall be lawful for such Surveyor or Surveyors of the Highways, or for such Churchwarden or Churchwardens, Overseer or Overseers, to appeal to the 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

portion of the Statute-work in any Parish, Hamlet, Tything, 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 Twenty Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Trustees may compound with Travellers, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, to compound or agree with any Person or Persons usually travelling the said Roads, who shall not pass over more than One Mile and an Half of any of the Roads directed to be repaired by virtue of this Act, between their respective Dwellings and the said Town of Wareham, for passing through any Gate or Turnpike to be erected between their said Dwellings and the said Town (except Persons carrying Goods for Hire) for passing through all or any of the Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, for any Sum or Sums of Money to be paid annually, or otherwise, in lieu of the said Tolls or Duties granted by this Act; Copies of all which Compositions or Agreements, so to be made as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whatsoever, without Fee or Reward.

Composition-money how to be recovered.

And be it further enacted, That in case any such Composition-money agreed to be paid for passing through the said Gates or Turnpikes to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Hamlet, Tything, or Place, wherein the Roads to be amended by virtue of this Act do lie, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure, or otherwise, as aforesaid, shall not be paid within Three Days next after the same shall become payable, according to such Composition or Agreement; then, and in such Case, it may and shall be lawful to and for the said Trustees, or any Five or more of them, or for any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or by any Five or more of them, to receive such Composition-money (Oath being first made that the same hath been demanded, and remains unpaid; which Oath the said Trustees, or any

One or more of them, or the said Justice or Justices, is and are hereby impowered to administer) and to levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons so having compounded as aforesaid, or of the Surveyor or Surveyors of the Highways for the time being of such Parish, Hamlet, Tything, or Place, in respect of whose Statute or Days Work such Composition shall have been made; returning the Overplus (if any be) on Demand, the Charges of such Distress and Sale being thereout first deducted.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall direct, and they are hereby required, to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person shall wilfully and maliciously break, pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon; every such Person so offending, being convicted thereof before any One or more Justice or Justices of the Peace for the said County of Dorset, shall forfeit and pay the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads directed to be repaired by this Act.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said County of Dorset; which Warrant the said Justices are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such

such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not directed to be otherwise applied by this Act) for and towards the amending the said Roads: And in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it may and shall be lawful for such Justice or Justices; and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the common Gaol of the said County of Dorset, for any Time not exceeding Three Months.

Distress not to be deemed unlawful for want of Form;

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage, in an Action on the Case.

nor the Party distraining be deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made, by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it may and shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Money as he or they shall see fit; whereupon such Proceedings, or Orders and Judgements, shall be had, made, or given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Act, Order, or Judgement, done, made, or awarded in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Sessions

c. 10

Notice of Appeal to be given.

Sessions of the Peace to be held for the County of Dorset, he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; such Person entering into a Recognizance before some Justice of the Peace for the said County, with sufficient Sureties, conditioned to prosecute the said Appeal with Effect; and the Justices so assembled at their General Quarter Sessions as aforesaid, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Recognizance to be entered into.

Proceedings not to be quashed for want of Form,

Provided also, and be it further enacted, That no Order touching or concerning any of the Matters aforesaid, or any other Proceedings touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form, or be removed or removeable by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

nor removeable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance from the Twenty fourth Day of June, 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.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted, That when and as often as any of the said Trustees shall die or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so deceased or refusing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee shall be fixed on all the Gates or Turnpikes to be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all such Persons as shall from time to time be so chosen and appointed, shall be joined with such surviving Trustees, and are hereby authorized and impowered to act to all Intents and Purposes, in as full, large, and ample Manner,

10 Days Notice of Election to be given.

ner, as the said Trustees hereby appointed are impowered to act.

Time and Place of Trustees Meeting.

And be it further enacted, That the Trustees hereby appointed, or any Seven or more of them, shall meet together at the House known by the Sign of the Red Lion in the Town of Wareham aforesaid, upon the Twenty fifth Day of June, in the Year of our Lord One thousand seven hundred and sixty six, and shall proceed to the Execution of this Act, and shall then adjourn themselves, and afterwards meet at the House aforesaid, or at any other House in the said Town of Wareham, and not elsewhere, as the said Trustees, or any Seven or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn themselves, or if the said Trustees shall refuse or neglect to adjourn themselves, the Clerk to the said Trustees shall, by publick Notice in Writing, to be affixed at or on all the Turnpikes to be erected by virtue of this Act, at least Seven Days before the next Meeting, and before and until the said Gates or Turnpikes shall be erected, by publick Notice advertised in the Salisbury Journal, or some other publick News Paper printed at Salisbury, at least Seven Days before such Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held on that Day Fortnight from the Day on which such Meeting was appointed to be held, and so toties quoties.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Provided always, That if after any such Adjournment, whether the same be made by the said Trustees or by their Clerk, or after such Refusal or Neglect as aforesaid, it shall at any Time be thought necessary for the better Execution of this Act, that an early Day of Meeting should be appointed, such Clerk, upon an Order in Writing signed by Seven or more of the said Trustees, naming the Time and Place of such Meeting, shall immediately, by publick Notice in Writing, to be affixed at or on all the Gates or Turnpikes to be erected by virtue of this Act, and before and until the said Gates or Turnpikes shall be erected by publick Notice advertised in the Salisbury Journal, or some other publick News Paper printed at Salisbury, appoint the said Trustees to meet at such Time and Place as shall be named in such written Order, Seven Days Notice at the least being given previous to such early Meeting so appointed as

In case of Emergency, particular Meetings may be appointed.

Trustees to defray their own Expences.

aforesaid; and the said Trustees shall at all their Meetings, defray their own Charges and Expences.

General Meetings to be held annually.

And be it further enacted, That a General Meeting of the said Trustees shall be held Once at the least in every Year, during the Continuance of this Act, at the Red Lion aforesaid, or any other convenient House, in the said Town of Wareham, for auditing, settling, and passing, the Accounts of all Treasurers, Receivers, Collectors, Surveyors, and other Officers, belonging or relating to the said Roads; Ten Days Notice thereof being previously given in Writing, and affixed on all the Turnpikes to be erected by virtue of this Act; and that the said General Meeting or Meetings shall be held between the Twenty fifth Day of June, and the Twenty ninth Day of September.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit.

Trustee not to accept of a Place of Profit under this Act.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person appointed a Trustee by virtue of this Act shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; nor shall any Trustee execute any of the Powers or Authorities granted or given by this Act, except at a publick Meeting, unless for appointing a publick Meeting or publick Meetings of the said Trustees in Manner aforesaid.

No act valid, except at a publick Meeting.

Trustees in the Commission of the Peace may act as Justices.

Provided also, and be it further enacted, That such of the said Trustees as are, or shall be, in the Commission of the Peace may, and are hereby authorized and impowered to, act as Justices of the Peace in the Execution of the several Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Proceedings to be entered in a Book.

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies that shall be collected, received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Pur-

Purposes; and all such Orders, Acts, and Proceedings, so entered, shall be signed by the said Trustees, or any Five or more of them, at any Meeting; which said Books, and also the Book or Books by this Act directed to be kept for registering the original Assignments aforesaid, shall and may be produced and read as Evidence in all Cases of Appeal, and in all Suits or Actions, touching any Thing done in pursuance of this Act. Books may be read in Evidence.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing or Instrument whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted, That no Order made by the said Trustees, or any 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 Trustees, unless Fifteen Trustees shall be then present. No Order made to be repealed, unless 15 Trustees are present.

And be it further enacted, That if any Action or Suit shall be brought against any Person or Persons, for any thing done, or to be done, in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried, within the County of Dorset, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the Matter or Thing, for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act: And if it shall appear so to be done, or if any such Action or Suit shall be commenced after the Time herein before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Limitation of Actions. General Issue.