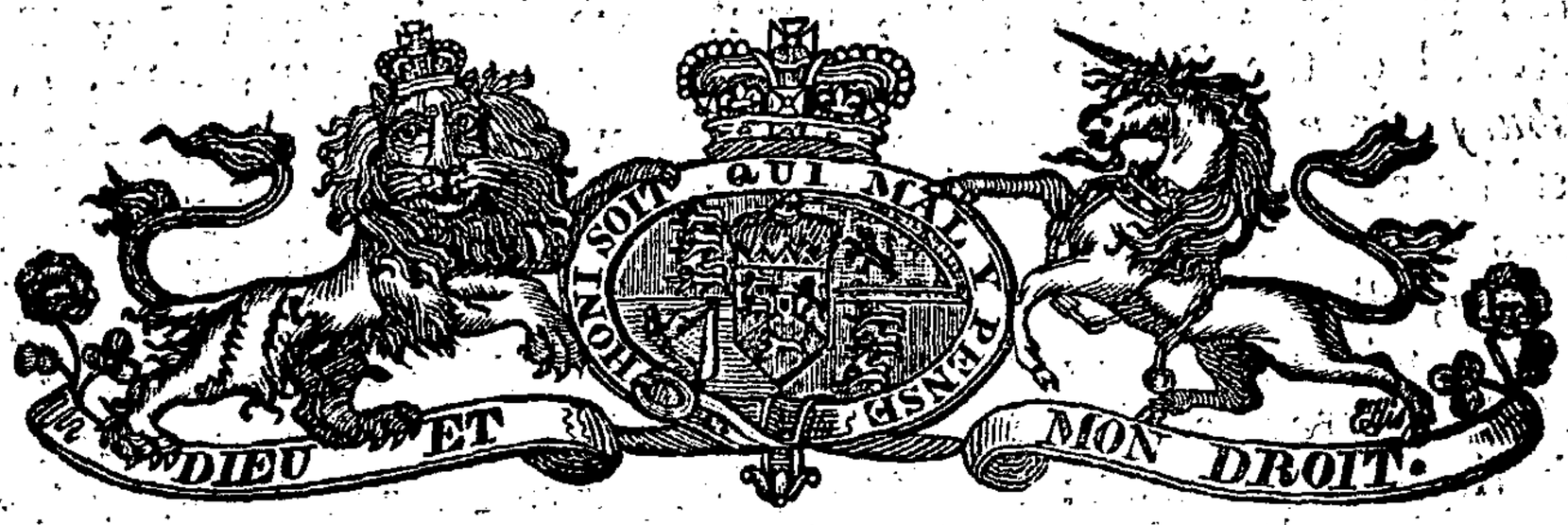


ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxvi.

An Act for more effectually repairing and improving the Road from the Junction of the *Odstock* Road with the *Downton* Road near *Harnham Hill*, through *Blandford* and *Dorchester*, to *Askerswell Hill*, in the Counties of *Wilts* and *Dorset*. [3d *July* 1835.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from the Top of* Harnham Hill, *near* New Sarum, *through* Blandford *and* Dorchester, *to* Askerswell Hill, *and from* Harnham Hill *aforesaid to a House called* Master Baker's Farm House, *in the Counties of* Wilts *and* Dorset: And whereas the Trustees acting under or by virtue of the said recited Act have proceeded to put the same into execution, and several considerable Sums of Money have been borrowed upon the Credit of the Tolls granted by the said Act, which Money still remains due and owing: And whereas it is expedient that Powers should be granted for making and maintaining the new Line of Road herein-after mentioned, (that is to say,) a new Road commencing at or near a Place being the Junction of a Road or Highway leading to the Parish of *Odstock* in the County of *Wilts* on the Western Side of the Road or Highway leading to the Parish of *Downton* from *Salisbury* in the said County of *Wilts*, about a Quarter of a 9 G. 4. c. 21.

Mile from *Harnham Bridge*, and terminating at or on the Southern Side of the present Turnpike Road, about Two hundred and fifty Yards Westward of the Branch Road leading from the said Turnpike to the *Salisbury* Race Course: And whereas it would be more convenient if the said recited Act was repealed, and further, better, and more effectual Powers and Provisions granted instead thereof, as well for repairing, widening, diverting, and otherwise improving the said Roads, as also for making and maintaining the new Road herein mentioned; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed.

Recited Act repealed.

Act to be put in execution for maintaining former Roads and making new Line.

II. And be it further enacted, That this Act shall commence and take effect and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, improving, and keeping in repair the several Roads herein-after mentioned; that is to say, the Road leading from the Western Side of the present *Harnham Hill*, commencing about Two hundred and fifty Yards Westward of the Branch Road leading to *Salisbury* Race Course in the Parish of *Britford* in the said County of *Wilts*, and from thence through the several Parishes, Vills, or Hamlets of *Hummington*, *Combe Stratford*, *Bishopstone*, and *Martin*, in the said County of *Wilts*, and from thence through the several Parishes, Vills, or Hamlets of *Pentridge*, *West Woodcotes*, *Monkton*, *Up Winborne*, *Sixpenny Handley*, *Gussage Saint Michael*, *Gussage Saint Andrew*, *Long Critchell*, *Tarrant Hinton*, and *Pimperne*, in the County of *Dorset*, through the Town of *Blandford Forum*, and from thence through *Bryanstone*, *Blandford Saint Mary*, *Langton*, *Long Blandford*, *Charleton Marshall*, *Winterborne Whatcombe*, *Winterborne Whitchurch*, *Milton Abbas*, *Milborne Stileham*, *Milborne Saint Andrew*, *Dewlish*, *Burlestone*, *Piddletown*, *Stinsford*, and Part of the Parish of *Fordington*, through the Town of *Dorchester*, and from thence through the other Part of *Fordington* aforesaid, *Bradford Peverell*, *Winterborne Steepleton*, *Winterborne Abbas*, *Kingston Russell*, *Longbrady*, and *Letton Cheney*, to a certain Intrenchment on *Askerswell Hill* in the said County of *Dorset*; and also for making and maintaining a new Line of Road, commencing at or near a Place, being the Junction of a Road or Highway leading to the Parish of *Odstock* in the County of *Wilts* on the Western Side of the Road or Highway leading to the Parish of *Downton* from *Salisbury* in the said County of *Wilts*, about a Quarter of a Mile from *Harnham Bridge*, passing by, over, or across Part of the *Odstock* Road about the Distance of Ninety-eight Yards, from thence over or across a Field belonging to *Saint Nicholas*'s Hospital, from thence over or across the Lands of the Earl of *Radnor* in the Parish of *Britford* in the said County of *Wilts*, and from thence over or across Part of the Land belonging to *G. P. Jervoise* Esquire in the said Parish of *Britford*, and terminating at or on the Southern Side of the present Turnpike Road about Two hundred and fifty Yards Westward of the Branch Road leading from the said Turnpike to the *Salisbury* Race Course.

III. And

Map deposited with the Clerk of the Peace to remain there, and be open to Inspection.

III. And whereas a Map or Plan describing the said new Line of Road herein-before mentioned, and the Lands, Tenements, and Hereditaments through or over which the same is intended to be made or carried, together with a Book of Reference containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, hath been deposited with the Clerks of the Peace for the said Counties of *Dorset* and *Wilts* respectively; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts: Provided always, that the said Trustees in making the said new Line of Road or any Part or Parts thereof shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Limiting Deviations from Plan.

Lands marked in Plan may be used although erroneously described in Book of Reference.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same are respectively set out and described in the said Map or Plan and Book of Reference, although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described, omitted, or mis-stated in the said Map or Plan and Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which the Lands, Tenements, or Hereditaments shall be situate, and be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

Trustees restrained from pulling down Houses, &c. without Consent of the Owner.

V. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said new Line of Road shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

VI. And be it further enacted, That in case any Lands shall in pursuance of this Act, or of the Acts for regulating Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase or any Conveyance made in pursuance thereof be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and

and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

The Right of Way to cease when Lands are not wanted.

VII. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Land shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of cutting the Lands taken by them as if they had purchased the Fee Simple.

VIII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge or any other Erections thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*, any thing herein contained to the contrary in anywise notwithstanding.

Trustees appointed.

IX. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said Counties of *Dorset* and *Wilts* respectively, together with *Robert Almer*, *William Andrews*, *Christopher Arden*, *John Austin* Clerk, *Henry Austin* Clerk, *Charles Austin* Clerk, *Thomas Bauger*, *Percival North Bastard*, *John Baker*, *Thomas Baker*, *Francis Baker* Clerk, *John Baskett* Clerk, *Edward Balston*, *Thomas Billett*, *Edward Boswell*, *Samuel Boswell*, *William Boucher*, *Henry Boucher*, *Henry Brouncker*, *Thomas Bower*, *Samuel Blackmore*, *William Churchill* Clerk, *Joseph Clapcott*, *George Bunter Clapcott*, *John Morton Colson* Clerk, *Charles Cosens*, *Robert Michell Crosse* Clerk, *George William John Chard* Clerk, *George Churchill*, *Robert Cory* Clerk, *Richard Cutler* Clerk, *John Cox*, *Christopher Cooper* M.D., *Thomas Webb Dyke*, *Evan Davies* Clerk, *John Dansey* senior, *William Evelyn*, *William Charlton Frampton*, *Robert Farquharson* Clerk, *John Floyer*, *Christopher Fleet* Clerk, *George Frome* Clerk, *William Fisher*, *Malachi Fisher*, *Thomas Fisher*, *William Garland*, *Thomas Gould*, *Walter Parry Hodges*, *Walter Charles Heywood* M.D., Doctor *Herbert Hawes*, *William Henning*, *George Henning*, *William Lewis Henning*, *Joseph Hardy*, *John James Lambert*, *Giles Meech* Clerk, *Robert Moore* Clerk, *James Michell*, *John Mansell*, *John Pinchard*, *Robert Pattison*, *Henry William Berkeley Portman*, *George Purling*, *John Prince* Clerk, *John Pinckney*, *John Street Peyton* R.N., *Thomas Rackett* Clerk, *William Roe*, *Sanderson Robins* Clerk, *James Shirley* Clerk, *George Seymer* Clerk, *George Eveleigh Saunders* Clerk, *Francis Smith* Clerk *John Sabine*, *Henry Sherrin*, *James Sherrin*, *Robert Strong*, *Charles Strickland*, *John Hardy Thresher*, *St. Barbe Tregonwell*, *John Tregonwell*, *George Wood* Clerk, *Edward Williams*, *John West* Clerk, *James Wilmot Williams*,

Herbert Williams, *Thomas Williams*, *John West* Clerk, *Henry White*, *John White*, *Thomas Wise* Clerk, and *Morgan Yeatman*, Residents in the County of *Dorset*, also the following Residents in the City and Neighbourhood of *Salisbury* in the County of *Wilts*, namely, *George Pain*, *Richard Cooe*, *John Cooe*, *Richard Hetley*, *Henry Hetley*, *Walter Goddard*, *Charles Finch*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into execution.

Trustees may act without re-qualifying.

X. And be it further enacted, That where any Person shall have qualified as a Trustee under the Act hereby repealed it shall and may be lawful for such Person to continue to act as a Trustee under this Act without re-qualifying.

Power to appoint additional Trustees.

XI. And be it further enacted, That it shall be lawful for the said Trustees at their First or any subsequent Meeting to be holden in pursuance of this Act to elect and appoint any Number of Persons, not exceeding Four in the whole, to be Trustees for the Purposes of this Act; and such Persons when so elected and appointed, being duly qualified, shall have the same Powers and Authorities as if they had been nominated or appointed Trustees in or by this Act.

First Meeting of the Trustees.

XII. And be it further enacted, That the said Trustees shall hold their First Meeting at *Woodyate's* Inn in the Parish of *Pentridge*, or at some other convenient House or Place on the Line of the said Road, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act in execution, and shall then and there afterwards adjourn to and meet alternately at *Dorchester*, *Blandford*, and *Woodyate's* Inn, save and except all such Meetings as may be necessary for letting the Tolls hereby imposed, which may be held at such Place or Places on or near to the said Road as the said Trustees shall think proper and appoint.

Power to take Tolls.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or continued or to be from Time to Time appointed by them a Collector or Collectors, Lessee or Lessees of Tolls, or otherwise authorized by them for that Purpose, to demand and take at each Toll Gate, Toll Bar, Turnpike, Side Gate, and Chain which now is or hereafter shall be erected or standing across or at the Sides of the said Roads by this Act authorized or directed to be amended, widened, formed, made, diverted, improved, and kept in repair, on each and every Day, (such Day to be computed from Twelve of the Clock on one Night to Twelve of the Clock on the next succeeding Night,) the several Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Barouche, Vis-à-vis, Chaise, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or such like Carriage, if Six or more the Sum of Four-pence Three Farthings, if Four or Five the Sum of Four-pence Halfpenny, if Three the Sum of Four-pence, if Two the Sum of Four-pence Halfpenny,

Halfpenny, if One the Sum of Four-pence Halfpenny for each Horse respectively:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Dray, Cart, or other Carriage, the Sum of Sixpence:

For every Two-wheeled Carriage so fixed the Sum of Three-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or Drag, or other such like Carriage, if more than Four the Sum of Three-pence, if by Four, Three, Two, or One, the Sum of Four-pence for each Horse respectively:

For every Horse, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling, and so in proportion for any less Number:

And for every Score of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence, and so in proportion for any less Number.

Limiting Number of Tolls to be taken on the whole Line.

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to empower the said Trustees, or any Collector or Collectors to be by them appointed for that Purpose, to demand or take more than Six full Tolls for passing over the whole Line of Road in any One Day.

Tolls to be paid but once a Day.

XV. And be it further enacted, That after the Toll hereby imposed for the passing of any Horse, Cattle, Beasts, or Carriage through any Turnpike Gate to be continued or erected by virtue of this Act shall have been paid, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting such Payment, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, (except as herein-after mentioned,) any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Stage Carriages traveling for Hire, &c. to pay each Time of passing.

XVI. And be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward for each Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage Carriage on account only of the Horses drawing the same having been changed.

Post Chaises to pay each Time of passing.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road whenever any fresh Hiring thereof shall take place.

Horses drawing different Carriages to

XVIII. Provided always, and be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught, for which Toll shall have been

been paid at any of the said Turnpikes, Toll Gates, or Side Gates, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates the same Day, any thing herein contained to the contrary thereof in anywise notwithstanding. pay each Time of passing.

XIX. And be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any of the Roads authorized to be made by this Act than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon. No more Money to be laid out on Branch Roads than is collected thereon.

XX. And be it further enacted, That it shall and may be lawful for the said Trustees to erect any Hedge or Fence on each Side of the said Road of the Length of Half a Mile over or along any open Fields, Commons, or Waste Grounds, on either Side of any Turnpikes, Toll Gates, or Bars to be hereafter erected, so as to prevent the Evasion of the said Tolls; Power to erect Fences to prevent Evasion of Tolls.

XXI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Roads; thirdly, in defraying the Expences of altering, widening, improving, repairing, diverting, and keeping in repair the said Roads, and of erecting, maintaining, providing, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured on the Credit of the Tolls arising on the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing Application of Tolls and Money borrowed.

owing and which may hereafter become due and owing by or on account of the said Roads.

Trustees not to repair Streets in Blandford and Dorchester.

XXII. And be it further enacted, That it shall not be lawful for the said Trustees to apply the Tolls, or any of the Money received or to be received by virtue of this Act, in paving, maintaining, or repairing any of the Streets, Highways, or public Places within the Towns of *Blandford* and *Dorchester*, or any other Town or Street through which the said Roads shall pass.

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of the Act.

XXIV. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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